

103^D CONGRESS
1ST SESSION

H. R. 2847

To control and prevent crime.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1993

Mr. SENSENBRENNER introduced the following bill; which was referred to the
Committee on the Judiciary

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Crime Control Act of 1993”.

6 (b) TABLE OF CONTENTS.—The following is the table
7 of contents for this Act:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.

Sec. 102. Death penalty procedures.

Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft
facilities.

Sec. 104. Conforming amendment relating to espionage.

Sec. 105. Conforming amendment relating to transporting explosives.

- Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
- Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
- Sec. 108. Conforming amendment relating to murder.
- Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
- Sec. 110. Murder by Federal prisoner.
- Sec. 111. Conforming amendment relating to kidnapping.
- Sec. 112. Conforming amendment relating to hostage taking.
- Sec. 113. Conforming amendment relating to mailability of injurious articles.
- Sec. 114. Conforming amendment relating to Presidential assassination.
- Sec. 115. Conforming amendment relating to murder for hire.
- Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
- Sec. 117. Conforming amendment relating to wrecking trains.
- Sec. 118. Conforming amendment relating to bank robbery.
- Sec. 119. Conforming amendment relating to terrorist acts.
- Sec. 120. Conforming amendment relating to aircraft hijacking.
- Sec. 121. Conforming amendment to controlled substances act.
- Sec. 122. Conforming amendment relating to genocide.
- Sec. 123. Protection of court officers and jurors.
- Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
- Sec. 125. Death penalty for murder of Federal law enforcement officers.
- Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
- Sec. 127. Implementation of the 1988 protocol for the suppression of unlawful acts of violence at airports serving international civil aviation.
- Sec. 128. Amendment to Federal Aviation Act.
- Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
- Sec. 130. Torture.
- Sec. 131. Weapons of mass destruction.
- Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
- Sec. 133. Death penalty for civil rights murders.
- Sec. 134. Death penalty for murder of Federal witnesses.
- Sec. 135. Drive-by shootings.
- Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
- Sec. 137. Death penalty for rape and child molestation murders.
- Sec. 138. Protection of jurors and witnesses in capital cases.
- Sec. 139. Inapplicability to uniform code of military justice.
- Sec. 140. Death penalty for causing death in the sexual exploitation of children.
- Sec. 141. Murder by escaped prisoners.
- Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

- Sec. 201. Short title.
- Sec. 202. Period of limitation.
- Sec. 203. Appeal.
- Sec. 204. Amendment of Federal rules of appellate procedure.
- Sec. 205. Section 2254 amendments.

Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for Subtitle B.

Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—RURAL CRIME AND DRUG CONTROL

Subtitle A—Drug Trafficking in rural areas

Sec. 401. Authorizations for rural law enforcement agencies.

Sec. 402. Rural crime and drug enforcement task forces.

Sec. 403. Cross-designation of Federal officers.

Sec. 404. Rural drug enforcement training.

Subtitle B—Increases in Penalties for Certain Drug Trafficking Offenses

Sec. 411. Rural substance abuse treatment and education grants.

Subtitle C—Rural Drug Prevention and Treatment

Sec. 421. Asset forfeiture.

Sec. 422. Prosecution of clandestine laboratory operators.

TITLE V—FIREARMS AND RELATED AMENDMENTS

Subtitle A—General Provisions

Sec. 501. Smuggling firearms in aid of drug trafficking.

Sec. 502. Prohibition against theft of firearms or explosives.

Sec. 503. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.

Sec. 504. Summary destruction of explosives subject to forfeiture.

Sec. 505. Elimination of outmoded language relating to parole.

Sec. 506. Receipt of firearms by nonresident.

Sec. 507. Prohibition of theft of firearms or explosives from licensee.

Sec. 508. Increased penalty for interstate gun trafficking.

Sec. 509. Prohibition of transactions involving stolen firearms which have moved in interstate or foreign commerce.

Sec. 510. Possession of explosives by felons and others.

Sec. 511. Disposition of forfeited firearms.

Sec. 512. Definition of burglary under the armed career criminal statute.

Subtitle B—Brady Handgun Violence Prevention Act

Sec. 521. Short title.

Sec. 522. Federal firearms licensee required to conduct criminal background check before transfer of firearm to nonlicensee.

Sec. 523. National instant criminal background check system.

Sec. 524. Funding for improvement of criminal records.

TITLE VI—JUVENILES AND GANGS

Sec. 601. Short title.

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs
Near Schools and Playgrounds

Sec. 611. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

- Sec. 621. Grant program.
- Sec. 622. Conforming repealer and amendments.
- Sec. 623. Criminal street gangs.

Subtitle C—Juvenile Penalties

- Sec. 631. Treatment of violent juveniles as adults.
- Sec. 632. Serious drug offenses by juveniles as armed career criminal act predicates.
- Sec. 633. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

- Sec. 641. Bindover system for certain violent juveniles.
- Sec. 642. Gang investigation coordination and information collection.
- Sec. 643. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VII—TERRORISM AND INTERNATIONAL MATTERS

- Sec. 701. Terrorism civil remedy.
- Sec. 702. Providing material support to terrorists.
- Sec. 703. Forfeiture of assets used to support terrorists.
- Sec. 704. Alien witness cooperation.
- Sec. 705. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
- Sec. 706. Assimilated crimes in extended territorial sea.
- Sec. 707. Jurisdiction over crimes against United States nationals on certain foreign ships.
- Sec. 708. Penalties for international terrorist acts.
- Sec. 709. Authorization of appropriations.
- Sec. 710. Enhanced penalties for certain offenses.
- Sec. 711. Sentencing guidelines increase for terrorist crimes.
- Sec. 712. Extension of the statute of limitations for certain terrorism offenses.
- Sec. 713. International parental kidnapping.
- Sec. 714. Foreign murder of United States nationals.
- Sec. 715. Extradition.
- Sec. 716. FBI access to telephone subscriber information.

TITLE VIII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS'
RIGHTS

Subtitle A—Sexual Violence and Child Abuse

Sec. 800. Short title.

CHAPTER 1—SEXUAL VIOLENCE

SUBCHAPTER A—PENALTIES AND REMEDIES

- Sec. 801. Pre-trial detention in sex offense cases.
- Sec. 802. Death penalty for murders committed by sex offenders.
- Sec. 803. Increased penalties for recidivist sex offenders.
- Sec. 804. Increased penalties for sex offenses against victims below the age of 16.
- Sec. 805. Sentencing guidelines increase for sex offenses.
- Sec. 806. HIV testing and penalty enhancement in sexual offense cases.
- Sec. 807. Payment of cost of HIV testing for victims in sex offense cases.
- Sec. 808. Extension and strengthening of restitution.
- Sec. 809. Enforcement of restitution orders through suspension of Federal benefits.
- Sec. 810. Civil remedy for victims of sexual violence.

SUBCHAPTER B—RULES OF EVIDENCE, PRACTICE, AND PROCEDURE

- Sec. 821. Admissibility of evidence of similar crimes in sex offense cases.
- Sec. 822. Extension and strengthening of rape victim shield law.
- Sec. 823. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
- Sec. 824. Right of the victim to fair treatment in legal proceedings.
- Sec. 825. Victim's right of allocution in sentencing.
- Sec. 826. Victim's right of privacy.

SUBCHAPTER C—SAFE CAMPUSES

- Sec. 831. National baseline study on campus sexual assault.

SUBCHAPTER D—ASSISTANCE TO STATES AND LOCALITIES

- Sec. 841. Sexual violence grant program.
- Sec. 842. Supplementary grants for States adopting effective laws relating to sexual violence.

CHAPTER 2—DOMESTIC VIOLENCE AND OFFENSES AGAINST THE FAMILY

- Sec. 851. Noncompliance with child support obligations in interstate cases.
- Sec. 852. Full faith and credit for protective orders.
- Sec. 853. Presumption against child custody for spouse abusers.
- Sec. 854. Report on battered women's syndrome.
- Sec. 855. Report on confidentiality of addresses for victims of domestic violence.
- Sec. 856. Report on recordkeeping relating to domestic violence.
- Sec. 857. Domestic violence and family support grant program.

CHAPTER 3—NATIONAL TASK FORCE ON VIOLENCE AGAINST WOMEN

- Sec. 861. Establishment.
- Sec. 862. Duties of task force.
- Sec. 863. Membership.
- Sec. 864. Pay.
- Sec. 865. Executive director and staff.
- Sec. 866. Powers of task force.
- Sec. 867. Report.
- Sec. 868. Authorization of appropriation.
- Sec. 869. Termination.

Subtitle B—Victims’ Rights

- Sec. 871. Restitution amendments.
- Sec. 872. Right of the victim to an impartial jury.
- Sec. 873. Mandatory restitution and other provisions.

Subtitle C—National Child Protection Act

- Sec. 881. Short title.
- Sec. 882. Findings and purposes.
- Sec. 883. Definitions.
- Sec. 884. Reporting by the States.
- Sec. 885. Background checks.
- Sec. 886. Funding for improvement of child abuse crime information.

Subtitle D—Jacob Wetterling Crimes Against Children Registration Act

- Sec. 891. Short title.
- Sec. 892. Establishment of program.
- Sec. 893. State compliance.

TITLE IX—EQUAL JUSTICE ACT

- Sec. 901. Short title.
- Sec. 902. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
- Sec. 903. General safeguards against racial prejudice or bias in the tribunal.
- Sec. 904. Federal capital cases.
- Sec. 905. Extension of protection of civil rights statutes.

TITLE X—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

- Sec. 1001. Short title.
- Sec. 1002. Grants to State and local agencies for the hiring of law enforcement personnel.
- Sec. 1003. Continuation of Federal-State funding formula.
- Sec. 1004. Equity in funding.

Subtitle B—Retired Public Safety Officer Death Benefit

- Sec. 1011. Retired public safety officer death benefit.

Subtitle C—Study on Police Officers’ Rights

- Sec. 1021. Study on police officers’ rights.

Subtitle D—Cop-on-the-Beat Grants

- Sec. 1031. Short title.
- Sec. 1032. Cop-on-the-beat grants.

Subtitle E—National Commission to Support Law Enforcement

- Sec. 1041. Short title.
- Sec. 1042. Findings.
- Sec. 1043. Establishment of commission.
- Sec. 1044. Duties.

- Sec. 1045. Membership.
- Sec. 1046. Experts and consultants.
- Sec. 1047. Powers of commission.
- Sec. 1048. Report.
- Sec. 1049. Termination.
- Sec. 1050. Repeals.

Subtitle F—Other Provisions

- Sec. 1062. Law enforcement family support.
- Sec. 1063. Notice of release of prisoners.

TITLE XI—ILLEGAL DRUGS

Subtitle A—Drug Testing

- Sec. 1101. Drug testing of Federal offenders on post-conviction release.

Subtitle B—Precursor Chemicals

- Sec. 1121. Short title.
- Sec. 1122. Definition amendments.
- Sec. 1123. Registration requirement.
- Sec. 1124. Reporting of listed chemical manufacturing.
- Sec. 1125. Reports by brokers and traders; criminal penalties.
- Sec. 1126. Exemption authority; additional penalties.
- Sec. 1127. Amendments to list I.
- Sec. 1128. Elimination of regular supplier status and creation of regular importer status.
- Sec. 1129. Administrative inspections and authority.
- Sec. 1130. Threshold amounts.
- Sec. 1131. Management of listed chemicals.
- Sec. 1132. Attorney General access to the National Practitioner Data Bank.
- Sec. 1133. Regulations and effective date.

Subtitle C—Other Provisions

- Sec. 1141. Advertisements of controlled substances.
- Sec. 1142. Closing of loophole for illegal importation of small drug quantities.
- Sec. 1143. Drug paraphernalia amendment.
- Sec. 1144. Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.
- Sec. 1145. Clarification of narcotic or other dangerous drugs under RICO.
- Sec. 1146. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
- Sec. 1147. Elimination of outmoded language relating to parole.
- Sec. 1148. Drugged or drunk driving child protection.
- Sec. 1149. Eviction from places maintained for manufacturing, distributing, or using controlled substances.
- Sec. 1150. Anabolic steroids penalties.
- Sec. 1151. Program to provide public awareness of the provisions of law that condition portions of a State's Federal highway funding on the State's enactment of legislation requiring the revocation of the driver's licenses of convicted drug abusers.
- Sec. 1152. Drug abuse resistance education programs.

Sec. 1153. Misuse of the words “Drug Enforcement Administration” or the initials “DEA”.

TITLE XII—PUBLIC CORRUPTION

- Sec. 1201. Short title.
- Sec. 1202. Public corruption.
- Sec. 1203. Interstate commerce.
- Sec. 1204. Narcotics-related public corruption.

TITLE XIII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

- Sec. 1301. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
- Sec. 1302. Increase in maximum penalty for assault.
- Sec. 1303. Increased maximum penalty for manslaughter.
- Sec. 1304. Increased penalty for travel act violations.
- Sec. 1305. Increased penalty for conspiracy to commit murder for hire.

Subtitle B—Civil Rights Offenses

- Sec. 1311. Increased maximum penalties for civil rights violations.

Subtitle C—White Collar and Property Crimes

- Sec. 1321. Receipt of proceeds of a postal robbery.
- Sec. 1322. Receipt of proceeds of extortion or kidnapping.
- Sec. 1323. Conforming addition to obstruction of civil investigative demand statute.
- Sec. 1324. Conforming addition of predicate offenses to financial institutions rewards statute.
- Sec. 1325. Definition of savings and loan association in bank robbery statute.
- Sec. 1326. Conforming definition of “1 year period” in 18 U.S.C. 1516.
- Sec. 1327. Financial institutions fraud.
- Sec. 1328. Wiretaps.
- Sec. 1329. Knowledge requirement for stolen or counterfeit property.
- Sec. 1330. Mail fraud.
- Sec. 1331. Fraud and related activity in connection with access devices.
- Sec. 1332. Increased penalties for trafficking in counterfeit goods and services.
- Sec. 1333. Computer abuse amendments act of 1993.
- Sec. 1334. Notification of law enforcement officers of discoveries of controlled substances or large amounts of cash in weapons screening.

Subtitle D—Other Provisions

- Sec. 1361. Optional venue for espionage and related offenses.
- Sec. 1362. Required reporting by criminal court clerks.
- Sec. 1363. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds and report to Congress on administrative expenses.
- Sec. 1364. DNA identification.
- Sec. 1365. Safe schools.

TITLE XIV—TECHNICAL CORRECTIONS

- Sec. 1401. Amendments relating to Federal financial assistance for law enforcement.
- Sec. 1402. General title 18 corrections.
- Sec. 1403. Corrections of erroneous cross references and misdesignations.
- Sec. 1404. Obsolete provisions in title 18.
- Sec. 1405. Correction of drafting error in the Foreign Corrupt Practices Act.
- Sec. 1406. Elimination of redundant penalty.
- Sec. 1407. Corrections of misspellings and grammatical errors.

TITLE XV—FEDERAL LAW ENFORCEMENT AGENCIES

- Sec. 1501. Short title.
- Sec. 1502. Authorization of appropriations for Federal law enforcement agencies.

TITLE XVI—FEDERAL PRISONS

- Sec. 1601. Authorization of appropriations for new prison construction.

TITLE XVII—PRE-TRIAL INTERROGATION

TITLE XVIII—FUNDING

- Sec. 1801. Funding of spending through rescissions.

1 **TITLE I—DEATH PENALTY**

2 **SEC. 101. SHORT TITLE.**

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

5 **SEC. 102. DEATH PENALTY PROCEDURES.**

6 (a) ADDITION OF CHAPTER TO TITLE 18, UNITED
7 STATES CODE.—Title 18, United States Code, is amended
8 by inserting after chapter 227 the following new chapter:

9 **“CHAPTER 228—DEATH PENALTY** 10 **PROCEDURES**

“Sec.

“3591. Sentence of death.

“3592. 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. Appointment of counsel.

“3599. Collateral attack on judgment imposing sentence of death.

“3600. Application in Indian country.

1 **“§ 3591. Sentence of death**

2 “A defendant who has been found guilty of—

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

5 “(2) an offense described in section 1751(c) if
6 the offense, as determined beyond a reasonable
7 doubt at a hearing under section 3593, constitutes
8 an attempt to murder the President of the United
9 States and results in bodily injury to the President
10 or comes dangerously close to causing the death of
11 the President;

12 “(3) an offense referred to in section 408(c)(1)
13 of the Controlled Substances Act (21 U.S.C.
14 848(c)(1)), committed as part of a continuing crimi-
15 nal enterprise offense under the conditions described
16 in subsection (b) of that section which involved not
17 less than twice the quantity of controlled substance
18 described in subsection (b)(2)(A) or twice the gross
19 receipts described in subsection (b)(2)(B);

20 “(4) an offense referred to in section 408(c)(1)
21 of the Controlled Substances Act (21 U.S.C.
22 848(c)(1)), committed as part of a continuing crimi-
23 nal enterprise offense under that section, where the
24 defendant is a principal administrator, organizer, or

1 leader of such an enterprise, and the defendant, in
2 order to obstruct the investigation or prosecution of
3 the enterprise or an offense involved in the enter-
4 prise, attempts to kill or knowingly directs, advises,
5 authorizes, or assists another to attempt to kill any
6 public officer, juror, witness, or members of the fam-
7 ily or household of such a person;

8 “(5) an offense constituting a felony violation of
9 the Controlled Substances Act (21 U.S.C. 801 et
10 seq.), the Controlled Substances Import and Export
11 Act (21 U.S.C. 951 et seq.), or the Maritime Drug
12 Law Enforcement Act (46 U.S.C. App. 1901 et
13 seq.), where the defendant, intending to cause death
14 or acting with reckless disregard for human life, en-
15 engages in such a violation, and the death of another
16 person results in the course of the violation or from
17 the use of the controlled substance involved in the
18 violation; or

19 “(6) any other offense for which a sentence of
20 death is provided if the defendant, as determined be-
21 yond a reasonable doubt at a hearing under section
22 3593, caused the death of a person intentionally,
23 knowingly, or through recklessness manifesting ex-
24 treme indifference to human life, or caused the

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

10 **“§ 3592. Factors to be considered in determining**
11 **whether a sentence of death is justified**

12 “(a) MITIGATING FACTORS.—In determining wheth-
13 er a sentence of death is justified for any offense, the jury,
14 or if there is no jury, the court, shall consider each of
15 the following mitigating factors and determine which, if
16 any, exist:

17 “(1) MENTAL CAPACITY.—The defendant’s
18 mental capacity to appreciate the wrongfulness of
19 his conduct or to conform his conduct to the require-
20 ments of law was significantly impaired, regardless
21 of whether the capacity was so impaired as to con-
22 stitute a defense to the charge.

23 “(2) DURESS.—The defendant was under un-
24 usual and substantial duress, regardless of whether

1 the duress was of such a degree as to constitute a
2 defense to the charge.

3 “(3) PARTICIPATION IN OFFENSE MINOR.—The
4 defendant’s participation in the offense, which was
5 committed by another, was relatively minor, regard-
6 less of whether the participation was so minor as to
7 constitute a defense to the charge.

8 “(4) NO SIGNIFICANT CRIMINAL HISTORY.—
9 The defendant did not have a significant history of
10 other criminal conduct.

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

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

17 The jury, or if there is no jury, the court, shall consider
18 whether any other aspect of the defendant’s background,
19 character or record or any other circumstance of the of-
20 fense that the defendant may proffer as a mitigating fac-
21 tor exists.

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

1 of the following aggravating factors and determine which,
2 if any, exist:

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

8 “(2) RISK OF SUBSTANTIAL DANGER TO NA-
9 TIONAL SECURITY.—In the commission of the of-
10 fense the defendant knowingly created a grave risk
11 to the national security.

12 “(3) RISK OF DEATH TO ANOTHER.—In the
13 commission of the offense the defendant knowingly
14 created 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 exists.

17 “(c) AGGRAVATING FACTORS FOR HOMICIDE AND
18 FOR ATTEMPTED MURDER OF THE PRESIDENT.—In de-
19 termining whether a sentence of death is justified for an
20 offense described in section 3591 (2) or (6), the jury, or
21 if there is no jury, the court, shall consider each of the
22 following aggravating factors and determine which, if any,
23 exist:

24 “(1) CONDUCT OCCURRED DURING COMMISSION
25 OF SPECIFIED CRIMES.—The conduct resulting in

1 death occurred during the commission or attempted
2 commission of, or during the immediate flight from
3 the commission of, an offense under section 32 (de-
4 struction of aircraft or aircraft facilities), section 33
5 (destruction of motor vehicles or motor vehicle facili-
6 ties), section 36 (violence at international airports),
7 section 351 (violence against Members of Congress,
8 Cabinet officers, or Supreme Court Justices), section
9 751 (prisoners in custody of institution or officer),
10 section 794 (gathering or delivering defense informa-
11 tion to aid foreign government), section 844(d)
12 (transportation of explosives in interstate commerce
13 for certain purposes), section 844(f) (destruction of
14 Government property by explosives), section 844(i)
15 (destruction of property affecting interstate com-
16 merce by explosives), section 1116 (killing or at-
17 tempted killing of diplomats), section 1118 (pris-
18 oners serving life term), section 1201 (kidnapping),
19 section 1203 (hostage taking), section 1751 (violence
20 against the President or Presidential staff), section
21 1992 (wrecking trains), section 2280 (maritime vio-
22 lence), section 2281 (maritime platform violence),
23 section 2332 (terrorist acts abroad against United
24 States nationals), section 2339A (use of weapons of
25 mass destruction), or section 2381 (treason) of this

1 title, section 1826 of title 28 (persons in custody as
2 recalcitrant witnesses or hospitalized following insan-
3 ity acquittal), or section 902 (i) or (n) of the Fed-
4 eral Aviation Act of 1958 (49 U.S.C. App. 1472 (i)
5 or (n) (aircraft piracy)).

6 “(2) INVOLVEMENT OF FIREARM OR PREVIOUS
7 CONVICTION OF VIOLENT FELONY INVOLVING FIRE-
8 ARM.—The defendant—

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

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

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

1 “(4) PREVIOUS CONVICTION OF OTHER SERI-
2 OUS OFFENSES.—The defendant has previously been
3 convicted of 2 or more Federal or State offenses,
4 each punishable by a term of imprisonment of more
5 than 1 year, committed on different occasions, in-
6 volving the importation, manufacture, or distribution
7 of a controlled substance (as defined in section 102
8 of the Controlled Substances Act (21 U.S.C. 802))
9 or the infliction of, or attempted infliction of, serious
10 bodily injury or death upon another person.

11 “(5) GRAVE RISK OF DEATH TO ADDITIONAL
12 PERSONS.—The defendant, in the commission of the
13 offense or in escaping or attempting to escape ap-
14 prehension, knowingly created a grave risk of death
15 to one or more persons in addition to the victim of
16 the offense.

17 “(6) HEINOUS, CRUEL OR DEPRAVED MANNER
18 OF COMMISSION.—The defendant committed the of-
19 fense in an especially heinous, cruel, or depraved
20 manner in that it involved torture or serious physical
21 abuse to the victim.

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

1 “(8) COMMISSION OF THE OFFENSE FOR PECU-
2 NIARY GAIN.—The defendant committed the offense
3 as consideration for the receipt, or in the expectation
4 of the receipt, of anything of pecuniary value.

5 “(9) SUBSTANTIAL PLANNING AND
6 PREMEDITATION.—The defendant committed the of-
7 fense after substantial planning and premeditation.

8 “(10) VULNERABILITY OF VICTIM.—The victim
9 was particularly vulnerable due to old age, youth, or
10 infirmity.

11 “(11) TYPE OF VICTIM.—The defendant com-
12 mitted the offense against—

13 “(A) the President of the United States,
14 the President-elect, the Vice President, the Vice
15 President-elect, the Vice President-designate,
16 or, if there was no Vice President, the officer
17 next in order of succession to the office of the
18 President of the United States, or any person
19 acting as President under the Constitution and
20 laws of the United States;

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

23 “(C) a foreign official listed in section
24 1116(b)(3)(A), if that official was in the United
25 States on official business; or

1 “(D) a Federal public servant who was
2 outside of the United States or who was a Fed-
3 eral judge, a Federal law enforcement officer,
4 an employee (including a volunteer or contract
5 employee) of a Federal prison, or an official of
6 the Federal Bureau of Prisons—

7 “(i) while such public servant was en-
8 gaged in the performance of his official du-
9 ties;

10 “(ii) because of the performance of
11 such public servant’s official duties; or

12 “(iii) because of such public servant’s
13 status as a public servant.

14 For purposes of this paragraph, the terms ‘Presi-
15 dent-elect’ and ‘Vice President-elect’ mean such per-
16 sons as are the apparent successful candidates for
17 the offices of President and Vice President, respec-
18 tively, as ascertained from the results of the general
19 elections held to determine the electors of President
20 and Vice President in accordance with sections 1
21 and 2 of title 3; a ‘Federal law enforcement officer’
22 is a public servant authorized by law or by a Gov-
23 ernment agency or Congress to conduct or engage in
24 the prevention, investigation, or prosecution of an
25 offense; ‘Federal prison’ means a Federal correc-

1 tional, detention, or penal facility, Federal commu-
2 nity treatment center, or Federal halfway house, or
3 any such prison operated under contract with the
4 Federal Government; and ‘Federal judge’ means any
5 judicial officer of the United States, and includes a
6 justice of the Supreme Court and a United States
7 magistrate judge.

8 The jury, or if there is no jury, the court, may consider
9 whether any other aggravating factor exists.

10 “(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
11 DEATH PENALTY.—In determining whether a sentence of
12 death is justified for an offense described in section 3591
13 (3), (4), or (5), the jury, or if there is no jury, the court,
14 shall consider each of the following aggravating factors
15 and determine which, if any, exist:

16 “(1) PREVIOUS CONVICTION OF OFFENSE FOR
17 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
18 MENT WAS AUTHORIZED.—The defendant has pre-
19 viously been convicted of another Federal or State
20 offense resulting in the death of a person, for which
21 a sentence of life imprisonment or death was author-
22 ized by statute.

23 “(2) PREVIOUS CONVICTION OF OTHER SERI-
24 OUS OFFENSES.—The defendant has previously been
25 convicted of two or more Federal or State offenses,

1 each punishable by a term of imprisonment of more
2 than one year, committed on different occasions, in-
3 volving the importation, manufacture, or distribution
4 of a controlled substance (as defined in section 102
5 of the Controlled Substances Act (21 U.S.C. 802))
6 or the infliction of, or attempted infliction of, serious
7 bodily injury or death upon another person.

8 “(3) PREVIOUS SERIOUS DRUG FELONY CONVICT-
9 TION.—The defendant has previously been convicted
10 of another Federal or State offense involving the
11 manufacture, distribution, importation, or possession
12 of a controlled substance± (as defined in section 102
13 of the Controlled Substances Act (21 U.S.C. 802))
14 for which a sentence of five or more years of impris-
15 onment was authorized by statute.

16 “(4) USE OF FIREARM.—In committing the of-
17 fense, or in furtherance of a continuing criminal en-
18 terprise of which the offense was a part, the defend-
19 ant used a firearm or knowingly directed, advised,
20 authorized, or assisted another to use a firearm (as
21 defined in section 921) to threaten, intimidate, as-
22 sault, or injure a person.

23 “(5) DISTRIBUTION TO PERSONS UNDER 21.—
24 The offense, or a continuing criminal enterprise of
25 which the offense was a part, involved conduct pro-

1 scribed by section 418 of the Controlled Substances
2 Act (21 U.S.C. 859) which was committed directly
3 by the defendant or for which the defendant would
4 be liable under section 2 of this title.

5 “(6) DISTRIBUTION NEAR SCHOOLS.—The of-
6 fense, or a continuing criminal enterprise of which
7 the offense was a part, involved conduct proscribed
8 by section 419 of the Controlled Substances Act (21
9 U.S.C. 860) which was committed directly by the de-
10 fendant or for which the defendant would be liable
11 under section 2 of this title.

12 “(7) USING MINORS IN TRAFFICKING.—The of-
13 fense, or a continuing criminal enterprise of which
14 the offense was a part, involved conduct proscribed
15 by section 420 of the Controlled Substances Act (21
16 U.S.C. 861) which was committed directly by the de-
17 fendant or for which the defendant would be liable
18 under section 2 of this title.

19 “(8) LETHAL ADULTERANT.—The offense in-
20 volved the importation, manufacture, or distribution
21 of a controlled substance (as defined in section 102
22 of the Controlled Substances Act (21 U.S.C. 802)),
23 mixed with a potentially lethal adulterant, and the
24 defendant was aware of the presence of the
25 adulterant.

1 The jury, or if there is no jury, the court, may consider
2 whether any other aggravating factor exists.

3 **“§ 3593. Special hearing to determine whether a sen-**
4 **tence of death is justified**

5 “(a) NOTICE BY THE GOVERNMENT.—Whenever the
6 Government intends to seek the death penalty for an of-
7 fense described in section 3591, the attorney for the Gov-
8 ernment, a reasonable time before the trial, or before ac-
9 ceptance by the court of a plea of guilty, or at such time
10 thereafter as the court may permit upon a showing of good
11 cause, shall sign and file with the court, and serve on the
12 defendant, a notice that the Government in the event of
13 conviction will seek the sentence of death. The notice shall
14 set forth the aggravating factor or factors enumerated in
15 section 3592, and any other aggravating factor not specifi-
16 cally enumerated in section 3592, that the Government,
17 if the defendant is convicted, will seek to prove as the basis
18 for the death penalty. The factors for which notice is pro-
19 vided under this subsection may include factors concerning
20 the effect of the offense on the victim and the victim’s
21 family. The court may permit the attorney for the Govern-
22 ment to amend the notice upon a showing of good cause.

23 “(b) HEARING BEFORE A COURT OR JURY.—When
24 the attorney for the Government has filed a notice as re-
25 quired under subsection (a) and the defendant is found

1 guilty of an offense described in section 3591, the judge
2 who presided at the trial or before whom the guilty plea
3 was entered, or another judge if that judge is unavailable,
4 shall conduct a separate sentencing hearing to determine
5 the punishment to be imposed. Prior to such a hearing,
6 no presentence report shall be prepared by the United
7 States Probation Service, notwithstanding the provisions
8 of the Federal Rules of Criminal Procedure. The hearing
9 shall be conducted—

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

12 “(2) before a jury impaneled for the purpose of
13 the hearing if—

14 “(A) the defendant was convicted upon a
15 plea of guilty;

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

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

20 “(D) after initial imposition of a sentence
21 under this section, reconsideration of the sen-
22 tence under the section is necessary; or

23 “(3) before the court alone, upon motion of the
24 defendant and with the approval of the attorney for
25 the Government.

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

5 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
6 TORS.—At the hearing, information may be presented as
7 to—

8 “(1) any matter relating to any mitigating fac-
9 tor listed in section 3592 and any other mitigating
10 factor; and

11 “(2) any matter relating to any aggravating
12 factor listed in section 3592 for which notice has
13 been provided under subsection (a) and (if informa-
14 tion is presented relating to such a listed factor) any
15 other aggravating factor for which notice has been
16 so provided.

17 The information presented may include the trial transcript
18 and exhibits. Any other information relevant to such miti-
19 gating or aggravating factors may be presented by either
20 the Government or the defendant. The information pre-
21 sented by the Government in support of factors concerning
22 the effect of the offense on the victim and the victim’s
23 family may include oral testimony, a victim impact state-
24 ment that identifies the victim of the offense and the na-
25 ture and extent of harm and loss suffered by the victim

1 and the victim's family, and other relevant information.
2 Information is admissible regardless of its admissibility
3 under the rules governing admission of evidence at crimi-
4 nal trials, except that information may be excluded if its
5 probative value is outweighed by the danger of creating
6 unfair prejudice, confusing the issues, or misleading the
7 jury. The attorney for the Government and for the defend-
8 ant shall be permitted to rebut any information received
9 at the hearing, and shall be given fair opportunity to
10 present argument as to the adequacy of the information
11 to establish the existence of any aggravating or mitigating
12 factor, and as to the appropriateness in that case of im-
13 posing a sentence of death. The attorney for the Govern-
14 ment shall open the argument. The defendant shall be per-
15 mitted to reply. The Government shall then be permitted
16 to reply in rebuttal. The burden of establishing the exist-
17 ence of an aggravating factor is on the Government, and
18 is not satisfied unless the existence of such a factor is es-
19 tablished beyond a reasonable doubt. The burden of estab-
20 lishing the existence of any mitigating factor is on the de-
21 fendant, and is not satisfied unless the existence of such
22 a factor is established by a preponderance of the evidence.
23 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or
24 if there is no jury, the court, shall consider all the informa-
25 tion received during the hearing. It shall return special

1 findings identifying any aggravating factor or factors set
2 forth in section 3592 found to exist and any other aggra-
3 vating factor for which notice has been provided under
4 subsection (a) found to exist. A finding with respect to
5 a mitigating factor may be made by one or more members
6 of the jury, and any member of the jury who finds the
7 existence of a mitigating factor may consider such factor
8 established for purposes of this section regardless of the
9 number of jurors who concur that the factor has been es-
10 tablished. A finding with respect to any aggravating factor
11 must be unanimous. If no aggravating factor set forth in
12 section 3592 is found to exist, the court shall impose a
13 sentence other than death authorized by law.

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

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

19 “(2) an offense described in section 3591 (2) or
20 (6), an aggravating factor required to be considered
21 under section 3592(c) is found to exist; or

22 “(3) an offense described in section 3591 (3),
23 (4), or (5), an aggravating factor required to be con-
24 sidered under section 3592(d) is found to exist,

1 the jury, or if there is no jury, the court, shall then con-
2 sider whether the aggravating factor or factors found to
3 exist under subsection (d) outweigh any mitigating factor
4 or factors. The jury, or if there is no jury, the court shall
5 recommend a sentence of death if it unanimously finds at
6 least one aggravating factor and no mitigating factor or
7 if it finds one or more aggravating factors which outweigh
8 any mitigating factors. In any other case, it shall not rec-
9 ommend a sentence of death. The jury shall be instructed
10 that it must avoid any influence of sympathy, sentiment,
11 passion, prejudice, or other arbitrary factors in its deci-
12 sion, and should make such a recommendation as the in-
13 formation warrants.

14 “(f) SPECIAL PRECAUTION TO ASSURE AGAINST
15 DISCRIMINATION.—In a hearing held before a jury, the
16 court, prior to the return of a finding under subsection
17 (e), shall instruct the jury that, in considering whether
18 a sentence of death is justified, it shall not be influenced
19 by prejudice or bias relating to the race, color, religion,
20 national origin, or sex of the defendant or of any victim
21 and that the jury is not to recommend a sentence of death
22 unless it has concluded that it would recommend a sen-
23 tence of death for the crime in question no matter what
24 the race, color, religion, national origin, or sex of the de-
25 fendant or of any victim may be. The jury, upon return

1 of a finding under subsection (e), shall also return to the
2 court a certificate, signed by each juror, that prejudice or
3 bias relating to the race, color, religion, national origin,
4 or sex of the defendant or any victim was not involved
5 in reaching his or her individual decision and that the indi-
6 vidual juror would have made the same recommendation
7 regarding a sentence for the crime in question no matter
8 what the race, color, religion, national origin, or sex of
9 the defendant or any victim may be.

10 **“§ 3594. Imposition of a sentence of death**

11 “Upon the recommendation under section 3593(e)
12 that a sentence of death be imposed, the court shall sen-
13 tence the defendant to death. Otherwise the court shall
14 impose a sentence, other than death, authorized by law.
15 Notwithstanding any other provision of law, if the maxi-
16 mum term of imprisonment for the offense is life imprison-
17 ment, the court may impose a sentence of life imprison-
18 ment without the possibility of release.

19 **“§ 3595. Review of a sentence of death**

20 “(a) APPEAL.—In a case in which a sentence of death
21 is imposed, the sentence shall be subject to review by the
22 court of appeals upon appeal by the defendant. Notice of
23 appeal of the sentence must be filed within the time speci-
24 fied for the filing of a notice of appeal of the judgment
25 of conviction. An appeal of the sentence under this section

1 may be consolidated with an appeal of the judgment of
2 conviction and shall have priority over all other cases.

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

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

6 “(2) the information submitted during the sen-
7 tencing hearing;

8 “(3) the procedures employed in the sentencing
9 hearing; and

10 “(4) the special findings returned under section
11 3593(d).

12 “(c) DECISION AND DISPOSITION.—

13 “(1) AFFIRMANCE.—If the court of appeals de-
14 termines that—

15 “(A) the sentence of death was not im-
16 posed under the influence of passion, prejudice,
17 or any other arbitrary factor;

18 “(B) the evidence and information support
19 the special findings of the existence of an ag-
20 gravating factor or factors; and

21 “(C) the proceedings did not involve any
22 other prejudicial error requiring reversal of the
23 sentence that was properly preserved for and
24 raised on appeal,

25 it shall affirm the sentence.

1 “(2) REMAND.—In a case in which the sentence
2 is not affirmed under paragraph (1), the court of
3 appeals shall remand the case for reconsideration
4 under section 3593 or for imposition of another au-
5 thorized sentence as appropriate, except that the
6 court shall not reverse a sentence of death on the
7 ground that an aggravating factor was invalid or
8 was not supported by the evidence and information
9 if at least one aggravating factor required to be con-
10 sidered under section 3592 remains which was found
11 to exist and the court, on the basis of the evidence
12 submitted at trial and the information submitted at
13 the sentencing hearing, finds no mitigating factor or
14 finds that the remaining aggravating factor or fac-
15 tors which were found to exist outweigh any mitigat-
16 ing factors.

17 “(3) STATEMENT OF REASONS.—The court of
18 appeals shall state in writing the reasons for its dis-
19 position of an appeal of a sentence of death under
20 this section.

21 **“§ 3596. Implementation of a sentence of death**

22 “(a) IN GENERAL.—A person who has been sen-
23 tenced to death pursuant to this chapter shall be commit-
24 ted to the custody of the Attorney General until exhaus-
25 tion of the procedures for appeal of the judgment of con-

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

11 “(b) SPECIAL BARS TO EXECUTION.—A sentence of
12 death shall not be carried out upon a person who lacks
13 the mental capacity to understand the death penalty and
14 why it was imposed on that person, or upon a woman while
15 she is pregnant.

16 “(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—
17 No employee of any State department of corrections, the
18 Federal Bureau of Prisons, or the United States Marshals
19 Service, and no employee providing services to that depart-
20 ment, bureau, or service under contract shall be required,
21 as a condition of that employment or contractual obliga-
22 tion, to be in attendance at or to participate in any execu-
23 tion carried out under this section if such participation
24 is contrary to the moral or religious convictions of the em-
25 ployee. For purposes of this subsection, the term ‘partici-

1 pate in any execution' includes personal preparation of the
2 condemned individual and the apparatus used for the exe-
3 cution, and supervision of the activities of other personnel
4 in carrying out such activities.

5 **“§ 3597. Use of State facilities**

6 “A United States Marshal charged with supervising
7 the implementation of a sentence of death may use appro-
8 priate State or local facilities for the purpose, may use
9 the services of an appropriate State or local official or of
10 a person such an official employs for the purpose, and
11 shall pay the costs thereof in an amount approved by the
12 Attorney General.

13 **“§ 3598. Appointment of counsel**

14 “(a) REPRESENTATION OF INDIGENT DEFEND-
15 ANTS.—This section shall govern the appointment of coun-
16 sel for any defendant against whom a sentence of death
17 is sought, or on whom a sentence of death has been im-
18 posed, for an offense against the United States, where the
19 defendant is or becomes financially unable to obtain ade-
20 quate representation. Such a defendant shall be entitled
21 to appointment of counsel from the commencement of trial
22 proceedings until one of the conditions specified in section
23 3599(b) has occurred. This section shall not affect the ap-
24 pointment of counsel and the provision of ancillary legal
25 services under section 408(q) (4), (5), (6), (7), (8), (9),

1 and (10) of the Controlled Substances Act (21 U.S.C. 848
2 (q) (4), (5), (6), (7), (8), (9), and (10)).

3 “(b) REPRESENTATION BEFORE FINALITY OF JUDG-
4 MENT.—A defendant within the scope of this section shall
5 have counsel appointed for trial representation as provided
6 in section 3005. At least 1 counsel so appointed shall con-
7 tinue to represent the defendant until the conclusion of
8 direct review of the judgment, unless replaced by the court
9 with other qualified counsel.

10 “(c) REPRESENTATION AFTER FINALITY OF JUDG-
11 MENT.—When a judgment imposing a sentence of death
12 has become final through affirmance by the Supreme
13 Court on direct review, denial of certiorari by the Supreme
14 Court on direct review, or expiration of the time for seek-
15 ing direct review in the court of appeals or the Supreme
16 Court, the Government shall promptly notify the district
17 court that imposed the sentence. Within 10 days after re-
18 ceipt of such notice, the district court shall proceed to
19 make a determination whether the defendant is eligible
20 under this section for appointment of counsel for subse-
21 quent proceedings. On the basis of the determination, the
22 court shall issue an order—

23 “(1) appointing 1 or more counsel to represent
24 the defendant upon a finding that the defendant is
25 financially unable to obtain adequate representation

1 and wishes to have counsel appointed or is unable
2 competently to decide whether to accept or reject ap-
3 pointment of counsel;

4 “(2) finding, after a hearing if necessary, that
5 the defendant rejected appointment of counsel and
6 made the decision with an understanding of its legal
7 consequences; or

8 “(3) denying the appointment of counsel upon
9 a finding that the defendant is financially able to ob-
10 tain adequate representation.

11 Counsel appointed pursuant to this subsection shall be dif-
12 ferent from the counsel who represented the defendant at
13 trial and on direct review unless the defendant and counsel
14 request a continuation or renewal of the earlier represen-
15 tation.

16 “(d) STANDARDS FOR COMPETENCE OF COUNSEL.—
17 In relation to a defendant who is entitled to appointment
18 of counsel under this section, at least 1 counsel appointed
19 for trial representation must have been admitted to the
20 bar for at least 5 years and have at least 3 years of experi-
21 ence in the trial of felony cases in the federal district
22 courts. If new counsel is appointed after judgment, at
23 least 1 counsel so appointed must have been admitted to
24 the bar for at least 5 years and have at least 3 years of
25 experience in the litigation of felony cases in the Federal

1 courts of appeals or the Supreme Court. The court, for
2 good cause, may appoint counsel who does not meet the
3 standards prescribed in the 2 preceding sentences, but
4 whose background, knowledge, or experience would other-
5 wise enable him or her to properly represent the defend-
6 ant, with due consideration of the seriousness of the pen-
7 alty and the nature of the litigation.

8 “(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—
9 Except as otherwise provided in this section, section
10 3006A shall apply to appointments under this section.

11 “(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—
12 The ineffectiveness or incompetence of counsel during pro-
13 ceedings on a motion under section 2255 of title 28 in
14 a capital case shall not be a ground for relief from the
15 judgment or sentence in any proceeding. This limitation
16 shall not preclude the appointment of different counsel at
17 any stage of the proceedings.

18 **“§ 3599. Collateral attack on judgment imposing sen-
19 tence of death**

20 “(a) TIME FOR MAKING SECTION 2255 MOTION.—
21 In a case in which a sentence of death has been imposed,
22 and the judgment has become final as described in section
23 3598(c), a motion in the case under section 2255 of title
24 28 shall be filed within 90 days of the issuance of the
25 order relating to appointment of counsel under section

1 3598(c). The court in which the motion is filed, for good
2 cause shown, may extend the time for filing for a period
3 not exceeding 60 days. A motion described in this section
4 shall have priority over all noncapital matters in the dis-
5 trict court, and in the court of appeals on review of the
6 district court's decision.

7 “(b) STAY OF EXECUTION.—The execution of a sen-
8 tence of death shall be stayed in the course of direct review
9 of the judgment and during the litigation of an initial mo-
10 tion in the case under section 2255 of title 28. The stay
11 shall run continuously following imposition of the sen-
12 tence, and shall expire if—

13 “(1) the defendant fails to file a motion under
14 section 2255 of title 28 within the time specified in
15 subsection (a), or fails to make a timely application
16 for court of appeals review following the denial of
17 such a motion by a district court;

18 “(2) upon completion of district court and court
19 of appeals review under section 2255 of title 28, the
20 motion under that section is denied and—

21 “(A) the time for filing a petition for cer-
22 torari has expired and no petition has been
23 filed;

1 “(B) a timely petition for certiorari was
2 filed and the Supreme Court denied the peti-
3 tion; or

4 “(C) a timely petition for certiorari was
5 filed and upon consideration of the case, the
6 Supreme Court disposed of it in a manner that
7 left the capital sentence undisturbed; or

8 “(3) before a district court, in the presence of
9 counsel and after having been advised of the con-
10 sequences of the decision to do so, the defendant
11 waives the right to file a motion under section 2255
12 of title 28.

13 “(c) FINALITY OF DECISION ON REVIEW.—If one of
14 the conditions specified in subsection (b) has occurred, no
15 court thereafter shall have the authority to enter a stay
16 of execution or grant relief in the case unless—

17 “(1) the basis for the stay and request for relief
18 is a claim not presented in earlier proceedings;

19 “(2) the failure to raise the claim was—

20 “(A) the result of governmental action in
21 violation of the Constitution or laws of the
22 United States;

23 “(B) the result of the Supreme Court rec-
24 ognition of a new Federal right that is retro-
25 actively applicable; or

1 “(C) based on a factual predicate that
2 could not have been discovered through the ex-
3 ercise of reasonable diligence in time to present
4 the claim in earlier proceedings; and

5 “(3) the facts underlying the claim would be
6 sufficient, if proven, to undermine the court’s con-
7 fidence in the determination of guilt on the offense
8 or offenses for which the death penalty was imposed.

9 **“§ 3600. Application in Indian country**

10 “Notwithstanding sections 1152 and 1153, no person
11 subject to the criminal jurisdiction of an Indian tribal gov-
12 ernment shall be subject to a capital sentence under this
13 chapter for any offense the Federal jurisdiction for which
14 is predicated solely on Indian country as defined in section
15 1151 and which has occurred within the boundaries of
16 such Indian country, unless the governing body of the
17 tribe has made an election that this chapter have effect
18 over land and persons subject to its criminal jurisdiction.”.

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

“228. Death penalty procedures 3591.”.

1 **SEC. 103. CONFORMING AMENDMENT RELATING TO DE-**
2 **STRUCTION OF AIRCRAFT OR AIRCRAFT**
3 **FACILITIES.**

4 Section 34 of title 18, United States Code, is amend-
5 ed by striking the comma after “life” and all that follows
6 through “order”.

7 **SEC. 104. CONFORMING AMENDMENT RELATING TO**
8 **ESPIONAGE.**

9 Section 794(a) of title 18, United States Code, is
10 amended by striking the period at the end and inserting
11 “, except that the sentence of death shall not be imposed
12 unless the jury or, if there is no jury, the court, further
13 finds beyond a reasonable doubt at a hearing under sec-
14 tion 3593 that the offense directly concerned—

15 “(1) nuclear weaponry, military spacecraft and
16 satellites, early warning systems, or other means of
17 defense or retaliation against large-scale attack;

18 “(2) war plans;

19 “(3) communications intelligence or cryp-
20 tographic information;

21 “(4) sources or methods of intelligence or coun-
22 terintelligence operations; or

23 “(5) any other major weapons system or major
24 element of defense strategy.”.

1 **SEC. 105. CONFORMING AMENDMENT RELATING TO TRANS-**
2 **PORTING EXPLOSIVES.**

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

6 **SEC. 106. CONFORMING AMENDMENT RELATING TO MALI-**
7 **CIOUS DESTRUCTION OF FEDERAL PROP-**
8 **ERTY BY EXPLOSIVES.**

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

12 **SEC. 107. CONFORMING AMENDMENT RELATING TO MALI-**
13 **CIOUS DESTRUCTION OF INTERSTATE PROP-**
14 **ERTY BY EXPLOSIVES.**

15 Section 844(i) of title 18, United States Code, is
16 amended by striking “as provided in section 34 of this
17 title”.

18 **SEC. 108. CONFORMING AMENDMENT RELATING TO**
19 **MURDER.**

20 Section 1111(b) of title 18, United States Code, is
21 amended to read as follows:

22 “(b) Within the special maritime and territorial juris-
23 diction of the United States—

24 “(1) whoever is guilty of murder in the first de-
25 gree shall be punished by death or by imprisonment
26 for life; and

1 “(2) whoever is guilty of murder in the second
2 degree shall be imprisoned for any term of years or
3 for life.”.

4 **SEC. 109. CONFORMING AMENDMENT RELATING TO KILL-**
5 **ING OFFICIAL GUESTS OR INTERNATIONALLY**
6 **PROTECTED PERSONS.**

7 Section 1116(a) of title 18, United States Code, is
8 amended by striking the comma after “title” and all that
9 follows through “years”.

10 **SEC. 110. MURDER BY FEDERAL PRISONER.**

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

14 **“§ 1118. Murder by a Federal prisoner**

15 “(a) OFFENSE.—Whoever, while confined in a Fed-
16 eral prison under a sentence for a term of life imprison-
17 ment, murders another shall be punished by death or by
18 life imprisonment without the possibility of release.

19 “(b) DEFINITIONS.—For purposes of this section—

20 “(1) ‘Federal prison’ means any Federal correc-
21 tional, detention, or penal facility, Federal commu-
22 nity treatment center, or Federal halfway house, or
23 any such prison operated under contract with the
24 Federal Government; and

1 **SEC. 114. CONFORMING AMENDMENT RELATING TO PRESI-**
2 **DENTIAL ASSASSINATION.**

3 Section 1751(c) of title 18, United States Code, is
4 amended to read as follows:

5 “(c) Whoever attempts to murder or kidnap any indi-
6 vidual designated in subsection (a) shall be punished—

7 “(1) by imprisonment for any term of years or
8 for life; or

9 “(2) if the conduct constitutes an attempt to
10 murder the President of the United States and re-
11 sults in bodily injury to the President or otherwise
12 comes dangerously close to causing the death of the
13 President, by death or imprisonment for any term of
14 years or for life.”.

15 **SEC. 115. CONFORMING AMENDMENT RELATING TO MUR-**
16 **DER FOR HIRE.**

17 Section 1958(a) of title 18, United States Code, is
18 amended by striking “and if death results, shall be subject
19 to imprisonment for any term of years or for life, or shall
20 be fined not more than \$50,000, or both” and inserting
21 “and if death results, shall be punished by death or life
22 imprisonment, or shall be fined in accordance with this
23 title, or both”.

1 **SEC. 116. CONFORMING AMENDMENT RELATING TO VIO-**
2 **LENT CRIMES IN AID OF RACKETEERING**
3 **ACTIVITY.**

4 Section 1959(a)(1) of title 18, United States Code,
5 is amended to read as follows:

6 “(1) for murder, by death or life imprisonment,
7 or a fine in accordance with this title, or both, and
8 for kidnapping, by imprisonment for any term of
9 years or for life, or a fine in accordance with this
10 title, or both;”.

11 **SEC. 117. CONFORMING AMENDMENT RELATING TO**
12 **WRECKING TRAINS.**

13 The penultimate paragraph of section 1992 of title
14 18, United States Code, is amended by striking the comma
15 after “life” and all that follows through “order”.

16 **SEC. 118. CONFORMING AMENDMENT RELATING TO BANK**
17 **ROBBERY.**

18 Section 2113(e) of title 18, United States Code, is
19 amended by striking “or punished by death if the verdict
20 of the jury shall so direct” and inserting “or if death re-
21 sults shall be punished by death or life imprisonment”.

22 **SEC. 119. CONFORMING AMENDMENT RELATING TO TER-**
23 **RORIST ACTS.**

24 Section 2332(a)(1) of title 18, United States Code,
25 as redesignated by section 601(b)(2), is amended to read
26 as follows:

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

5 **SEC. 120. CONFORMING AMENDMENT RELATING TO AIR-**
6 **CRAFT HIJACKING.**

7 Section 903 of the Federal Aviation Act of 1958 (49
8 U.S.C. App. 1473) is amended by striking subsection (c).

9 **SEC. 121. CONFORMING AMENDMENT TO CONTROLLED**
10 **SUBSTANCES ACT.**

11 Section 408 of the Controlled Substances Act (21
12 U.S.C. 848) is amended by striking subsections (g), (h),
13 (i), (j), (k), (l), (m), (n), (o), (p), (q)(1), (2), and (3),
14 and (r).

15 **SEC. 122. CONFORMING AMENDMENT RELATING TO GENO-**
16 **CIDE.**

17 Section 1091(b)(1) of title 18, United States Code,
18 is amended by striking “a fine of not more than
19 \$1,000,000 and imprisonment for life” and inserting
20 “death or imprisonment for life and a fine of not more
21 than \$1,000,000”.

22 **SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.**

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

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

1 (2) in subsection (a), as designated by para-
2 graph (1)—

3 (A) by striking “commissioner” each place
4 it appears and inserting “magistrate judge”;
5 and

6 (B) by striking “fined not more than
7 \$5,000 or imprisoned not more than five years,
8 or both” and inserting “punished as provided in
9 subsection (b)”;

10 (3) by adding at the end the following new sub-
11 section:

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

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

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

21 “(3) in any other case, imprisonment for not
22 more than 10 years.”.

1 **SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF**
2 **WITNESSES, VICTIMS, AND INFORMANTS.**

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

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

7 (2) by inserting before subsection (b), as reded-
8 igned by paragraph (1), the following new sub-
9 section:

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

12 “(A) the attendance of a witness or party at an
13 official proceeding, or any testimony given or any
14 record, document, or other object produced by a wit-
15 ness in an official proceeding; or

16 “(B) any information relating to the commis-
17 sion or possible commission of a Federal offense or
18 a violation of conditions of probation, parole, or re-
19 lease pending judicial proceedings given by a person
20 to a law enforcement officer,

21 shall be punished as provided in paragraph (2).

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

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

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

3 **SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW**
4 **ENFORCEMENT OFFICERS.**

5 Section 1114 of title 18, United States Code, is
6 amended by striking “be punished as provided under sec-
7 tions 1111 and 1112 of this title, except that” and insert-
8 ing “, in the case of murder (as defined in section 1111),
9 be punished by death or imprisonment for life, and, in the
10 case of manslaughter (as defined in section 1112), be pun-
11 ished as provided in section 1112, and”.

12 **SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR**
13 **LOCAL LAW ENFORCEMENT OFFICERS AS-**
14 **SISTING FEDERAL LAW ENFORCEMENT OFFI-**
15 **CERS.**

16 Section 1114 of title 18, United States Code, is
17 amended by inserting “, or any State or local law enforce-
18 ment officer while assisting, or on account of his or her
19 assistance of, any Federal officer or employee covered by
20 this section in the performance of duties,” after “other
21 statutory authority”.

1 **SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR**
2 **THE SUPPRESSION OF UNLAWFUL ACTS OF**
3 **VIOLENCE AT AIRPORTS SERVING INTER-**
4 **NATIONAL CIVIL AVIATION.**

5 (a) OFFENSE.—Chapter 2 of title 18, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 36. Violence at international airports**

9 “(a) Whoever unlawfully and intentionally, using any
10 device, substance or weapon—

11 “(1) performs an act of violence against a per-
12 son at an airport serving international civil aviation
13 which causes or is likely to cause serious injury or
14 death; or

15 “(2) destroys or seriously damages the facilities
16 of an airport serving international civil aviation or a
17 civil aircraft not in service located thereon or dis-
18 rupts the services of the airport,

19 if such an act endangers or is likely to endanger safety
20 at the airport, or attempts to do such an act, shall be fined
21 under this title, imprisoned not more than 20 years, or
22 both, and if the death of any person results from conduct
23 prohibited by this subsection, shall be punished by death
24 or imprisoned for any term of years or for life.

25 “(b) There is jurisdiction over the activity prohibited
26 in subsection (a) if—

1 “(1) the prohibited activity takes place in the
2 United States; or

3 “(2) the prohibited activity takes place outside
4 the United States and the offender is later found in
5 the United States.”.

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

“36. Violence at international airports.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the later of—

11 (1) the date of enactment of this Act; or

12 (2) the date on which the Protocol for the Sup-
13 pression of Unlawful Acts of Violence at Airports
14 Serving International Civil Aviation, Supplementary
15 to the Convention for the Suppression of Unlawful
16 Acts Against the Safety of Civil Aviation, done at
17 Montreal on 23 September 1971, has come into
18 force and the United States has become a party to
19 the Protocol.

20 **SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.**

21 Section 902(n) of the Federal Aviation Act of 1958
22 (49 U.S.C. App. 1472(n)) is amended—

23 (1) by striking paragraph (3); and

24 (2) by redesignating paragraph (4) as para-
25 graph (3).

1 **SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME**
2 **NAVIGATION OR FIXED PLATFORMS.**

3 (a) OFFENSE.—Chapter 111 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new sections:

6 **“§ 2280. Violence against maritime navigation**

7 “(a) OFFENSE.—Whoever unlawfully and inten-
8 tionally—

9 “(1) seizes or exercises control over a ship by
10 force or threat thereof or any other form of intimi-
11 dation;

12 “(2) performs an act of violence against a per-
13 son on board a ship if that act is likely to endanger
14 the safe navigation of that ship;

15 “(3) destroys a ship or causes damage to a ship
16 or to its cargo which is likely to endanger the safe
17 navigation of that ship;

18 “(4) places or causes to be placed on a ship, by
19 any means whatsoever, a device or substance which
20 is likely to destroy that ship, or cause damage to
21 that ship or its cargo which endangers or is likely
22 to endanger the safe navigation of that ship;

23 “(5) destroys or seriously damages maritime
24 navigational facilities or seriously interferes with
25 their operation, if such act is likely to endanger the
26 safe navigation of a ship;

1 “(6) communicates information, knowing the
2 information to be false and under circumstances in
3 which such information may reasonably be believed,
4 thereby endangering the safe navigation of a ship;

5 “(7) injures or kills any person in connection
6 with the commission or the attempted commission of
7 an offense described in paragraph (1), (2), (3), (4),
8 (5), or (6); or

9 “(8) attempts to commit any act prohibited
10 under paragraph (1), (2), (3), (4), (5), (6), or (7),
11 shall be fined under this title, imprisoned not more than
12 20 years, or both, and if the death of any person results
13 from conduct prohibited by this subsection, shall be pun-
14 ished by death or imprisoned for any term of years or for
15 life.

16 “(b) THREATENED OFFENSE.—Whoever threatens to
17 commit any act prohibited under subsection (a)(2), (3),
18 or (5), with apparent determination and will to carry the
19 threat into execution, if the threatened act is likely to en-
20 danger the safe navigation of the ship in question, shall
21 be fined under this title, imprisoned not more than 5
22 years, or both.

23 “(c) JURISDICTION.—There is jurisdiction over the
24 activity prohibited in subsections (a) and (b)—

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

1 “(A) such activity is committed—

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

5 “(ii) in the United States; or

6 “(iii) by a national of the United
7 States or by a stateless person whose ha-
8 bitual residence is in the United States;

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

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

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

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

22 “(d) DELIVERY OF PROBABLE OFFENDER.—The
23 master of a covered ship flying the flag of the United
24 States who has reasonable grounds to believe that he or
25 she has on board the ship any person who has committed

1 an offense under Article 3 of the Convention for the Sup-
2 pression of Unlawful Acts Against the Safety of Maritime
3 Navigation may deliver such person to the authorities of
4 a State Party to that Convention. Before delivering such
5 person to the authorities of another country, the master
6 shall notify in an appropriate manner the Attorney Gen-
7 eral of the United States of the alleged offense and await
8 instructions from the Attorney General as to what action
9 the master should take. When delivering the person to a
10 country which is a State Party to the Convention, the mas-
11 ter shall, whenever practicable, and if possible before en-
12 tering the territorial sea of such country, notify the au-
13 thorities of such country of his or her intention to deliver
14 such person and the reason therefor. If the master delivers
15 such person, the master shall furnish the authorities of
16 such country with the evidence in the master's possession
17 that pertains to the alleged offense.

18 “(e) DEFINITIONS.—As used in this section—

19 “(1) ‘ship’ means a vessel of any type whatso-
20 ever not permanently attached to the seabed, includ-
21 ing dynamically supported craft, submersibles or any
22 other floating craft, but does not include a warship,
23 a ship owned or operated by a government when
24 being used as a naval auxiliary or for customs or po-

1 lice purposes, or a ship that has been withdrawn
2 from navigation or laid up;

3 “(2) ‘covered ship’ means a ship that is navi-
4 gating or is scheduled to navigate into, through, or
5 from waters beyond the outer limit of the territorial
6 sea of a single country or a lateral limit of that
7 country’s territorial sea with an adjacent country;

8 “(3) ‘national of the United States’ has the
9 meaning stated in section 101(a)(22) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1101(a)(22));

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

15 “(5) ‘United States’, when used in a geographi-
16 cal sense, includes the Commonwealth of Puerto
17 Rico, the Commonwealth of the Northern Marianas
18 Islands, and all territories and possessions of the
19 United States.

20 **“§ 2281. Violence against maritime fixed platforms**

21 “(a) OFFENSE.—Whoever unlawfully and inten-
22 tionally—

23 “(1) seizes or exercises control over a fixed
24 platform by force or threat thereof or any other
25 form of intimidation;

1 “(2) performs an act of violence against a per-
2 son on board a fixed platform if that act is likely to
3 endanger its safety;

4 “(3) destroys a fixed platform or causes dam-
5 age to it which is likely to endanger its safety;

6 “(4) places or causes to be placed on a fixed
7 platform, by any means whatsoever, a device or sub-
8 stance that is likely to destroy the fixed platform or
9 likely to endanger its safety;

10 “(5) injures or kills any person in connection
11 with the commission or attempted commission of an
12 offense described in paragraph (1), (2), (3), or (4);
13 or

14 “(6) attempts to do anything prohibited under
15 paragraphs (1), (2), (3), (4), or (5);

16 shall be fined under this title, imprisoned not more than
17 20 years, or both, and if death results to any person from
18 conduct prohibited by this subsection, shall be punished
19 by death or imprisoned for any term of years or for life.

20 “(b) THREATENED OFFENSE.—Whoever threatens to
21 do anything prohibited under subsection (a)(2) or (3),
22 with apparent determination and will to carry the threat
23 into execution, if the threatened act is likely to endanger
24 the safety of the fixed platform, shall be fined under this
25 title or imprisoned not more than 5 years, or both.

1 “(c) JURISDICTION.—There is jurisdiction over the
2 activity prohibited in subsections (a) and (b) if—

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

5 “(A) that is located on the continental
6 shelf of the United States;

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

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

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

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

22 “(d) DEFINITIONS.—As used in this section—

23 “(1) ‘continental shelf’ means the seabed and
24 subsoil of the submarine areas that extend beyond a
25 country’s territorial sea to the limits provided by

1 customary international law as reflected in Article
2 76 of the 1982 Convention on the Law of the Sea;

3 “(2) ‘fixed platform’ means an artificial island,
4 installation or structure permanently attached to the
5 seabed for the purpose of exploration or exploitation
6 of resources or for other economic purposes;

7 “(3) ‘national of the United States’ has the
8 meaning stated in section 101(a)(22) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1101(a)(22));

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

14 “(5) ‘United States’, when used in a geographi-
15 cal sense, includes the Commonwealth of Puerto
16 Rico, the Commonwealth of the Northern Marianas
17 Islands, and all territories and possessions of the
18 United States.”.

19 (b) TECHNICAL AMENDMENT.—The chapter analysis
20 for chapter 111 of title 18, United States Code, is amend-
21 ed by adding at the end the following new items:

“2280. Violence against maritime navigation.

“2281. Violence against maritime fixed platforms.”.

22 (c) EFFECTIVE DATES.—The amendments made by
23 this section shall take effect on the later of—

24 (1) the date of enactment of this Act; or

1 (2)(A) in the case of section 2280 of title 18,
 2 United States Code, the date on which the Conven-
 3 tion for the Suppression of Unlawful Acts Against
 4 the Safety of Maritime Navigation has come into
 5 force and the United States has become a party to
 6 that Convention; and

7 (B) in the case of section 2281 of title 18,
 8 United States Code, the date on which the Protocol
 9 for the Suppression of Unlawful Acts Against the
 10 Safety of Fixed Platforms Located on the Continen-
 11 tal Shelf has come into force and the United States
 12 has become a party to that Protocol.

13 **SEC. 130. TORTURE.**

14 (a) IN GENERAL.—Part I of title 18, United States
 15 Code, is amended by inserting after chapter 113A the fol-
 16 lowing new chapter:

17 **“CHAPTER 113B—TORTURE**

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

18 **“§ 2340. Definitions**

19 “As used in this chapter—

20 “(1) ‘torture’ means an act committed by a per-
 21 son acting under the color of law specifically in-
 22 tended to inflict severe physical or mental pain or
 23 suffering (other than pain or suffering incidental to

1 lawful sanctions) upon another person within his
2 custody or physical control;

3 “(2) ‘severe mental pain or suffering’ means
4 the prolonged mental harm caused by or resulting
5 from—

6 “(A) the intentional infliction or threat-
7 ened infliction of severe physical pain or
8 suffering;

9 “(B) the administration or application, or
10 threatened administration or application, of
11 mind-altering substances or other procedures
12 calculated to disrupt profoundly the senses or
13 the personality;

14 “(C) the threat of imminent death; or

15 “(D) the threat that another person will
16 imminently be subjected to death, severe phys-
17 ical pain or suffering, or the administration or
18 application of mind-altering substances or other
19 procedures calculated to disrupt profoundly the
20 senses or personality; and

21 “(3) ‘United States’ includes all areas under
22 the jurisdiction of the United States including any
23 of the places described in sections 5 and 7 of this
24 title and section 101(38) of the Federal Aviation Act
25 of 1958 (49 U.S.C. App. 1301(38)).

1 **“§ 2340A. Torture**

2 “(a) OFFENSE.—Whoever outside the United States
3 commits or attempts to commit torture shall be fined
4 under this title or imprisoned not more than 20 years, or
5 both, and if death results to any person from conduct pro-
6 hibited by this subsection, shall be punished by death or
7 imprisoned for any term of years or for life.

8 “(b) JURISDICTION.—There is jurisdiction over the
9 activity prohibited in subsection (a) if—

10 “(1) the alleged offender is a national of the
11 United States; or

12 “(2) the alleged offender is present in the
13 United States, irrespective of the nationality of the
14 victim or the alleged offender.

15 **“§ 2340B. Exclusive remedies**

16 “Nothing in this chapter shall be construed as pre-
17 cluding the application of State or local laws on the same
18 subject, nor shall anything in this chapter be construed
19 as creating any substantive or procedural right enforceable
20 by law by any party in any civil proceeding.”.

21 (b) TECHNICAL AMENDMENT.—The part analysis for
22 part I of title 18, United States Code, is amended by in-
23 serting after the item relating to chapter 113A the follow-
24 ing new item:

“113B. Torture 2340.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the later of—

3 (1) the date of enactment of this Act; or

4 (2) the date on which the United States has be-
5 come a party to the Convention Against Torture and
6 Other Cruel, Inhuman or Degrading Treatment or
7 Punishment.

8 **SEC. 131. WEAPONS OF MASS DESTRUCTION.**

9 (a) FINDINGS.—The Congress finds that the use and
10 threatened use of weapons of mass destruction (as defined
11 in the amendment made by subsection (b)) gravely harm
12 the national security and foreign relations interests of the
13 United States, seriously affect interstate and foreign com-
14 merce, and disturb the domestic tranquility of the United
15 States.

16 (b) OFFENSE.—Chapter 113A of title 18, United
17 States Code, as amended by section 601(b), is amended
18 by adding at the end the following new section:

19 **“§ 2339A. Use of weapons of mass destruction**

20 “(a) OFFENSE.—Whoever uses, or attempts or con-
21 spires to use, a weapon of mass destruction—

22 “(1) against a national of the United States
23 while such national is outside of the United States;

24 “(2) against any person within the United
25 States; or

1 “(3) against any property that is owned, leased,
2 or used by the United States or by any department
3 or agency of the United States, whether the property
4 is within or outside the United States,
5 shall be imprisoned for any term of years or for life, and
6 if death results, shall be punished by death or imprisoned
7 for any term of years or for life.

8 “(b) DEFINITIONS.—As used in this section—

9 “(1) ‘national of the United States’ has the
10 meaning stated in section 101(a)(22) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1101(a)(22));
12 and

13 “(2) ‘weapon of mass destruction’ means—

14 “(A) a destructive device (as defined in
15 section 921);

16 “(B) poison gas;

17 “(C) a weapon involving a disease orga-
18 nism; and

19 “(D) a weapon that is designed to release
20 radiation or radioactivity at a level dangerous
21 to human life.”.

22 (c) TECHNICAL AMENDMENT.—The chapter analysis
23 for chapter 113A of title 18, United States Code, as
24 amended by section 601(c), is amended by adding at the
25 end the following new item:

“2339A. Use of weapons of mass destruction.”.

1 **SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES IN-**
2 **VOLVING FIREARMS IN FEDERAL FACILITIES.**

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

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

8 (2) in subsection (a), by striking “(c)” and in-
9 serting “(d)”;

10 (3) by inserting after subsection (b) the follow-
11 ing new subsection:

12 “(c) Whoever kills or attempts to kill any person in
13 the course of a violation of subsection (a) or (b), or in
14 the course of an attack on a Federal facility involving the
15 use of a firearm or other dangerous weapon, shall—

16 “(1) in the case of a killing constituting murder
17 (as defined in section 1111(a)), be punished by
18 death or imprisoned for any term of years or for life;
19 and

20 “(2) in the case of any other killing or an at-
21 tempted killing, be subject to the penalties provided
22 for engaging in such conduct within the special mar-
23 itime and territorial jurisdiction of the United States
24 under sections 1112 and 1113.”.

1 **SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

2 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
3 title 18, United States Code, is amended by striking “shall
4 be subject to imprisonment for any term of years or for
5 life” and inserting “shall be punished by death or impris-
6 onment for any term of years or for life”.

7 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF
8 LAW.—Section 242 of title 18, United States Code, is
9 amended by striking “shall be subject to imprisonment for
10 any term of years or for life” and inserting “shall be pun-
11 ished by death or imprisonment for any term of years or
12 for life”.

13 (c) FEDERALLY PROTECTED ACTIVITIES.—Section
14 245(b) of title 18, United States Code, is amended by
15 striking “shall be subject to imprisonment for any term
16 of years or for life” and inserting “shall be punished by
17 death or imprisonment for any term of years or for life”.

18 (d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUC-
19 TION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—
20 Section 247(c)(1) of title 18, United States Code, is
21 amended by inserting “the death penalty or” before “im-
22 prisonment”.

23 **SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL**
24 **WITNESSES.**

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

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

5 **SEC. 135. DRIVE-BY SHOOTINGS.**

6 (a) OFFENSE.—Chapter 44 of title 18, United States
7 Code, is amended by adding at the end the following new
8 section:

9 **“§ 931. Drive-by shootings**

10 “(a) OFFENSE.—Whoever knowingly discharges a
11 firearm at a person—

12 “(1) in the course of or in furtherance of drug
13 trafficking activity; or

14 “(2) from a motor vehicle,

15 shall be punished by imprisonment for not more than 25
16 years, and if death results shall be punished by death or
17 by imprisonment for any term of years or for life.

18 “(b) DEFINITION.—As used in this section, the term
19 ‘drug trafficking activity’ means a drug trafficking crime
20 (as defined in section 929(a)(2)), or a pattern or series
21 of acts involving one or more drug trafficking crimes.”.

22 (b) TECHNICAL AMENDMENT.—The chapter analysis
23 for chapter 44 of title 18, United States Code, is amended
24 by adding at the end the following new item:

“931. Drive-by shootings.”.

1 **SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING**
2 **FEDERAL CRIMES OF VIOLENCE AND DRUG**
3 **TRAFFICKING CRIMES.**

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

7 “(i) Whoever, in the course of a violation of sub-
8 section (c), causes the death of a person through the use
9 of a firearm, shall—

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

13 “(2) if the killing is manslaughter (as defined
14 in section 1112), be punished as provided in section
15 1112.”.

16 **SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
17 **TATION MURDERS.**

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

20 (1) by redesignating section 2245 as section
21 2246; and

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

24 **“§ 2245. Sexual abuse resulting in death**

25 “Whoever, in the course of an offense under this
26 chapter, engages in conduct that results in the death of

1 a person, shall be punished by death or imprisoned for
2 any term of years or for life.”.

3 (b) TECHNICAL AMENDMENT.—The chapter analysis
4 for chapter 109A of title 18, United States Code, is
5 amended by striking the item relating to section 2245 and
6 inserting the following:

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

7 **SEC. 138. PROTECTION OF JURORS AND WITNESSES IN**
8 **CAPITAL CASES.**

9 Section 3432 of title 18, United States Code, is
10 amended by striking the period and inserting: “, except
11 that the list of the veniremen and witnesses need not be
12 furnished if the court finds by a preponderance of the evi-
13 dence that providing the list may jeopardize the life or
14 safety of any person.”.

15 **SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILI-**
16 **TARY JUSTICE.**

17 The provisions of chapter 228 of title 18, United
18 States Code, as added by this Act, shall not apply to pros-
19 ecutions under the Uniform Code of Military Justice (10
20 U.S.C. 801 et seq.).

21 **SEC. 140. DEATH PENALTY FOR CAUSING DEATH IN THE**
22 **SEXUAL EXPLOITATION OF CHILDREN.**

23 Section 2251(d) of title 18, United States Code, is
24 amended by adding at the end the following new sentence:

1 “Whoever, in the course of an offense under this section,
2 engages in conduct that results in the death of a person,
3 shall be punished by death or imprisoned for any term
4 of years or for life.”.

5 **SEC. 141. MURDER BY ESCAPED PRISONERS.**

6 (a) OFFENSE.—Chapter 51 of title 18, United States
7 Code, as amended by section 110, is amended by adding
8 at the end the following new section:

9 **“§ 1119. Murder by escaped prisoners**

10 “(a) OFFENSE.—A person who, having escaped from
11 a Federal prison where the person was confined under a
12 sentence for a term of life imprisonment, kills another per-
13 son, shall be punished as provided in sections 1111 and
14 1112.

15 “(b) DEFINITION.—As used in this section, the terms
16 ‘Federal prison’ and ‘term of life imprisonment’ have the
17 meanings stated in section 1118.”.

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

“1119. Murder by escaped prisoners.”.

21 **SEC. 142. DEATH PENALTY FOR MURDERS IN THE DISTRICT**
22 **OF COLUMBIA.**

23 Title 18 of the United States Code is amended—

24 (a) by adding the following new section at the
25 end of chapter 51:

1 **“§ 1118. Capital punishment for murders in the Dis-**
2 **trict of Columbia**

3 “(a) OFFENSE.— It is an offense to cause the death
4 of a person intentionally, knowingly, or through reckless-
5 ness manifesting extreme indifference to human life, or
6 to cause the death of a person through the intentional in-
7 fliction of serious bodily injury.

8 “(b) FEDERAL JURISDICTION.—There is a Federal
9 jurisdiction over an offense described in this section if the
10 conduct resulting in death occurs in the District of
11 Columbia.

12 “(c) PENALTY.—An offense described in this section
13 is a Class A felony. A sentence of death may be imposed
14 for an offense described in this section as provided in sub-
15 sections (d)–(1).

16 “(d) MITIGATING FACTORS.—In determining wheth-
17 er to recommend a sentence of death, the jury shall con-
18 sider whether any aspect of the defendant’s character,
19 background, or record or any circumstance of the offense
20 that the defendant may proffer as a mitigating factor ex-
21 ists, including the following factors:

22 “(1) MENTAL CAPACITY.—The defendant’s
23 mental capacity to appreciate the wrongfulness of
24 his conduct or to conform his conduct to the require-
25 ments of law was significantly impaired.

1 “(2) DURESS.—The defendant was under un-
2 usual and substantial duress.

3 “(3) PARTICIPATION IN OFFENSE MINOR.—The
4 defendant is punishable as a principal (pursuant to
5 section 2 of this title) in the offense, which was com-
6 mitted by another, but the defendant’s participation
7 was relatively minor.

8 “(e) AGGRAVATING FACTORS.—In determining
9 whether to recommend a sentence of death, the jury shall
10 consider any aggravating factor for which notice has been
11 provided under subsection (f), including the following fac-
12 tors:

13 “(1) KILLING IN FURTHERANCE OF DRUG
14 TRAFFICKING.—The defendant engaged in the con-
15 duct resulting in death in the course of or in fur-
16 therance of drug trafficking activity.

17 “(2) KILLING IN THE COURSE OF OTHER SERI-
18 OUS VIOLENT CRIMES.—The defendant engaged in
19 the conduct resulting in death in the course of com-
20 mitting or attempting to commit an offense involving
21 robbery, burglary, sexual abuse, kidnaping, or arson.

22 “(3) MULTIPLE KILLINGS OR ENDANGERMENT
23 OF OTHERS.—The defendant committed more than
24 one offense under this section, or in committing the
25 offense knowingly created a grave risk of death to

1 one or more persons in addition to the victim of the
2 offense.

3 “(4) INVOLVEMENT OF FIREARM.—During and
4 in relation to the commission of the offense, the de-
5 fendant used or possessed a firearm as defined in
6 section 921 of this title.

7 “(5) PREVIOUS CONVICTION OF VIOLENT FEL-
8 ONY.—The defendant has previously been convicted
9 of an offense punishable by a term of imprisonment
10 of more than one year that involved the use or at-
11 tempted or threatened use of force against a person
12 or that involved sexual abuse.

13 “(6) KILLING WHILE INCARCERATED OR
14 UNDER SUPERVISION.—The defendant at the time of
15 the offense was confined in or had escaped from a
16 jail, prison, or other correctional or detention facil-
17 ity, was on pre-trial release, or was on probation, pa-
18 role, supervised release, or other post-conviction con-
19 ditional release.

20 “(7) HEINOUS, CRUEL OR DEPRAVED MANNER
21 OF COMMISSION.—The defendant committed the of-
22 fense in an especially heinous, cruel, or depraved
23 manner in that it involved torture or serious physical
24 abuse to the victim.

1 “(8) PROCUREMENT OF THE OFFENSE BY PAY-
2 MENT.—The defendant procured the commission of
3 the offense by payment, or promise of payment, of
4 anything of pecuniary value.

5 “(9) COMMISSION OF THE OFFENSE FOR PECU-
6 NIARY GAIN.—The defendant committed the offense
7 as consideration for receiving, or in the expectation
8 of receiving or obtaining, anything of pecuniary
9 value.

10 “(10) SUBSTANTIAL PLANNING AND
11 PREMEDITATION.—The defendant committed the of-
12 fense after substantial planning and premeditation.

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

16 “(12) KILLING OF PUBLIC SERVANT.—The de-
17 fendant committed the offense against a public serv-
18 ant—

19 “(i) while such public servant was engaged
20 in the performance of his or her official duties;

21 “(ii) because of the performance of such
22 public servant’s official duties; or

23 “(iii) because of such public servant’s sta-
24 tus as a public servant.

1 “(13) KILLING TO INTERFERE WITH OR RE-
2 TALIATE AGAINST WITNESS.—The defendant com-
3 mitted the offense in order to prevent or inhibit any
4 person from testifying or providing information con-
5 cerning an offense, or to retaliate against any person
6 for testifying or providing such information.

7 “(f) NOTICE OF INTENT TO SEEK DEATH PEN-
8 ALTY.—If the government intends to seek the death pen-
9 alty for an offense under this section, the attorney for the
10 government shall file with the court and serve on the de-
11 fendant a notice of such intent. The notice shall be pro-
12 vided a reasonable time before the trial or acceptance of
13 a guilty plea, or at such later time as the court may permit
14 for good cause. The notice shall set forth the aggravating
15 factor or factors set forth in subsection (e) and any other
16 aggravating factor or factors that the government will seek
17 to prove as the basis for the death penalty. The factors
18 for which notice is provided under this subsection may in-
19 clude factors concerning the effect of the offense on the
20 victim and the victim’s family. The court may permit the
21 attorney for the government to amend the notice upon a
22 showing of good cause.

23 “(g) JUDGE AND JURY AT CAPITAL SENTENCING
24 HEARING.—A hearing to determine whether the death
25 penalty will be imposed for an offense under this section

1 shall be conducted by the judge who presided at trial or
2 accepted a guilty plea, or by another judge if that judge
3 is not available. The hearing shall be conducted before the
4 jury that determined the defendant's guilt if that jury is
5 available. A new jury shall be impaneled for the purpose
6 of the hearing if the defendant pleaded guilty, the trial
7 of guilt was conducted without a jury, the jury that deter-
8 mined the defendant's guilt was discharged for good
9 cause, or reconsideration of the sentence is necessary after
10 the initial imposition of a sentence of death. A jury
11 impaneled under this subsection shall have twelve mem-
12 bers unless the parties stipulate to a lesser number at any
13 time before the conclusion of the hearing with the approval
14 of the judge. Upon motion of the defendant, with the ap-
15 proval of the attorney for the government, the hearing
16 shall be carried out before the judge without a jury. If
17 there is no jury, references to "the jury" in this section,
18 where applicable, shall be understood as referring to the
19 judge.

20 “(h) PROOF OF MITIGATING AND AGGRAVATING
21 FACTORS.—No presentence report shall be prepared if a
22 capital sentencing hearing is held under this section. Any
23 information relevant to the existence of mitigating factors,
24 or to the existence of aggravating factors for which notice
25 has been provided under subsection (f), may be presented

1 by either the government or the defendant, regardless of
2 its admissibility under the rules governing the admission
3 of evidence at criminal trials, except that information may
4 be excluded if its probative value is outweighed by the dan-
5 ger of creating unfair prejudice, confusing the issues, or
6 misleading the jury. The information presented may in-
7 clude trial transcripts and exhibits. The attorney for the
8 government and for the defendant shall be permitted to
9 rebut any information received at the hearing, and shall
10 be given fair opportunity to present argument as to the
11 adequacy of the information to establish the existence of
12 any aggravating or mitigating factor, and as to the appro-
13 priateness in that case of imposing a sentence of death.
14 The attorney for the government shall open the argument,
15 the defendant shall be permitted to reply, and the govern-
16 ment shall then be permitted to reply in rebuttal.

17 “(i) FINDINGS OF AGGRAVATING AND MITIGATING
18 FACTORS.—The jury shall return special findings identify-
19 ing any aggravating factor or factors for which notice has
20 been provided under subsection (f) and which the jury
21 unanimously determines have been established by the gov-
22 ernment beyond a reasonable doubt. A mitigating factor
23 is established if the defendant has proven its existence by
24 a preponderance of the evidence, and any member of the
25 jury who finds the existence of such a factor may regard

1 it as established for purposes of this section regardless of
2 the number of jurors who concur that the factor has been
3 established.

4 “(j) FINDING CONCERNING A SENTENCE OF
5 DEATH.—If the jury specially finds under subsection (i)
6 that one or more aggravating factors set forth in sub-
7 section (e) exist, and the jury further finds unanimously
8 that there are no mitigating factors or that the aggravat-
9 ing factor or factors specially found under subsection (i)
10 outweigh any mitigating factors, then the jury shall rec-
11 ommend a sentence of death. In any other case, the jury
12 shall not recommend a sentence of death. The jury shall
13 be instructed that it must avoid any influence of sym-
14 pathy, sentiment, passion, prejudice, or other arbitrary
15 factors in its decision, and should make such a rec-
16 ommendation as the information warrants.

17 “(k) SPECIAL PRECAUTION TO ASSURE AGAINST
18 DISCRIMINATION.—In a hearing held before a jury, the
19 court, before the return of a finding under subsection (j),
20 shall instruct the jury that, in considering whether to rec-
21 ommend a sentence of death, it shall not consider the race,
22 color, religion, national origin, or sex of the defendant or
23 any victim, and that the jury is not to recommend a sen-
24 tence of death unless it has concluded that it would rec-
25 ommend a sentence of death for such a crime regardless

1 of the race, color, religion, national origin, or sex of the
2 defendant or any victim. The jury, upon the return of a
3 finding under subsection (j), shall also return to the court
4 a certificate, signed by each juror, that the race, color,
5 religion, national origin, or sex of the defendant or any
6 victim did not affect the juror's individual decision and
7 that the individual juror would have recommended the
8 same sentence for such a crime regardless of the race,
9 color, religion, national origin, or sex of the defendant or
10 any victim.

11 “(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon
12 a recommendation under subsection (j) that a sentence of
13 death be imposed, the court shall sentence the defendant
14 to death. Otherwise the court shall impose a sentence,
15 other than death, authorized by law.

16 “(m) REVIEW OF A SENTENCE OF DEATH.—

17 “(1) The defendant may appeal a sentence of
18 death under this section by filing a notice of appeal
19 of the sentence within the time provided for filing a
20 notice of appeal of the judgment of conviction. An
21 appeal of a sentence under this subsection may be
22 consolidated within an appeal of the judgment of
23 conviction and shall have priority over all noncapital
24 matters in the court of appeals.

1 “(2) The court of appeals shall review the en-
2 tire record in the case including the evidence submit-
3 ted at trial and information submitted during the
4 sentencing hearing, the procedures employed in the
5 sentencing hearing, and the special findings returned
6 under subsection (i). The court of appeals shall up-
7 hold the sentence if it determines that the sentence
8 of death was not imposed under the influence of pas-
9 sion, prejudice, or any other arbitrary factor, that
10 the evidence and information support the special
11 findings under subsection (i), and that the proceed-
12 ings were otherwise free of prejudicial error that was
13 properly preserved for review.

14 “(3) In any other case, the court of appeals
15 shall remand the case for reconsideration of the sen-
16 tence or imposition of another authorized sentence
17 as appropriate, except that the court shall not re-
18 verse a sentence of death on the ground that an ag-
19 gravating factor was invalid or was not supported by
20 the evidence and information if at least one aggra-
21 vating factor described in subsection (e) remains
22 which was found to exist and the court, on the basis
23 of the evidence submitted at trial and the informa-
24 tion submitted at the sentencing hearing, finds that
25 the remaining aggravating factor or factors which

1 were found to exist outweigh any mitigating factors.

2 The court of appeals shall state in writing the rea-
3 sons for its disposition of an appeal of a sentence of
4 death under this section.

5 “(n) IMPLEMENTATION OF SENTENCE OF DEATH.—

6 A person sentenced to death under this section shall be
7 committed to the custody of the Attorney General until
8 exhaustion of the procedures for appeal of the judgment
9 of conviction and review of the sentence. When the sen-
10 tence is to be implemented, the Attorney General shall re-
11 lease the person sentenced to death to the custody of a
12 United States Marshal. The Marshal shall supervise im-
13 plementation of the sentence in the manner prescribed by
14 the law of a State designated by the court. The Marshal
15 may use State or local facilities, may use the services of
16 an appropriate State or local official or of a person such
17 an official employs, and shall pay the costs thereof in an
18 amount approved by the Attorney General.

19 “(o) SPECIAL BAR TO EXECUTION.—A sentence of
20 death shall not be carried out upon a woman while she
21 is pregnant.

22 “(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION
23 IN EXECUTION.—No employee of any State department
24 of corrections, the United States Marshals Service, or the
25 Federal Bureau of Prisons, and no person providing serv-

1 ices to that department, service, or bureau under contract
2 shall be required, as a condition of that employment or
3 contractual obligation, to be in attendance at or to partici-
4 pate in any execution carried out under this section if such
5 participation is contrary to the moral or religious convic-
6 tions of the employee. For purposes of this subsection, the
7 term ‘participate in any execution’ includes personal prep-
8 aration of the condemned individual and the apparatus
9 used for the execution, and supervision of the activities
10 of other personnel in carrying out such activities.

11 “(q) APPOINTMENT OF COUNSEL FOR INDIGENT
12 CAPITAL DEFENDANTS.—A defendant against whom a
13 sentence of death is sought, or on whom a sentence of
14 death has been imposed, under this section, shall be enti-
15 tled to appointment of counsel from the commencement
16 of trial proceedings until one of the conditions specified
17 in subsection (v) has occurred, if the defendant is or be-
18 comes financially unable to obtain adequate representa-
19 tion. Counsel shall be appointed for trial representation
20 as provided in section 3005 of this title, and at least one
21 counsel so appointed shall continue to represent the de-
22 fendant until the conclusion of direct review of the judg-
23 ment, unless replaced by the court with other qualified
24 counsel. Except as otherwise provided in this section, the

1 provisions of section 3006A of this title shall apply to ap-
2 pointments under this section.

3 “(r) REPRESENTATION AFTER FINALITY OF JUDG-
4 MENT.—When a judgment imposing a sentence of death
5 under this section has become final through affirmance by
6 the Supreme Court on direct review, denial of certiorari
7 by the Supreme Court on direct review, or expiration of
8 the time for seeking direct review in the court of appeals
9 or the Supreme Court, the government shall promptly no-
10 tify the court that imposed the sentence. The court, within
11 10 days of receipt of such notice, shall proceed to make
12 determination whether the defendant is eligible for ap-
13 pointment of counsel for subsequent proceedings. The
14 court shall issue an order appointing one or more counsel
15 to represent the defendant upon a finding that the defend-
16 ant is financially unable to obtain adequate representation
17 and wishes to have counsel appointed or is unable com-
18 petently to decide whether to accept or reject appointment
19 of counsel. The court shall issue an order denying appoint-
20 ment of counsel upon a finding that the defendant is fi-
21 nancially able to obtain adequate representation or that
22 the defendant rejected appointment of counsel with an un-
23 derstanding of the consequences of that decision. Counsel
24 appointed pursuant to this subsection shall be different
25 from the counsel who represented the defendant at trial

1 and on direct review unless the defendant and counsel re-
2 quest a continuation or renewal of the earlier representa-
3 tion.

4 “(s) STANDARDS FOR COMPETENCE OF COUNSEL.—
5 In relation to a defendant who is entitled to appointment
6 of counsel under subsections (q)–(r), at least one counsel
7 appointed for trial representation must have been admit-
8 ted to the bar for at least 5 years and have at least three
9 years of experience in the trial of felony cases in the Fed-
10 eral district courts. If new counsel is appointed after judg-
11 ment, at least one counsel so appointed must have been
12 admitted to the bar for at least 5 years and have at least
13 3 years of experience in the litigation of felony cases in
14 the Federal courts of appeals or the Supreme Court. The
15 court, for good cause, may appoint counsel who does not
16 meet these standards, but whose background, knowledge,
17 or experience would otherwise enable him or her to prop-
18 erly represent the defendant, with due consideration of the
19 seriousness of the penalty and the nature of the litigation.

20 “(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN
21 COLLATERAL PROCEEDINGS.—The ineffectiveness or in-
22 competence of counsel during proceedings on a motion
23 under section 2255 of title 28, United States Code, in a
24 case under this section shall not be a ground for relief
25 from the judgment or sentence in any proceeding. This

1 limitation shall not preclude the appointment of different
2 counsel at any stage of the proceedings.

3 “(u) TIME FOR COLLATERAL ATTACK ON DEATH
4 SENTENCE.—A motion under section 2255 of title 28,
5 United States Code, attacking a sentence of death under
6 this section, or the conviction on which it is predicated,
7 must be filed within 90 days of the issuance of the order
8 under subsection (r) appointing or denying the appoint-
9 ment of counsel for such proceedings. The court in which
10 the motion is filed, for good cause shown, may extend the
11 time for filing for a period not exceeding 60 days. Such
12 a motion shall have priority over all non-capital matters
13 in the district court, and in the court of appeals on review
14 of the district court’s decision.

15 “(v) STAY OF EXECUTION.—The execution of a sen-
16 tence of death under this section shall be stayed in the
17 course of direct review of the judgment and during the
18 litigation of an initial motion in the case under section
19 2255 of title 28, United States Code. The stay shall run
20 continuously following imposition of the sentence and shall
21 expire if—

22 “(1) the defendant fails to file a motion under
23 section 2255 of title 28, United States Code, within
24 the time specified in subsection (u), or fails to make
25 a timely application for court of appeals review fol-

1 lowing the denial of such a motion by a district
2 court;

3 “(2) upon completion of district court and court
4 of appeals review under section 2255 of title 28,
5 United States Code, the Supreme Court disposes of
6 a petition for certiorari in a manner that leaves the
7 capital sentence undisturbed, or the defendant fails
8 to file a timely petition for certiorari; or

9 “(3) before a district court, in the presence of
10 counsel and after having been advised of the con-
11 sequences of such a decision, the defendant waives
12 the right to file a motion under section 2255 of title
13 28, United States Code.

14 “(w) FINALITY OF THE DECISION ON REVIEW.—If
15 one of the conditions specified in subsection (v) has oc-
16 curred, no court thereafter shall have the authority to
17 enter a stay of execution or grant relief in the case un-
18 less—

19 “(1) the basis for the stay and request for relief
20 is a claim not presented in earlier proceedings;

21 “(2) the failure to raise the claim is the result
22 of governmental action in violation of the Constitu-
23 tion or laws of the United States, the result of the
24 Supreme Court’s recognition of a new Federal right
25 that is retroactively applicable, or the result of the

1 fact that the factual predicate of the claim could not
2 have been discovered through the exercise of reason-
3 able diligence in time to present the claim in earlier
4 proceedings; and

5 “(3) the facts underlying the claim would be
6 sufficient, if proven, to undermine the court’s con-
7 fidence in the determination of guilt on the offense
8 or offenses for which the death penalty was imposed.

9 “(x) DEFINITIONS.—For purposes of this section—

10 “(1) ‘State’ has the meaning given in section
11 513 of this title, including the District of Columbia;

12 “(2) ‘Offense’, as used in paragraphs (2), (5),
13 and (13) of subsection (e), and in paragraph (5) of
14 this subsection, means an offense under the law of
15 the District of Columbia, another State, or the
16 United States;

17 “(3) ‘Drug trafficking activity’ means a drug
18 trafficking crime as defined in section 929(a)(2) of
19 this title, or a pattern or series of acts involving one
20 or more drug trafficking crimes;

21 “(4) ‘Robbery’ means obtaining the property of
22 another by force or threat of force;

23 “(5) ‘Burglary’ means entering or remaining in
24 a building or structure in violation of the law of the
25 District of Columbia, another State, or the United

1 States, with the intent to commit an offense in the
2 building or structure;

3 “(6) ‘Sexual abuse’ means any conduct pro-
4 scribed by chapter 109A of this title, whether or not
5 the conduct occurs in the special maritime and terri-
6 torial jurisdiction of the United States;

7 “(7) ‘Arson’ means damaging or destroying a
8 building or structure through the use of fire or
9 explosives;

10 “(8) ‘Kidnapping’ means seizing, confining, or
11 abducting a person, or transporting a person without
12 his or her consent;

13 “(9) ‘Pre-trial release’, ‘probation’, ‘parole’, ‘su-
14 pervised release’, and ‘other post-conviction condi-
15 tional release’, as used in subsection (e)(6), mean
16 any such release, imposed in relation to a charge or
17 conviction for an offense under the law of the Dis-
18 trict of Columbia, another State, or the United
19 States; and

20 “(10) ‘Public servant’ means an employee,
21 agent, officer, or official of the District of Columbia,
22 another State, or the United States, or an employee,
23 agent, officer, or official of a foreign government
24 who is within the scope of section 1116 of this title.

1 “(y) When an offense is charged under this section,
2 the government may join any charge under the District
3 of Columbia Code that arises from the same incident.”;
4 and

5 (b) by adding the following at the end of the
6 table of sections for chapter 51:

“1118. Capital punishment for murders in the District of Columbia.”.

7 **TITLE II—HABEAS CORPUS**
8 **REFORM**
9 **Subtitle A—General Habeas Corpus**
10 **Reform**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Habeas Corpus Re-
13 form Act of 1993”.

14 **SEC. 202. PERIOD OF LIMITATION.**

15 Section 2244 of title 28, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(d) A one-year period of limitation shall apply to an
19 application for a writ of habeas corpus by a person in cus-
20 tody pursuant to the judgment of a State court. The limi-
21 tation period shall run from the latest of—

22 “(1) the time at which State remedies are ex-
23 hausted;

24 “(2) the time at which the impediment to filing
25 an application created by State action in violation of

1 the Constitution or laws of the United States is re-
2 moved, where the applicant was prevented from fil-
3 ing by such State action;

4 “(3) the time at which the Federal right as-
5 serted was initially recognized by the Supreme
6 Court, where the right has been newly recognized by
7 the Court and is retroactively applicable; or

8 “(4) the time at which the factual predicate of
9 the claim or claims presented could have been dis-
10 covered through the exercise of reasonable dili-
11 gence.”.

12 **SEC. 203. APPEAL.**

13 Section 2253 of title 28, United States Code, is
14 amended to read as follows:

15 **“§ 2253. Appeal**

16 “In a habeas corpus proceeding or a proceeding
17 under section 2255 before a circuit or district judge, the
18 final order shall be subject to review, on appeal, by the
19 court of appeals for the circuit where the proceeding is
20 had.

21 “There shall be no right of appeal from such an order
22 in a proceeding to test the validity of a warrant to remove,
23 to another district or place for commitment or trial, a per-
24 son charged with a criminal offense against the United

1 States, or to test the validity of his detention pending re-
2 moval proceedings.

3 “An appeal may not be taken to the court of appeals
4 from the final order in a habeas corpus proceeding where
5 the detention complained of arises out of process issued
6 by a State court, or from the final order in a proceeding
7 under section 2255, unless a circuit justice or judge issues
8 a certificate of probable cause.”.

9 **SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE**
10 **PROCEDURE.**

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

13 **“Rule 22. Habeas corpus and section 2255 proceed-**
14 **ings**

15 “(a) APPLICATION FOR AN ORIGINAL WRIT OF HA-
16 BEAS CORPUS.—An application for a writ of habeas cor-
17 pus shall be made to the appropriate district court. If ap-
18 plication is made to a circuit judge, the application will
19 ordinarily be transferred to the appropriate district court.
20 If an application is made to or transferred to the district
21 court and denied, renewal of the application before a cir-
22 cuit judge is not favored; the proper remedy is by appeal
23 to the court of appeals from the order of the district court
24 denying the writ.

1 “(b) NECESSITY OF CERTIFICATE OF PROBABLE
2 CAUSE FOR APPEAL.—In a habeas corpus proceeding in
3 which the detention complained of arises out of process
4 issued by a State court, and in a motion proceeding pursu-
5 ant to section 2255 of title 28, United States Code, an
6 appeal by the applicant or movant may not proceed unless
7 a circuit judge issues a certificate of probable cause. If
8 a request for a certificate of probable cause is addressed
9 to the court of appeals, it shall be deemed addressed to
10 the judges thereof and shall be considered by a circuit
11 judge or judges as the court deems appropriate. If no ex-
12 press request for a certificate is filed, the notice of appeal
13 shall be deemed to constitute a request addressed to the
14 judges of the court of appeals. If an appeal is taken by
15 a State or the Government or its representative, a certifi-
16 cate of probable cause is not required.”.

17 **SEC. 205. SECTION 2254 AMENDMENTS.**

18 Section 2254 of title 28, United States Code, is
19 amended—

20 (1) by amending subsection (b) to read as
21 follows:

22 “(b) An application for a writ of habeas corpus in
23 behalf of a person in custody pursuant to the judgment
24 of a State court shall not be granted unless it appears
25 that the applicant has exhausted the remedies available

1 in the courts of the State, or that there is either an ab-
2 sence of available State corrective process or the existence
3 of circumstances rendering such process ineffective to pro-
4 tect the rights of the applicant. An application may be
5 denied on the merits notwithstanding the failure of the
6 applicant to exhaust the remedies available in the courts
7 of the State.”;

8 (2) by redesignating subsections (d), (e), and
9 (f) as subsections (e), (f), and (g), respectively;

10 (3) by inserting after subsection (c) the follow-
11 ing new subsection:

12 “(d) An application for a writ of habeas corpus in
13 behalf of a person in custody pursuant to the judgment
14 of a State court shall not be granted with respect to any
15 claim that has been fully and fairly adjudicated in State
16 proceedings.”;

17 (4) by amending subsection (e), as redesignated
18 by paragraph (2), to read as follows:

19 “(e) In a proceeding instituted by an application for
20 a writ of habeas corpus by a person in custody pursuant
21 to the judgment of a State court, a full and fair deter-
22 mination of a factual issue made in the case by a State
23 court shall be presumed to be correct. The applicant shall
24 have the burden of rebutting this presumption by clear
25 and convincing evidence.”; and

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

3 “(h) In all proceedings brought under this section,
4 and any subsequent proceedings on review, appointment
5 of counsel for a petitioner who is or becomes financially
6 unable to afford counsel shall be in the discretion of the
7 court, except as provided by a rule promulgated by the
8 Supreme Court pursuant to statutory authority. Appoint-
9 ment of counsel under this section shall be governed by
10 section 3006A of title 18, United States Code.”.

11 **SEC. 206. SECTION 2255 AMENDMENTS.**

12 Section 2255 of title 28, United States Code, is
13 amended—

14 (1) by striking the second paragraph and the
15 penultimate paragraph; and

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

18 “A two-year period of limitation shall apply to a mo-
19 tion under this section. The limitation period shall run
20 from the latest of—

21 “(1) the time at which the judgment of convic-
22 tion becomes final;

23 “(2) the time at which the impediment to mak-
24 ing a motion created by governmental action in vio-
25 lation of the Constitution or laws of the United

1 States is removed, where the movant was prevented
2 from making a motion by such governmental action;

3 “(3) the time at which the right asserted was
4 initially recognized by the Supreme Court, where the
5 right has been newly recognized by the Court and is
6 retroactively applicable; or

7 “(4) the time at which the factual predicate of
8 the claim or claims presented could have been dis-
9 covered through the exercise of reasonable diligence.

10 “In all proceedings brought under this section, and
11 any subsequent proceedings on review, appointment of
12 counsel for a movant who is or becomes financially unable
13 to afford counsel shall be in the discretion of the court,
14 except as provided by a rule promulgated by the Supreme
15 Court pursuant to statutory authority. Appointment of
16 counsel under this section shall be governed by section
17 3006A of title 18, United States Code.”.

18 **Subtitle B—Death Penalty**
19 **Litigation Procedures**

20 **SEC. 211. SHORT TITLE FOR SUBTITLE B.**

21 This subtitle may be cited as the “Death Penalty
22 Litigation Procedures Act of 1993”.

1 **SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.**

2 (a) ADDITION OF CHAPTER TO TITLE 28, UNITED
 3 STATES CODE.—Title 28, United States Code, is amended
 4 by inserting after chapter 153 the following new chapter:
 5 **“CHAPTER 154—SPECIAL HABEAS CORPUS**
 6 **PROCEDURES IN CAPITAL CASES**

“Sec.

“2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2258. Filing of habeas corpus petition; time requirements; tolling rules.

“2259. Evidentiary hearings; scope of Federal review; district court adjudication.

“2260. Certificate of probable cause inapplicable.

“2261. Application to state unitary review procedures.

“2262. Limitation periods for determining petitions.

“2263. Rule of construction.

7 **“§ 2256. Prisoners in State custody subject to capital**
 8 **sentence; appointment of counsel; re-**
 9 **quirement of rule of court or statute; pro-**
 10 **cedures for appointment**

11 “(a) APPLICATION OF CHAPTER.—This chapter shall
 12 apply to cases arising under section 2254 brought by pris-
 13 oners in State custody who are subject to a capital sen-
 14 tence. It shall apply only if the provisions of subsections
 15 (b) and (c) are satisfied.

16 “(b) ESTABLISHMENT OF APPOINTMENT MECHA-
 17 NISM.—This chapter is applicable if a State establishes by
 18 rule of its court of last resort or by statute a mechanism
 19 for the appointment, compensation and payment of rea-

1 sonable litigation expenses of competent counsel in State
2 postconviction proceedings brought by indigent prisoners
3 whose capital convictions and sentences have been upheld
4 on direct appeal to the court of last resort in the State
5 or have otherwise become final for State law purposes. The
6 rule of court or statute must provide standards of com-
7 petency for the appointment of such counsel.

8 “(c) OFFER OF COUNSEL.—Any mechanism for the
9 appointment, compensation and reimbursement of counsel
10 as provided in subsection (b) must offer counsel to all
11 State prisoners under capital sentence and must provide
12 for the entry of an order by a court of record—

13 “(1) appointing 1 or more counsel to represent
14 the prisoner upon a finding that the prisoner is indi-
15 gent and accepted the offer or is unable competently
16 to decide whether to accept or reject the offer;

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

21 “(3) denying the appointment of counsel upon
22 a finding that the prisoner is not indigent.

23 “(d) PREVIOUS REPRESENTATION.—No counsel ap-
24 pointed pursuant to subsections (b) and (c) to represent
25 a State prisoner under capital sentence shall have pre-

1 viously represented the prisoner at trial or on direct appeal
2 in the case for which the appointment is made unless the
3 prisoner and counsel expressly request continued represen-
4 tation.

5 “(e) NO GROUND FOR RELIEF.—The ineffectiveness
6 or incompetence of counsel during State or Federal collat-
7 eral postconviction proceedings in a capital case shall not
8 be a ground for relief in a proceeding arising under section
9 2254. This limitation shall not preclude the appointment
10 of different counsel, on the court’s own motion or at the
11 request of the prisoner, at any phase of State or Federal
12 postconviction proceedings on the basis of the ineffective-
13 ness or incompetence of counsel in such proceedings.

14 **“§ 2257. Mandatory stay of execution; duration; limits**
15 **on stays of execution; successive peti-**
16 **tions**

17 “(a) STAY.—Upon the entry in the appropriate State
18 court of record of an order under section 2256(c), a war-
19 rant or order setting an execution date for a State pris-
20 oner shall be stayed upon application to any court that
21 would have jurisdiction over any proceedings filed under
22 section 2254. The application must recite that the State
23 has invoked the postconviction review procedures of this
24 chapter and that the scheduled execution is subject to
25 stay.

1 “(b) EXPIRATION OF STAY.—A stay of execution
2 granted pursuant to subsection (a) shall expire if—

3 “(1) a State prisoner fails to file a habeas cor-
4 pus petition under section 2254 within the time re-
5 quired in section 2258, or fails to make a timely ap-
6 plication for court of appeals review following the de-
7 nial of such a petition by a district court;

8 “(2) upon completion of district court and court
9 of appeals review under section 2254 the petition for
10 relief is denied and—

11 “(A) the time for filing a petition for cer-
12 tiorari has expired and no petition has been
13 filed;

14 “(B) a timely petition for certiorari was
15 filed and the Supreme Court denied the peti-
16 tion; or

17 “(C) a timely petition for certiorari was
18 filed and upon consideration of the case, the
19 Supreme Court disposed of it in a manner that
20 left the capital sentence undisturbed; or

21 “(3) before a court of competent jurisdiction, in
22 the presence of counsel and after having been ad-
23 vised of the consequences of his decision, a State
24 prisoner under capital sentence waives the right to
25 pursue habeas corpus review under section 2254.

1 “(c) LIMITATION ON FURTHER STAY.—If one of the
2 conditions in subsection (b) has occurred, no Federal court
3 thereafter shall have the authority to enter a stay of execu-
4 tion or grant relief in a capital case unless—

5 “(1) the basis for the stay and request for relief
6 is a claim not previously presented in the State or
7 Federal courts;

8 “(2) the failure to raise the claim is—

9 “(A) the result of State action in violation
10 of the Constitution or laws of the United
11 States;

12 “(B) the result of the Supreme Court rec-
13 ognition of a new Federal right that is retro-
14 actively applicable; or

15 “(C) based on a factual predicate that
16 could not have been discovered through the ex-
17 ercise of reasonable diligence in time to present
18 the claim for State or Federal postconviction
19 review; and

20 “(3) the facts underlying the claim would be
21 sufficient, if proven, to undermine the court’s con-
22 fidence in the determination of guilt on the offense
23 or offenses for which the death penalty was imposed.

1 **“§ 2258. Filing of habeas corpus petition; time re-**
2 **quirements; tolling rules**

3 “Any petition for habeas corpus relief under section
4 2254 must be filed in the appropriate district court within
5 180 days from the filing in the appropriate State court
6 of record of an order under section 2256(c). The time re-
7 quirements established by this section shall be tolled—

8 “(1) from the date that a petition for certiorari
9 is filed in the Supreme Court until the date of final
10 disposition of the petition if a State prisoner files
11 the petition to secure review by the Supreme Court
12 of the affirmance of a capital sentence on direct re-
13 view by the court of last resort of the State or other
14 final State court decision on direct review;

15 “(2) during any period in which a State pris-
16 oner under capital sentence has a properly filed re-
17 quest for postconviction review pending before a
18 State court of competent jurisdiction; if all State fil-
19 ing rules are met in a timely manner, this period
20 shall run continuously from the date that the State
21 prisoner initially files for postconviction review until
22 final disposition of the case by the highest court of
23 the State, but the time requirements established by
24 this section are not tolled during the pendency of a
25 petition for certiorari before the Supreme Court ex-
26 cept as provided in paragraph (1); and

1 “(3) during an additional period not to exceed
2 60 days, if—

3 “(A) a motion for an extension of time is
4 filed in the Federal district court that would
5 have proper jurisdiction over the case upon the
6 filing of a habeas corpus petition under section
7 2254; and

8 “(B) a showing of good cause is made for
9 the failure to file the habeas corpus petition
10 within the time period established by this
11 section.

12 **“§ 2259. Evidentiary hearings; scope of Federal re-**
13 **view; district court adjudication**

14 “(a) REVIEW OF RECORD; HEARING.—Whenever a
15 State prisoner under a capital sentence files a petition for
16 habeas corpus relief to which this chapter applies, the dis-
17 trict court shall—

18 “(1) determine the sufficiency of the record for
19 habeas corpus review based on the claims actually
20 presented and litigated in the State courts except
21 when the prisoner can show that the failure to raise
22 or develop a claim in the State courts is—

23 “(A) the result of State action in violation
24 of the Constitution or laws of the United
25 States;

1 “(B) the result of the Supreme Court rec-
2 ognition of a new Federal right that is retro-
3 actively applicable; or

4 “(C) based on a factual predicate that
5 could not have been discovered through the ex-
6 ercise of reasonable diligence in time to present
7 the claim for State postconviction review; and

8 “(2) conduct any requested evidentiary hearing
9 necessary to complete the record for habeas corpus
10 review.

11 “(b) ADJUDICATION.—Upon the development of a
12 complete evidentiary record, the district court shall rule
13 on the claims that are properly before it, but the court
14 shall not grant relief from a judgment of conviction or sen-
15 tence on the basis of any claim that was fully and fairly
16 adjudicated in State proceedings.

17 **“§ 2260. Certificate of probable cause inapplicable**

18 “The requirement of a certificate of probable cause
19 in order to appeal from the district court to the court of
20 appeals does not apply to habeas corpus cases subject to
21 this chapter except when a second or successive petition
22 is filed.

1 appointment is made unless the prisoner and counsel ex-
2 pressly request continued representation.

3 “(c) APPLICATION OF OTHER SECTIONS.—Sections
4 2257, 2258, 2259, 2260, and 2262 shall apply in relation
5 to cases involving a sentence of death from any State hav-
6 ing a unitary review procedure that qualifies under this
7 section. References to State ‘post-conviction review’ and
8 ‘direct review’ in those sections shall be understood as re-
9 ferring to unitary review under the State procedure. The
10 references in sections 2257(a) and 2258 to ‘an order
11 under section 2256(c)’ shall be understood as referring to
12 the post-trial order under subsection (b) concerning rep-
13 resentation in the unitary review proceedings, but if a
14 transcript of the trial proceedings is unavailable at the
15 time of the filing of such an order in the appropriate State
16 court, the start of the 180-day limitation period under sec-
17 tion 2258 shall be deferred until a transcript is made
18 available to the prisoner or the prisoner’s counsel.

19 **“§ 2262. Limitation periods for determining petitions**

20 “(a) IN GENERAL.—The adjudication of any petition
21 under section 2254 that is subject to this chapter, and
22 the adjudication of any motion under section 2255 by a
23 person under sentence of death, shall be given priority by
24 the district court and by the court of appeals over all

1 noncapital matters. The adjudication of such a petition or
2 motion shall be subject to the following time limitations:

3 “(1) A Federal district court shall determine
4 such a petition or motion within 110 days of filing.

5 “(2)(A) The court of appeals shall hear and de-
6 termine any appeal relating to such a petition or
7 motion within 90 days after the notice of appeal is
8 filed.

9 “(B) The court of appeals shall decide any ap-
10 plication for rehearing en banc within 20 days of the
11 filing of the application unless a responsive pleading
12 is required, in which case the court of appeals shall
13 decide the application within 20 days of the filing of
14 the responsive pleading. If en banc consideration is
15 granted, the en banc court shall determine the ap-
16 peal within 90 days of the decision to grant such
17 consideration.

18 “(3) The Supreme Court shall act on any appli-
19 cation for a writ of certiorari relating to such a peti-
20 tion or motion within 90 days after the application
21 is filed.

22 “(b) APPLICATION OF SECTION.—The time limita-
23 tions under subsection (a) shall apply to an initial petition
24 or motion, and to any second or successive petition or mo-
25 tion. The same limitations shall also apply to the redeter-

1 mination of a petition or motion or related appeal follow-
2 ing a remand by the court of appeals or the Supreme
3 Court for further proceedings, and in such a case the limi-
4 tation period shall run from the date of the remand.

5 “(c) RULE OF CONSTRUCTION.—The time limitations
6 under this section shall not be construed to entitle a peti-
7 tioner or movant to a stay of execution, to which the peti-
8 tioner or movant would otherwise not be entitled, for the
9 purpose of litigating any petition, motion, or appeal.

10 “(d) NO GROUND FOR RELIEF.—The failure of a
11 court to meet or comply with the time limitations under
12 this section shall not be a ground for granting relief from
13 a judgment of conviction or sentence. The State or Gov-
14 ernment may enforce the time limitations under this sec-
15 tion by applying to the court of appeals or the Supreme
16 Court for a writ of mandamus.

17 “(e) REPORT.—The Administrative Office of the
18 United States Courts shall report annually to Congress on
19 the compliance by the courts with the time limits estab-
20 lished in this section.

21 **“§ 2263. Rule of construction**

22 “This chapter shall be construed to promote the expe-
23 ditious conduct and conclusion of State and Federal court
24 review in capital cases.”.

1 (b) TECHNICAL AMENDMENT.—The part analysis for
 2 part IV of title 28, United States Code, is amended by
 3 adding after the item relating to chapter 153 the following
 4 new item:

“154. **Special habeas corpus procedures in capital**
cases 2256.”.

5 **Subtitle C—Equalization of Capital**
 6 **Habeas Corpus Litigation Funding**

7 **SEC. 221. FUNDING FOR DEATH PENALTY PROSECUTIONS.**

8 Part E of title I of the Omnibus Crime Control and
 9 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
 10 amended by inserting after section 511 the following new
 11 section:

12 “FUNDING FOR DEATH PENALTY PROSECUTIONS

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

1 **TITLE III—EXCLUSIONARY RULE**

2 **SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.**

3 (a) IN GENERAL.—Chapter 223 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 3509. Admissibility of evidence obtained by search**
7 **or seizure**

8 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
9 SONABLE SEARCH OR SEIZURE.—Evidence that is ob-
10 tained as a result of a search or seizure shall not be ex-
11 cluded in a proceeding in a court of the United States
12 on the ground that the search or seizure was in violation
13 of the fourth amendment to the Constitution of the United
14 States, if the search or seizure was carried out in cir-
15 cumstances justifying an objectively reasonable belief that
16 it was in conformity with the fourth amendment. The fact
17 that evidence was obtained pursuant to and within the
18 scope of a warrant constitutes prima facie evidence of the
19 existence of such circumstances.

20 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
21 RULE.—Evidence shall not be excluded in a proceeding
22 in a court of the United States on the ground that it was
23 obtained in violation of a statute, an administrative rule
24 or regulation, or a rule of procedure unless exclusion is

1 expressly authorized by statute or by a rule prescribed by
2 the Supreme Court pursuant to statutory authority.

3 “(c) RULE OF CONSTRUCTION.—This section shall
4 not be construed to require or authorize the exclusion of
5 evidence in any proceeding.”.

6 (b) TECHNICAL AMENDMENT.—The chapter analysis
7 for chapter 223 of title 28, United States Code, is amend-
8 ed by adding at the end the following new item:

“3509. Admissibility of evidence obtained by search or seizure.”.

9 **TITLE IV—RURAL CRIME AND**
10 **DRUG CONTROL**
11 **Subtitle A—Drug Trafficking in**
12 **Rural Areas**

13 **SEC. 401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
14 **MENT AGENCIES.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
16 1001(a) of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 is amended by adding at the end the
18 following new paragraph:

19 “(7) There are authorized to be appropriated
20 \$50,000,000 for fiscal year 1994 and such sums as
21 are necessary for fiscal years 1995 and 1996 to
22 carry out part O of this title.”.

23 (b) AMENDMENT TO BASE ALLOCATION.—Section
24 1501(a)(2)(A) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968 is amended by striking
2 “\$100,000” and inserting “\$250,000”.

3 **SEC. 402. RURAL CRIME AND DRUG ENFORCEMENT TASK**
4 **FORCES.**

5 (a) ESTABLISHMENT.—Not later than 90 days after
6 the date of enactment of this Act, the Attorney General,
7 in consultation with the Governors, mayors, and chief ex-
8 ecutive officers of State and local law enforcement agen-
9 cies, shall establish a Rural Crime and Drug Enforcement
10 Task Force in each of the Federal judicial districts which
11 encompass significant rural lands.

12 (b) TASK FORCE MEMBERSHIP.—The task forces es-
13 tablished under subsection (a) shall be chaired by the
14 United States Attorney for the respective Federal judicial
15 district. The task forces shall include representatives
16 from—

- 17 (1) State and local law enforcement agencies;
- 18 (2) the Drug Enforcement Administration;
- 19 (3) the Federal Bureau of Investigation;
- 20 (4) the Immigration and Naturalization Service;
- 21 (5) the Customs Service;
- 22 (6) the United States Marshals Service; and
- 23 (7) law enforcement officers from the United
24 States Park Police, United States Forest Service
25 and Bureau of Land Management, and such other

1 Federal law enforcement agencies as the Attorney
2 General may direct.

3 **SEC. 403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

4 (a) IN GENERAL.—The Attorney General may cross-
5 designate up to 100 law enforcement officers from each
6 of the agencies specified under section 1502(b)(6) with ju-
7 risdiction to enforce the provisions of the Controlled Sub-
8 stances Act on non-Federal lands and title 18 of the
9 United States Code to the extent necessary to effect the
10 purposes of this Act.

11 (b) ADEQUATE STAFFING.—The Attorney General
12 shall ensure that each of the task forces established in ac-
13 cordance with this title are adequately staffed with inves-
14 tigators and that additional investigators are provided
15 when requested by the task force.

16 **SEC. 404. RURAL DRUG ENFORCEMENT TRAINING.**

17 (a) SPECIALIZED TRAINING FOR RURAL OFFI-
18 CERS.—The Director of the Federal Law Enforcement
19 Training Center shall develop a specialized course of in-
20 struction devoted to training law enforcement officers
21 from rural agencies in the investigation of drug trafficking
22 and related crimes.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out subsection (a)
25 \$1,000,000 for each of fiscal years 1994, 1995, and 1996.

1 **Subtitle B—Rural Drug Prevention**
2 **and Treatment**

3 **SEC. 411. RURAL SUBSTANCE ABUSE TREATMENT AND EDU-**
4 **CATION GRANTS.**

5 Part A of title V of the Public Health Service Act
6 (42 U.S.C. 290aa et seq.) is amended by adding at the
7 end the following new section:

8 **“SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.**

9 “(a) IN GENERAL.—The Director of the Office for
10 Treatment Improvement (referred to in this section as the
11 ‘Director’) shall establish a program to provide grants to
12 hospitals, community health centers, migrant health cen-
13 ters, health entities of Indian tribes and tribal organiza-
14 tions (as defined in section 1913(b)(5)), and other appro-
15 priate entities that serve nonmetropolitan areas to assist
16 such entities in developing and implementing projects that
17 provide, or expand the availability of, substance abuse
18 treatment services.

19 “(b) REQUIREMENTS.—To receive a grant under this
20 section a hospital, community health center, or treatment
21 facility shall—

22 “(1) serve a nonmetropolitan area or have a
23 substance abuse treatment program that is designed
24 to serve a nonmetropolitan area;

1 “(2) operate, or have a plan to operate, an ap-
2 proved substance abuse treatment program;

3 “(3) agree to coordinate the project assisted
4 under this section with substance abuse treatment
5 activities within the State and local agencies respon-
6 sible for substance abuse treatment; and

7 “(4) prepare and submit an application in ac-
8 cordance with subsection (c).

9 “(c) APPLICATION.—

10 “(1) IN GENERAL.—To be eligible to receive a
11 grant under this section an entity shall submit an
12 application to the Director at such time, in such
13 manner, and containing such information as the Di-
14 rector shall require.

15 “(2) COORDINATED APPLICATIONS.—State
16 agencies that are responsible for substance abuse
17 treatment may submit coordinated grant applica-
18 tions on behalf of entities that are eligible for grants
19 pursuant to subsection (b).

20 “(d) PREVENTION PROGRAMS.—

21 “(1) IN GENERAL.—Each entity receiving a
22 grant under this section may use a portion of such
23 grant funds to further community-based substance
24 abuse prevention activities.

1 “(2) REGULATIONS.—The Director, in con-
2 sultation with the Director of the Office of Sub-
3 stance Abuse Prevention, shall promulgate regula-
4 tions regarding the activities described in paragraph
5 (1).

6 “(e) SPECIAL CONSIDERATION.—In awarding grants
7 under this section the Director shall give priority to—

8 “(1) projects sponsored by rural hospitals that
9 are qualified to receive rural health care transition
10 grants as provided for in section 4005(e) of the Om-
11 nibus Budget Reconciliation Act of 1987;

12 “(2) projects serving nonmetropolitan areas
13 that establish links and coordinate activities between
14 hospitals, community health centers, community
15 mental health centers, and substance abuse treat-
16 ment centers; and

17 “(3) projects that are designed to serve areas
18 that have no available existing treatment facilities.

19 “(f) DURATION.—Grants awarded under subsection
20 (a) shall be for a period not to exceed 3 years, except that
21 the Director may establish a procedure for renewal of
22 grants under subsection (a).

23 “(g) GEOGRAPHIC DISTRIBUTION.—To the extent
24 practicable, the Director shall provide grants to fund at
25 least one project in each State.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section there is authorized
3 to be appropriated \$25,000,000 for each of fiscal years
4 1994 and 1995.”.

5 **Subtitle C—Rural Areas** 6 **Enhancement**

7 **SEC. 421. ASSET FORFEITURE.**

8 The assets seized as a result of investigations initi-
9 ated by a Rural Drug Enforcement Task Force shall be
10 used primarily to enhance the operations of the task force
11 and its participating State and local enforcement agencies.

12 **SEC. 422. PROSECUTION OF CLANDESTINE LABORATORY** 13 **OPERATORS.**

14 (a) CRIMINAL CHARGES.—State and Federal pros-
15 ecutors, when bringing charges against the operators of
16 clandestine methamphetamine and other dangerous drug
17 laboratories, shall, to the fullest extent possible, include,
18 in addition to drug-related counts, counts involving in-
19 fringements of the Resource Conservation and Recovery
20 Act or any other environmental protection Act, includ-
21 ing—

22 (1) illegal disposal of hazardous waste; and

23 (2) knowing endangerment of the environment.

24 (b) CIVIL ACTIONS.—Federal prosecutors may bring
25 suit against the operators of clandestine methamphet-

1 amine and other dangerous drug laboratories for environ-
2 mental and health related damages caused by the opera-
3 tors in their manufacture of illicit substances.

4 **TITLE V—FIREARMS AND**
5 **RELATED AMENDMENTS**

6 **Subtitle A—General Provisions**

7 **SEC. 501. SMUGGLING FIREARMS IN AID OF DRUG**
8 **TRAFFICKING.**

9 Section 924 of title 18, United States Code, as
10 amended by section 136, is amended by adding at the end
11 the following new subsection:

12 “(j) Whoever, with the intent to engage in or to pro-
13 mote conduct that—

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

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

22 “(3) constitutes a crime of violence (as defined
23 in subsection (c)(3) of this section),

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

4 **SEC. 502. PROHIBITION AGAINST THEFT OF FIREARMS OR**
5 **EXPLOSIVES.**

6 (a) FIREARMS.—Section 924 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing new subsection:

9 “(j) Whoever steals any firearm which is moving as,
10 or is a part of, or which has moved in, interstate or foreign
11 commerce shall be imprisoned not more than 10 years,
12 fined in accordance with this title, or both.”.

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

16 “(j) Whoever steals any explosive materials which are
17 moving as, or are a part of, or which have moved in, inter-
18 state or foreign commerce shall be imprisoned not more
19 than 10 years, fined in accordance with this title, or
20 both.”.

1 **SEC. 503. INCREASED PENALTY FOR KNOWINGLY FALSE,**
2 **MATERIAL STATEMENT IN CONNECTION**
3 **WITH THE ACQUISITION OF A FIREARM FROM**
4 **A LICENSED DEALER.**

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

7 (1) in paragraph (1)(B) by striking “(a)(6),”;

8 and

9 (2) in paragraph (2) by inserting “(a)(6),”
10 after “subsection”.

11 **SEC. 504. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
12 **JECT TO FORFEITURE.**

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

15 (1) by inserting “(1)” before “Any”; and

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

18 “(2) Notwithstanding paragraph (1), in the case of
19 the seizure of any explosive materials for any offense for
20 which the materials would be subject to forfeiture where
21 it is impracticable or unsafe to remove the materials to
22 a place of storage, or where it is unsafe to store them,
23 the seizing officer may destroy the explosive materials
24 forthwith. Any destruction under this paragraph shall be
25 in the presence of at least one credible witness. The seizing

1 officer shall make a report of the seizure and take samples
2 as the Secretary may by regulation prescribe.

3 “(3) Within 60 days after any destruction made pur-
4 suant to paragraph (2), the owner of, including any person
5 having an interest in, the property so destroyed may make
6 application to the Secretary for reimbursement of the
7 value of the property. If the claimant establishes to the
8 satisfaction of the Secretary that—

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

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

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

16 **SEC. 505. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
17 **ING TO PAROLE.**

18 Section 924 of title 18, United States Code, is
19 amended—

20 (1) in subsection (c)(1) by striking “No person
21 sentenced under this subsection shall be eligible for
22 parole during the term of imprisonment imposed
23 herein.”; and

1 (2) in subsection (e)(1) by striking “, and such
2 person shall not be eligible for parole with respect to
3 the sentence imposed under this subsection”.

4 **SEC. 506. RECEIPT OF FIREARMS BY NONRESIDENT.**

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

7 (1) in paragraph (7)(C) by striking “and”;

8 (2) in paragraph (8)(C) by striking the period
9 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. 507. PROHIBITION OF THEFT OF FIREARMS OR EXPLO-**
18 **SIVES FROM LICENSEE.**

19 (a) FIREARMS.—Section 924 of title 18, United
20 States Code, as amended by section 402(a), is amended
21 by adding at the end the following new subsection:

22 “(k) Whoever steals any firearm from a licensed im-
23 porter, licensed manufacturer, licensed dealer, or licensed
24 collector shall be fined in accordance with this title, im-
25 prisoned not more than 10 years, or both.”.

1 (b) EXPLOSIVES.—Section 844 of title 18, United
2 States Code, as amended by section 402(b), is amended
3 by adding at the end the following new subsection:

4 “(k) Whoever steals any explosive material from a li-
5 censed importer, licensed manufacturer, licensed dealer, or
6 permittee shall be fined in accordance with this title, im-
7 prisoned not more than 10 years, or both.”.

8 **SEC. 508. INCREASED PENALTY FOR INTERSTATE GUN**
9 **TRAFFICKING.**

10 Section 924 of title 18, United States Code, as
11 amended by section 407(a), is amended by adding at the
12 end the following new subsection:

13 “(l) Whoever, with the intent to engage in conduct
14 that constitutes a violation of section 922(a)(1)(A), travels
15 from any State or foreign country into any other State
16 and acquires, or attempts to acquire, a firearm in such
17 other State in furtherance of such purpose shall be impris-
18 oned for not more than 10 years.”.

19 **SEC. 509. PROHIBITION OF TRANSACTIONS INVOLVING**
20 **STOLEN FIREARMS WHICH HAVE MOVED IN**
21 **INTERSTATE OR FOREIGN COMMERCE.**

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

24 “(j) It shall be unlawful for any person to receive,
25 possess, conceal, store, barter, sell, or dispose of any stolen

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

8 **SEC. 510. POSSESSION OF EXPLOSIVES BY FELONS AND**
9 **OTHERS.**

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

12 **SEC. 511. DISPOSITION OF FORFEITED FIREARMS.**

13 Subsection 5872(b) of the Internal Revenue Code of
14 1986 is amended to read as follows:

15 “(b) DISPOSAL.—In the case of the forfeiture of any
16 firearm, where there is no remission or mitigation of for-
17 feiture thereof—

18 “(1) the Secretary may retain the firearm for
19 official use of the Department of the Treasury or, if
20 not so retained, offer to transfer the weapon without
21 charge to any other executive department or inde-
22 pendent establishment of the Government for official
23 use by it and, if the offer is accepted, so transfer the
24 firearm;

1 “(2) if the firearm is not disposed of pursuant
2 to paragraph (1), is a firearm other than a machine-
3 gun or firearm forfeited for a violation of this chap-
4 ter, is a firearm that in the opinion of the Secretary
5 is not so defective that its disposition pursuant to
6 this paragraph would create an unreasonable risk of
7 a malfunction likely to result in death or bodily in-
8 jury, and is a firearm which (in the judgment of the
9 Secretary, taking into consideration evidence of
10 present value and evidence that like firearms are not
11 available except as collector’s items, or that the
12 value of like firearms available in ordinary commer-
13 cial channels is substantially less) derives a substan-
14 tial part of its monetary value from the fact that it
15 is novel or rare or because of its association with
16 some historical figure, period, or event, the Sec-
17 retary may sell the firearm, after public notice, at
18 public sale to a dealer licensed under chapter 44 of
19 title 18, United States Code;

20 “(3) if the firearm has not been disposed or
21 pursuant to paragraph (1) or (2), the Secretary
22 shall transfer the firearm to the Administrator of
23 General Services, who shall destroy or provide for
24 the destruction of such firearm; and

1 “(4) no decision or action of the Secretary pur-
2 suant to this subsection shall be subject to judicial
3 review.”.

4 **SEC. 512. DEFINITION OF BURGLARY UNDER THE ARMED**
5 **CAREER CRIMINAL STATUTE.**

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

8 (1) by striking “and” at the end of subpara-
9 graph (B);

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

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(D) the term ‘burglary’ means a crime that—

15 “(i) consists of entering or remaining sur-
16 reptitiously within a building that is the prop-
17 erty of another person with intent to engage in
18 conduct constituting a Federal or State offense;
19 and

20 “(ii) is punishable by a term of imprison-
21 ment exceeding 1 year.”.

1 **Subtitle B—Brady Handgun**
2 **Violence Prevention Act**

3 **SEC. 521. SHORT TITLE.**

4 This subtitle may be cited as the “Brady Handgun
5 Violence Prevention Act”.

6 **SEC. 522. FEDERAL FIREARMS LICENSEE REQUIRED TO**
7 **CONDUCT CRIMINAL BACKGROUND CHECK**
8 **BEFORE TRANSFER OF FIREARM TO**
9 **NONLICENSEE.**

10 (a) INTERIM PROVISION.—

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

14 “(s)(1) Beginning on the date that is 90 days after
15 the date of enactment of this subsection and ending on
16 the day before the date that the Attorney General certifies
17 under section 523(d)(1) of the Brady Handgun Violence
18 Prevention Act that the national instant criminal back-
19 ground check system is established (except as provided in
20 paragraphs (2) and (3) of such section), it shall be unlaw-
21 ful for any licensed importer, licensed manufacturer, or
22 licensed dealer to sell, deliver, or transfer a handgun to
23 an individual who is not licensed under section 923, un-
24 less—

1 “(A) after the most recent proposal of such
2 transfer by the transferee—

3 “(i) the transferor has—

4 “(I) received from the transferee a
5 statement of the transferee containing the
6 information described in paragraph (3);

7 “(II) verified the identity of the trans-
8 feree by examining the identification docu-
9 ment presented;

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

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

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

1 the chief law enforcement officer that receipt or
2 possession of the handgun by the transferee
3 would be in violation of Federal, State, or local
4 law; or

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

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

19 “(C)(i) the transferee has presented to the
20 transferor a permit that—

21 “(I) allows the transferee to possess a
22 handgun; and

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

1 “(ii) the law of the State provides that such a
2 permit is to be issued only after an authorized gov-
3 ernment official has verified that the information
4 available to such official does not indicate that pos-
5 session of a handgun by the transferee would be in
6 violation of the law;

7 “(D) the law of the State requires that, before
8 any licensed importer, licensed manufacturer, or li-
9 censed dealer completes the transfer of a handgun to
10 an individual who is not licensed under section 923,
11 an authorized government official verify that the in-
12 formation available to such official does not indicate
13 that possession of a handgun by the transferee
14 would be in violation of law, except that this sub-
15 paragraph shall not apply to a State that, on the
16 date of certification pursuant to section 523(d) of
17 the Brady Handgun Violence Prevention Act, is not
18 in compliance with the timetable established pursu-
19 ant to section 523(c) of such Act;

20 “(E) the Secretary has approved the transfer
21 under section 5812 of the Internal Revenue Code of
22 1986; or

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

1 “(i) the ratio of the number of law enforce-
2 ment officers of the State in which the transfer
3 is to occur to the number of square miles of
4 land area of the State does not exceed 0.0025;

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

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

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

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

23 “(A) the name, address, and date of birth
24 appearing on a valid identification document (as de-
25 fined in section 1028(d)(1)) of the transferee con-

1 taining a photograph of the transferee and a de-
2 scription of the identification used;

3 “(B) a statement that transferee—

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

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

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

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

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

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

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

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

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

1 “(4) Any transferor of a handgun who, after such
2 transfer, receives a report from a chief law enforcement
3 officer containing information that receipt or possession
4 of the handgun by the transferee violates Federal, State,
5 or local law shall immediately communicate all information
6 the transferor has about the transfer and the transferee
7 to—

8 “(A) the chief law enforcement officer of the
9 place of business of the transferor; and

10 “(B) the chief law enforcement officer of the
11 place of residence of the transferee.

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

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

23 “(B) Unless the chief law enforcement officer to
24 whom a statement is transmitted under paragraph

1 (1)(A)(i)(IV) determines that a transaction would violate
2 Federal, State, or local law—

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

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

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

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

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

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

1 “(8) For purposes of this subsection, the term ‘chief
2 law enforcement officer’ means the chief of police, the
3 sheriff, or an equivalent officer or the designee of any such
4 individual.

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

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

12 “(29) The term ‘handgun’ means—

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

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

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

23 “(t)(1) Beginning on the date that the Attorney Gen-
24 eral certifies under section 523(d)(1) of the Brady Hand-
25 gun Violence Prevention Act that the national instant

1 criminal background check system is established (except
2 as provided in paragraphs (2) and (3) of such section),
3 a licensed importer, licensed manufacturer, or licensed
4 dealer shall not transfer a firearm to any other person
5 who is not such a licensee, unless—

6 “(A) before the completion of the transfer, the
7 licensee contacts the national instant criminal back-
8 ground check system established under section 523
9 of such Act;

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

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

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

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

24 “(I) allows such other person to possess a
25 firearm; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **SEC. 523. NATIONAL INSTANT CRIMINAL BACKGROUND**
22 **CHECK SYSTEM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (f) ADMINISTRATIVE PROVISIONS.—

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

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

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

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

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

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

4 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF
5 REGISTRATION SYSTEMS WITH RESPECT TO FIRE-
6 ARMS.—No department, agency, officer, or employee of
7 the United States may—

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

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

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

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

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

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

4 **SEC. 524. FUNDING FOR IMPROVEMENT OF CRIMINAL**
5 **RECORDS.**

6 (a) IMPROVEMENTS IN STATE RECORDS.—

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

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

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

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

17 “(4) the improvement of State record systems
18 and the sharing with the Attorney General of all of
19 the records described in paragraphs (1), (2), and (3)
20 of this subsection and the records required by the
21 Attorney General under section 523 of the Brady
22 Handgun Violence Prevention Act for the purpose of
23 implementing such Act.”.

24 (2) ADDITIONAL FUNDING.—

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

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

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

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

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

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

1 reduce by up to 50 percent the allocation to a State for
2 a fiscal year under title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 of a State that is not in
4 compliance with the timetable established for such State
5 under section 523(c) of this Act.

6 (c) WITHHOLDING OF DEPARTMENT OF JUSTICE
7 FUNDS.—If the Attorney General does not certify the na-
8 tional instant criminal background check system pursuant
9 to section 523(d)(1) by—

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

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

1 **TITLE VI—JUVENILES AND**
2 **GANGS**

3 **SEC. 601. SHORT TITLE.**

4 SHORT TITLE.—This title may be cited as the “Anti-
5 Gang and Juvenile Offenders Act of 1993”.

6 **Subtitle A—Increased Penalties for**
7 **Employing Children to Distrib-**
8 **ute Drugs Near Schools and**
9 **Playgrounds**

10 **SEC. 611. STRENGTHENED FEDERAL PENALTIES.**

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

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

15 (2) by inserting after subsection (b) the follow-
16 ing new subsection:

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

19 “(1) employs, hires, uses, persuades, induces,
20 entices, or coerces a person under 18 years of age
21 to violate this section; or

22 “(2) employs, hires, uses, persuades, induces,
23 entices, or coerces a person under 18 years of age
24 to assist in avoiding detection or apprehension for

1 any offense under this section by any Federal, State,
2 or local law enforcement official,
3 is punishable by a term of imprisonment, a fine, or both,
4 up to triple those authorized by section 401.”.

5 **Subtitle B—Antigang Provisions**

6 **SEC. 621. GRANT PROGRAM.**

7 Part B of title II of the Juvenile Justice and Delin-
8 quency Prevention Act of 1974 (42 U.S.C. 5631 et seq.)
9 is amended—

10 (1) by inserting after the part heading the fol-
11 lowing subpart heading:

12 “Subpart I—General Grant Programs”;

13 and

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

16 “Subpart II—Juvenile Drug Trafficking and Gang
17 Prevention Grants

18 “FORMULA GRANTS

19 “SEC. 231. (a) AUTHORIZATION.—The Adminis-
20 trator may make grants to States, units of general local
21 government, private not-for-profit anticrime organizations,
22 or combinations thereof to assist them in planning, estab-
23 lishing, operating, coordinating, and evaluating projects,
24 directly or through grants and contracts with public and
25 private agencies, for the development of more effective

1 programs including prevention and enforcement programs
2 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) PARTICULAR PURPOSES.—The grants made
8 under this section can be used for any of the following
9 specific purposes:

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

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

18 “(3) To develop within the juvenile justice sys-
19 tem, including the juvenile corrections system, inno-
20 vative means to address the problems of juveniles
21 convicted of serious drug-related and gang-related
22 offenses.

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

1 “(5) To reduce and prevent juvenile drug and
2 gang-related activity in rural areas.

3 “(6) To provide technical assistance and train-
4 ing to personnel and agencies responsible for the ad-
5 judicatory and corrections components of the juve-
6 nile justice system to—

7 “(A) identify drug-dependent or gang-in-
8 volved juvenile offenders; and

9 “(B) provide appropriate counseling and
10 treatment to such offenders.

11 “(7) To promote the involvement of all juveniles
12 in lawful activities, including in-school and after-
13 school programs for academic, athletic, or artistic
14 enrichment that also teach that drug and gang in-
15 volvement are wrong.

16 “(8) To facilitate Federal and State cooperation
17 with local school officials to develop education, pre-
18 vention, and treatment programs for juveniles who
19 are likely to participate in drug trafficking, drug
20 use, or gang-related activities.

21 “(9) To prevent juvenile drug and gang involve-
22 ment in public housing projects through programs
23 establishing youth sports and other activities, includ-
24 ing girls’ and boys’ clubs, scout troops, and little
25 leagues.

1 “(10) To provide pre- and post-trial drug abuse
2 treatment to juveniles in the juvenile justice system
3 with the highest possible priority to providing drug
4 abuse treatment to drug-dependent pregnant juve-
5 niles and drug-dependent juvenile mothers.

6 “(11) To provide education and treatment pro-
7 grams for juveniles exposed to severe violence in
8 their homes, schools, or neighborhoods.

9 “(12) To establish sports mentoring and coach-
10 ing programs in which athletes serve as role models
11 for juveniles to teach that athletics provide a positive
12 alternative to drug and gang involvement.

13 “AUTHORIZATION OF APPROPRIATIONS

14 “SEC. 232. There are authorized to be appropriated
15 \$100,000,000 for fiscal year 1994 and such sums as are
16 necessary for fiscal year 1995 to carry out this subpart.

17 “ALLOCATION OF FUNDS

18 “SEC. 233. The amounts appropriated for this sub-
19 part for any fiscal year shall be allocated as follows:

20 “(1) \$500,000 or 1.0 percent, whichever is
21 greater, shall be allocated to each of the States.

22 “(2) Of the funds remaining after the allocation
23 under paragraph (1), there shall be allocated to each
24 State an amount that bears the same ratio to the
25 amount of remaining funds described in this para-
26 graph as the population of juveniles residing in the

1 State bears to the population of juveniles residing in
2 all the States.

3 “APPLICATION

4 “SEC. 234. (a) IN GENERAL.—Each State or entity
5 applying for a grant under section 231 shall submit an
6 application to the Administrator in such form and contain-
7 ing such information as the Administrator shall prescribe.

8 “(b) REGULATIONS.—To the extent practicable, the
9 Administrator shall prescribe regulations governing appli-
10 cations for this subpart that are substantially similar to
11 the regulations governing applications required under sub-
12 part I of this part and subpart II of part C, including
13 the regulations relating to competition.”.

14 **SEC. 622. CONFORMING REPEALER AND AMENDMENTS.**

15 (a) REPEAL OF PART D.—Part D of title II of the
16 Juvenile Justice and Delinquency Prevention Act of 1974
17 (42 U.S.C. 5667 et seq.) is repealed, and part E of title
18 II of that Act is redesignated as part D.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 291 of title II of the Juvenile Justice and Delinquency
21 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1) by striking “(1)” and
24 by striking “(other than part D)”; and

25 (B) by striking paragraph (2); and

1 (2) in subsection (b) by striking “(other than
2 part D)”.

3 **SEC. 623. CRIMINAL STREET GANGS.**

4 (a) IN GENERAL.—Title 18, United States Code, is
5 amended by inserting after chapter 25 the following new
6 chapter:

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

 “Sec.
 “521. Criminal street gangs.

8 **“§ 521. Criminal street gangs**

9 “(a) ENHANCED PENALTY.—A person who, under
10 the circumstances described in subsection (c), commits an
11 offense described in subsection (b), shall, in addition to
12 any other sentence authorized by law, be sentenced to a
13 term of imprisonment of not more than 10 years and may
14 also be fined under this title. A sentence of imprisonment
15 imposed under this subsection shall run consecutively to
16 any other sentence that is imposed.

17 “(b) OFFENSES.—The offenses referred to in sub-
18 section (a) are—

19 “(1) a Federal felony involving a controlled sub-
20 stance (as defined in section 102 of the Controlled
21 Substances Act (21 U.S.C. 802));

22 “(2) a Federal felony crime of violence;

23 “(3) a felony violation of the Controlled Sub-
24 stances Act (21 U.S.C. 801 et seq.), the Controlled

1 Substances Import and Export Act (21 U.S.C. 951
2 et seq.), or the Maritime Drug Law Enforcement
3 Act (46 U.S.C. App. 1901 et seq.); and

4 “(4) a conspiracy to commit an offense de-
5 scribed in paragraph (1), (2), or (3).

6 “(c) CIRCUMSTANCES.—The circumstances referred
7 to in subsection (a) are—

8 “(1) that the offense described in subsection (b)
9 was committed by a member of, on behalf of, or in
10 association with a criminal street gang; and

11 “(2) within 5 years prior to the date of the of-
12 fense, the offender had been convicted of—

13 “(A) an offense described in subsection
14 (b);

15 “(B) a State offense that—

16 “(i) involves a controlled substance
17 (as defined in section 102 of the Controlled
18 Substances Act (21 U.S.C. 802)); or

19 “(ii) is a crime of violence for which
20 the maximum penalty is more than 1
21 year’s imprisonment;

22 “(C) a Federal or State offense that in-
23 volves the theft or destruction of property for
24 which the maximum penalty is more than 1
25 year’s imprisonment; or

1 “(D) a conspiracy to commit an offense de-
2 scribed in subparagraph (A), (B), or (C).

3 “(d) DEFINITIONS.—For purposes of this section—

4 “(1) the term ‘criminal street gang’ means a
5 group, club, organization, or association of 5 or
6 more persons—

7 “(A) whose members engage, or have en-
8 gaged within the past 5 years, in a continuing
9 series of any of the offenses described in sub-
10 section (b); and

11 “(B) whose activities affect interstate or
12 foreign commerce; and

13 “(2) the term ‘conviction’ includes a finding,
14 under State or Federal law, that a person has com-
15 mitted an act of juvenile delinquency involving a vio-
16 lent felony or controlled substances felony.”.

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

 “**26. Criminal street gangs** **521**”.

21 **Subtitle C—Juvenile Penalties**

22 **SEC. 631. TREATMENT OF VIOLENT JUVENILES AS ADULTS.**

23 (a) DESIGNATION OF UNDESIGNATED PARA-
24 GRAPHS.—Section 5032 of title 18, United States Code,
25 is amended by designating the first, second, third, fourth,

1 fifth, sixth, seventh, eighth, ninth, tenth, and eleventh un-
2 designated paragraphs as subsections (a), (b), (c), (d), (e),
3 (f), (g), (h), (i), (j), and (k), respectively.

4 (b) JURISDICTION OVER CERTAIN FIREARMS OF-
5 FENSES.—Section 5032(a) of title 18, United States Code,
6 as designated by subsection (a), is amended by striking
7 “922(p)” and inserting “924 (b), (g), or (h)”.

8 (c) ADULT STATUS OF JUVENILES WHO COMMIT
9 FIREARMS OFFENSES.—Section 5032(d) of title 18, Unit-
10 ed States Code, as designated by subsection (a), is amend-
11 ed to read as follows:

12 “(d)(1) Except as provided in paragraphs (2) and
13 (3), a juvenile who is alleged to have committed an act
14 of juvenile delinquency and who is not surrendered to
15 State authorities shall be proceeded against under this
16 chapter unless the juvenile has requested in writing upon
17 advice of counsel to be proceeded against as an adult.

18 “(2) With respect to a juvenile 15 years and older
19 alleged to have committed an act after his or her 15th
20 birthday which if committed by an adult would be a felony
21 that is a crime of violence or an offense described in sec-
22 tion 401 of the Controlled Substances Act (21 U.S.C.
23 841), section 1002(a), 1005, or 1009 of the Controlled
24 Substances Import and Export Act (21 U.S.C. 952(a),
25 955, 959), or section 924 (b), (g), or (h) of this title,

1 criminal prosecution on the basis of the alleged act may
2 be begun by motion to transfer of the Attorney General
3 in the appropriate district court of the United States, if
4 such court finds, after hearing, that such a transfer would
5 be in the interest of justice.

6 “(3) A juvenile who is alleged to have committed an
7 act after his or her 16th birthday which if committed by
8 an adult would be a felony offense that has as an element
9 thereof the use, attempted use, or threatened use of phys-
10 ical force against the person of another, or that, by its
11 very nature, involves a substantial risk that physical force
12 against the person of another may be used in committing
13 the offense, or would be an offense described in section
14 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, sub-
15 section (b)(1) (A), (B), or (C), (d), or (e) of section 401
16 of the Controlled Substances Act, or section 1002(a),
17 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled
18 Substances Import and Export Act (21 U.S.C. 952(a),
19 953, 959, 960(b) (1), (2), and (3)), and who has pre-
20 viously been found guilty of an act which if committed by
21 an adult would have been one of the offenses set forth
22 in this subsection or an offense in violation of a State fel-
23 ony statute that would have been such an offense if a cir-
24 cumstance giving rise to Federal jurisdiction had existed,

1 shall be transferred to the appropriate district court of
2 the United States for criminal prosecution.”.

3 **SEC. 632. SERIOUS DRUG OFFENSES BY JUVENILES AS**
4 **ARMED CAREER CRIMINAL ACT PREDICATES.**

5 (a) ACT OF JUVENILE DELINQUENCY.—Section
6 924(e)(2)(A) of title 18, United States Code, as amended
7 by section 422, is amended—

8 (1) by striking “or” at the end of clause (ii);

9 (2) by striking “and” at the end of clause (iii)

10 and inserting “or”; and

11 (3) by adding at the end the following new
12 clause:

13 “(iv) any act of juvenile delinquency that,
14 if it were committed by an adult, would be pun-
15 ishable under section 401(b)(1)(A) of the Con-
16 trolled Substances Act (21 U.S.C.
17 841(b)(1)(A)); and”.

18 (b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C)
19 of title 18, United States Code, is amended by adding “or
20 serious drug offense” after “violent felony”.

21 **SEC. 633. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**
22 **FENDERS.**

23 (a) AMENDMENT OF THE OMNIBUS CRIME CONTROL
24 AND SAFE STREETS ACT OF 1968.—Title I of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3711 et seq.) is amended—

3 (1) by redesignating part P as part Q;

4 (2) by redesignating section 1601 as section
5 1701; and

6 (3) by inserting after part O the following new
7 part:

8 **“PART P—ALTERNATIVE PUNISHMENTS FOR**
9 **YOUNG OFFENDERS**

10 **“SEC. 1601. GRANT AUTHORIZATION.**

11 “(a) IN GENERAL.—The Director of the Bureau of
12 Justice Assistance (referred to in this part as the ‘Direc-
13 tor’) may make grants under this part to States, for the
14 use by States and units of local government in the States,
15 for the purpose of developing alternative methods of pun-
16 ishment for young offenders to traditional forms of incar-
17 ceration and probation.

18 “(b) ALTERNATIVE METHODS.—The alternative
19 methods of punishment referred to in subsection (a)
20 should ensure certainty of punishment for young offenders
21 and promote reduced recidivism, crime prevention, and as-
22 sistance to victims, particularly for young offenders who
23 can be punished more effectively in an environment other
24 than a traditional correctional facility, including—

1 “(1) alternative sanctions that create account-
2 ability and certainty of punishment for young
3 offenders;

4 “(2) boot camp prison programs;

5 “(3) technical training and support for the im-
6 plementation and maintenance of State and local
7 restitution programs for young offenders;

8 “(4) innovative projects;

9 “(5) correctional options, such as community-
10 based incarceration, weekend incarceration, and elec-
11 tric monitoring of offenders;

12 “(6) community service programs that provide
13 work service placement for young offenders at non-
14 profit, private organizations and community organi-
15 zations;

16 “(7) demonstration restitution projects that are
17 evaluated for effectiveness; and

18 “(8) innovative methods that address the prob-
19 lems of young offenders convicted of serious sub-
20 stance abuse, including alcohol abuse, and gang-re-
21 lated offenses, including technical assistance and
22 training to counsel and treat such offenders.

23 **“SEC. 1602. STATE APPLICATIONS.**

24 “(a) IN GENERAL.—(1) To request a grant under
25 this part, the chief executive of a State shall submit an

1 application to the Director in such form and containing
2 such information as the Director may reasonably require.

3 “(2) An application under paragraph (1) shall include
4 assurances that Federal funds received under this part
5 shall be used to supplement, not supplant, non-Federal
6 funds that would otherwise be available for activities fund-
7 ed under this part.

8 “(b) STATE OFFICE.—The office designated under
9 section 507 of title I—

10 “(1) shall prepare the application required
11 under section 1602; and

12 “(2) shall administer grant funds received
13 under this part, including, review of spending, proc-
14 essing, progress, financial reporting, technical assist-
15 ance, grant adjustments, accounting, auditing, and
16 fund disbursement.

17 **“SEC. 1603. REVIEW OF STATE APPLICATIONS.**

18 “(a) IN GENERAL.—The Bureau shall make a grant
19 under section 1601(a) to carry out the projects described
20 in the application submitted by an applicant under section
21 1602 upon determining that—

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

24 “(2) before the approval of the application, the
25 Bureau has made an affirmative finding in writing

1 that the proposed project has been reviewed in ac-
2 cordance with this part.

3 “(b) APPROVAL.—Each application submitted under
4 section 1602 shall be considered approved, in whole or in
5 part, by the Bureau not later than 45 days after first re-
6 ceived unless the Bureau informs the applicant of specific
7 reasons for disapproval.

8 “(c) RESTRICTION.—Grant funds received under this
9 part shall not be used for land acquisition or construction
10 projects, other than alternative facilities described in sec-
11 tion 1601(b) for young offenders.

12 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
13 ATION.—The Bureau shall not disapprove any application
14 without first affording the applicant reasonable notice and
15 an opportunity for reconsideration.

16 **“SEC. 1604. LOCAL APPLICATIONS.**

17 “(a) IN GENERAL.—(1) To request funds under this
18 part from a State, the chief executive of a unit of local
19 government shall submit an application to the office des-
20 ignated under section 1602(b).

21 “(2) An application under paragraph (1) shall be con-
22 sidered approved, in whole or in part, by the State not
23 later than 45 days after such application is first received
24 unless the State informs the applicant in writing of spe-
25 cific reasons for disapproval.

1 “(3) The State shall not disapprove any application
2 submitted to the State without first affording the appli-
3 cant reasonable notice and an opportunity for reconsider-
4 ation.

5 “(4) If an application under paragraph (1) is ap-
6 proved, the unit of local government is eligible to receive
7 the funds requested.

8 “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-
9 MENT.—A State that receives funds under section 1601
10 in a fiscal year shall make such funds available to units
11 of local government with an application that has been sub-
12 mitted and approved by the State within 45 days after
13 the Bureau has approved the application submitted by the
14 State and has made funds available to the State. The Di-
15 rector may waive the 45-day requirement in this section
16 upon a finding that the State is unable to satisfy the re-
17 quirement of the preceding sentence under State statutes.

18 **“SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.**

19 “(a) STATE DISTRIBUTION.—Of the total amount ap-
20 propriated for this part in any fiscal year—

21 “(1) 1.0 percent shall be allocated to each of
22 the participating States; and

23 “(2) of the total funds remaining after the allo-
24 cation under paragraph (1), there shall be allocated
25 to each of the participating States an amount that

1 bears the same ratio to the amount of remaining
2 funds described in this paragraph as the number of
3 young offenders in the State bears to the number of
4 young offenders in all the participating States.

5 “(b) LOCAL DISTRIBUTION.—(1) A State that re-
6 ceives funds under this part in a fiscal year shall distribute
7 to units of local government in the State for the purposes
8 specified under section 1601 the portion of those funds
9 that bears the same ratio to the aggregate amount of those
10 funds as the amount of funds expended by all units of
11 local government for criminal justice in the preceding fis-
12 cal year bears to the aggregate amount of funds expended
13 by the State and all units of local government in the State
14 for criminal justice in the preceding fiscal year.

15 “(2) Any funds not distributed to units of local gov-
16 ernment under paragraph (1) shall be available for ex-
17 penditure by the State for purposes specified under section
18 1601.

19 “(3) If the Director determines, on the basis of infor-
20 mation available during any fiscal year, that a portion of
21 the funds allocated to a State for the fiscal year will not
22 be used by the State or that a State is not eligible to re-
23 ceive funds under section 1601, the Director shall award
24 such funds to units of local government in the State giving

1 priority to the units of local government that the Director
2 considers to have the greatest need.

3 “(c) FEDERAL SHARE.—The Federal share of a
4 grant made under this part may not exceed 75 percent
5 of the total costs of the projects described in the applica-
6 tion submitted under section 1602(a) for the fiscal year
7 for which the projects receive assistance under this part.

8 **“SEC. 1606. EVALUATION.**

9 “(a) IN GENERAL.—(1) Each State and local unit of
10 government that receives a grant under this part shall
11 submit to the Director an evaluation not later than March
12 1 of each year in accordance with guidelines issued by the
13 Director and in consultation with the National Institute
14 of Justice.

15 “(2) The Director may waive the requirement speci-
16 fied in subsection (a) if the Director determines that such
17 evaluation is not warranted in the case of the State or
18 unit of local government involved.

19 “(b) DISTRIBUTION.—The Director shall make avail-
20 able to the public on a timely basis evaluations received
21 under subsection (a).

22 “(c) ADMINISTRATIVE COSTS.—A State and local
23 unit of government may use not more than 5 percent of
24 funds it receives under this part to develop an evaluation
25 program under this section.”.

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.) is amended by strik-
4 ing the matter relating to part P and inserting the
5 following:

“PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 1601. Grant authorization.

“Sec. 1602. State applications.

“Sec. 1603. Review of State applications.

“Sec. 1604. Local applications.

“Sec. 1605. Allocation and distribution of funds.

“Sec. 1606. Evaluation.

“PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1701. Continuation of rules, authorities, and proceedings.”.

6 (c) DEFINITION.—Section 901(a) of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3791(a)) is amended—

9 (1) by striking “and” at the end of paragraph
10 (22);

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

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

15 “(24) The term ‘young offender’ means an indi-
16 vidual 28 years of age or younger.”.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
18 1001(a) of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by
20 section 1401(e), is amended—

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

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

5 “(10) There is authorized to be appropriated
6 \$200,000,000 for each of the fiscal years 1994, 1995, and
7 1996 to carry out projects under part P.”.

8 **Subtitle D—Other Provisions**

9 **SEC. 641. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVE-** 10 **NILES.**

11 Section 501(b) of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
13 amended—

14 (1) by striking “and” at the end of paragraph
15 (20);

16 (2) by striking the period at the end of para-
17 graph (21) and inserting “; and”; and

18 (3) by inserting after paragraph (21) the fol-
19 lowing new paragraph:

20 “(22) programs that address the need for effec-
21 tive bindover systems for the prosecution of violent
22 16- and 17-year-olds in courts with jurisdiction over
23 adults for the crimes of—

24 “(A) murder in the first degree;

25 “(B) murder in the second degree;

1 “(C) attempted murder;

2 “(D) armed robbery when armed with a
3 firearm;

4 “(E) aggravated battery or assault when
5 armed with a firearm;

6 “(F) criminal sexual penetration when
7 armed with a firearm; and

8 “(G) drive-by shootings as described in
9 section 931 of title 18, United States Code.”.

10 **SEC. 642. GANG INVESTIGATION COORDINATION AND IN-**
11 **FORMATION COLLECTION.**

12 (a) **COORDINATION.**—The Attorney General (or the
13 Attorney General’s designee), in consultation with the Sec-
14 retary of the Treasury (or the Secretary’s designee), shall
15 develop a national strategy to coordinate gang-related in-
16 vestigations by Federal law enforcement agencies.

17 (b) **DATA COLLECTION.**—The Director of the Federal
18 Bureau of Investigation shall acquire and collect informa-
19 tion on incidents of gang violence for inclusion in an an-
20 nual uniform crime report.

21 (c) **REPORT.**—The Attorney General shall prepare a
22 report on national gang violence outlining the strategy de-
23 veloped under subsection (a) to be submitted to the Presi-
24 dent and Congress by January 1, 1994.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for fiscal year 1994
3 such sums as are necessary to carry out this section.

4 **SEC. 643. CLARIFICATION OF REQUIREMENT THAT ANY**
5 **PRIOR RECORD OF A JUVENILE BE PRO-**
6 **DUCED BEFORE THE COMMENCEMENT OF**
7 **JUVENILE PROCEEDINGS.**

8 Section 5032(j) of title 18, United States Code, as
9 designated by section 301(a), is amended by striking “Any
10 proceedings against a juvenile under this chapter or as an
11 adult shall not be commenced until” and inserting “A ju-
12 venile shall not be transferred to adult prosecution nor
13 shall a hearing be held under section 5037 until”.

14 **TITLE VII—TERRORISM AND**
15 **INTERNATIONAL MATTERS**

16 **SEC. 701. TERRORISM CIVIL REMEDY.**

17 (a) REINSTATEMENT OF LAW.—The amendments
18 made by section 132 of the Military Construction Appro-
19 priations Act, 1991 (104 Stat. 2250), are repealed effec-
20 tive as of April 10, 1991.

21 (b) TERRORISM.—Chapter 113A of title 18, United
22 States Code, as amended by subsection (a), is amended—
23 (1) in section 2331 (as in effect prior to enact-
24 ment of the Military Construction Appropriations

1 Act, 1991) by striking subsection (d) and redesignig-
2 nating subsection (e) as subsection (d);

3 (2) by redesignating section 2331 (as in effect
4 prior to enactment of the Military Construction Ap-
5 propriations Act, 1991) as section 2332 and amend-
6 ing the heading for section 2332, as redesignated, to
7 read as follows:

8 **“§ 2332. Criminal penalties”;**

9 (3) by inserting before section 2332, as redesign-
10 nated by paragraph (2), the following new section:

11 **“§ 2331. Definitions**

12 “In this chapter—

13 “‘act of war’ means any act occurring in the
14 course of—

15 “(A) declared war;

16 “(B) armed conflict, whether or not war
17 has been declared, between two or more na-
18 tions; or

19 “(C) armed conflict between military forces
20 of any origin.

21 “‘international terrorism’ means activities
22 that—

23 “(A) involve violent acts or acts dangerous
24 to human life that are a violation of the crimi-
25 nal laws of the United States or of any State,

1 or that would be a criminal violation if commit-
2 ted within the jurisdiction of the United States
3 or of any State;

4 “(B) appear to be intended—

5 “(i) to intimidate or coerce a civilian
6 population;

7 “(ii) to influence the policy of a gov-
8 ernment by intimidation or coercion; or

9 “(iii) to affect the conduct of a gov-
10 ernment by assassination or kidnapping;

11 and

12 “(C) occur primarily outside the territorial
13 jurisdiction of the United States, or transcend
14 national boundaries in terms of the means by
15 which they are accomplished, the persons they
16 appear intended to intimidate or coerce, or the
17 locale in which their perpetrators operate or
18 seek asylum.

19 “‘national of the United States’ has the mean-
20 ing given such term in section 101(a)(22) of the Im-
21 migration and Nationality Act.

22 “‘person’ means any individual or entity capa-
23 ble of holding a legal or beneficial interest in prop-
24 erty.”; and

1 (4) by inserting after section 2332, as redesignig-
2 nated by paragraph (2), the following new sections:

3 **“§ 2333. Civil remedies**

4 “(a) ACTION AND JURISDICTION.—Any national of
5 the United States injured in his or her person, property,
6 or business by reason of an act of international terrorism,
7 or his or her estate, survivors, or heirs, may sue therefor
8 in any appropriate district court of the United States and
9 shall recover threefold the damages he or she sustains and
10 the cost of the suit, including attorney’s fees.

11 “(b) ESTOPPEL UNDER UNITED STATES LAW.—A
12 final judgment or decree rendered in favor of the United
13 States in any criminal proceeding under section 1116,
14 1201, 1203, or 2332 of this title or section 902 (i), (k),
15 (l), (n), or (r) of the Federal Aviation Act of 1958 (49
16 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop
17 the defendant from denying the essential allegations of the
18 criminal offense in any subsequent civil proceeding under
19 this section.

20 “(c) ESTOPPEL UNDER FOREIGN LAW.—A final
21 judgment or decree rendered in favor of any foreign state
22 in any criminal proceeding shall, to the extent that such
23 judgment or decree may be accorded full faith and credit
24 under the law of the United States, estop the defendant
25 from denying the essential allegations of the criminal of-

1 fense in any subsequent civil proceeding under this
2 section.

3 **“§ 2334. Jurisdiction and venue**

4 “(a) GENERAL VENUE.—Any civil action under sec-
5 tion 2333 of this title against any person may be insti-
6 tuted in the district court of the United States for any
7 district where any plaintiff resides or where any defendant
8 resides or is served, or has an agent. Process in such a
9 civil action may be served in any district where the defend-
10 ant resides, is found, or has an agent.

11 “(b) SPECIAL MARITIME OR TERRITORIAL JURISDIC-
12 TION.—If the actions giving rise to the claim occurred
13 within the special maritime and territorial jurisdiction of
14 the United States, any civil action under section 2333
15 against any person may be instituted in the district court
16 of the United States for any district in which any plaintiff
17 resides or the defendant resides, is served, or has an
18 agent.

19 “(c) SERVICE ON WITNESSES.—A witness in a civil
20 action brought under section 2333 may be served in any
21 other district where the defendant resides, is found, or has
22 an agent.

23 “(d) CONVENIENCE OF THE FORUM.—The district
24 court shall not dismiss any action brought under section

1 2333 on the grounds of the inconvenience or inappropri-
2 ateness of the forum chosen, unless—

3 “(1) the action may be maintained in a foreign
4 court that has jurisdiction over the subject matter
5 and over all the defendants;

6 “(2) that foreign court is significantly more
7 convenient and appropriate; and

8 “(3) that foreign court offers a remedy that is
9 substantially the same as the one available in the
10 courts of the United States.

11 **“§ 2335. Limitation of actions**

12 “(a) IN GENERAL.—Subject to subsection (b), a suit
13 for recovery of damages under section 2333 shall not be
14 maintained unless commenced within 4 years from the
15 date the cause of action accrued.

16 “(b) CALCULATION OF PERIOD.—The time of the ab-
17 sence of the defendant from the United States or from
18 any jurisdiction in which the same or a similar action aris-
19 ing from the same facts may be maintained by the plain-
20 tiff, or any concealment of the defendant’s whereabouts,
21 shall not be counted for the purposes of the period of limi-
22 tation prescribed by subsection (a).

1 **“§ 2336. Other limitations**

2 “(a) ACTS OF WAR.—No action shall be maintained
3 under section 2333 for injury or loss by reason of an act
4 of war.

5 “(b) LIMITATION ON DISCOVERY.—If a party to an
6 action under section 2333 seeks to discover the investiga-
7 tive files of the Department of Justice, the attorney for
8 the Government may object on the ground that compliance
9 will interfere with a criminal investigation or prosecution
10 of the incident, or a national security operation related
11 to the incident, which is the subject of the civil litigation.
12 The court shall evaluate any objections raised by the Gov-
13 ernment in camera and shall stay the discovery if the court
14 finds that granting the discovery request will substantially
15 interfere with a criminal investigation or prosecution of
16 the incident or a national security operation related to the
17 incident. The court shall consider the likelihood of criminal
18 prosecution by the Government and other factors it deems
19 to be appropriate. A stay of discovery under this sub-
20 section shall constitute a bar to the granting of a motion
21 to dismiss under rules 12(b)(6) and 56 of the Federal
22 Rules of Civil Procedure.

23 “(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1)
24 The Attorney General may intervene in any civil action
25 brought under section 2333 for the purpose of seeking a
26 stay of the civil action. A stay shall be granted if the court

1 finds that the continuation of the civil action will substan-
2 tially interfere with a criminal prosecution which involves
3 the same subject matter and in which an indictment has
4 been returned, or interfere with national security oper-
5 ations related to the terrorist incident that is the subject
6 of the civil action. A stay may be granted for up to 6
7 months. The Attorney General may petition the court for
8 an extension of the stay for additional 6-month periods
9 until the criminal prosecution is completed or dismissed.

10 “(2) In a proceeding under this subsection, the Attor-
11 ney General may request that any order issued by the
12 court for release to the parties and the public omit any
13 reference to the basis on which the stay was sought.

14 **“§ 2337. Suits against Government officials**

15 “No action shall be maintained under section 2333
16 against—

17 “(1) the United States, an agency of the United
18 States, or an officer or employee of the United
19 States or any agency thereof acting within the offi-
20 cer’s or employee’s official capacity or under color of
21 legal authority; or

22 “(2) a foreign state, an agency of a foreign
23 state, or an officer or employee of a foreign state or
24 an agency thereof acting within the officer’s or em-

1 **SEC. 702. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

2 (a) OFFENSE.—Chapter 113A of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing new section:

5 **“§ 2339. Providing material support to terrorists**

6 “Whoever, within the United States, provides mate-
7 rial support or resources or conceals or disguises the na-
8 ture, location, source, or ownership of material support or
9 resources, knowing or intending that they are to be used
10 to facilitate a violation of section 32, 36, 351, 844 (f) or
11 (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
12 2332, or 2339A of this title or section 902(i) of the Fed-
13 eral Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or
14 to facilitate the concealment or an escape from the com-
15 mission of any of the foregoing, shall be fined under this
16 title, imprisoned not more than 10 years, or both. For pur-
17 poses of this section, material support or resources in-
18 cludes currency or other financial securities, financial
19 services, lodging, training, safehouses, false documenta-
20 tion or identification, communications equipment, facili-
21 ties, weapons, lethal substances, explosives, personnel,
22 transportation, and other physical assets.”.

23 (b) TECHNICAL AMENDMENT.—The chapter analysis
24 for chapter 113A of title 18, United States Code, as
25 amended by section 601(b)(1), is amended by adding at
26 the end the following new item:

“2339. Providing material support to terrorists.”.

1 **SEC. 703. FORFEITURE OF ASSETS USED TO SUPPORT**
2 **TERRORISTS.**

3 Section 982(a) of title 18, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(5) Any property, real or personal—

7 “(A) used or intended for use in commit-
8 ting or to facilitate the concealment or an es-
9 cape from the commission of; or

10 “(B) constituting or derived from the gross
11 profits or other proceeds obtained from,

12 a violation of section 32, 36, 351, 844 (f) or (i),
13 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
14 2332, or 2339A of this title or section 902(i) of the
15 Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).”.

16 **SEC. 704. ALIEN WITNESS COOPERATION.**

17 (a) AMENDMENT OF CHAPTER 224 OF TITLE 18.—
18 Chapter 224 of title 18, United States Code, is amended—

19 (1) by redesignating section 3528 as section
20 3529; and

21 (2) by inserting after section 3527 the following
22 new section:

23 **“§ 3528. Aliens; waiver of admission requirements**

24 “(a) IN GENERAL.—Upon authorizing protection to
25 any alien under this chapter, the United States shall pro-

1 vide the alien with appropriate immigration visas and
2 allow the alien to remain in the United States so long as
3 that alien abides by all laws of the United States and
4 guidelines, rules and regulations for protection. The Attor-
5 ney General may determine that the granting of perma-
6 nent resident status to such alien is in the public interest
7 and necessary for the safety and protection of such alien
8 without regard to the alien's admissibility under immigra-
9 tion or any other laws and regulations or the failure to
10 comply with such laws and regulations pertaining to ad-
11 missibility.

12 “(b) ALIEN WITH FELONY CONVICTIONS.—Notwith-
13 standing any other provision of this chapter, an alien who
14 would not be excluded because of felony convictions shall
15 be considered for permanent residence on a conditional
16 basis for a period of 2 years. Upon a showing that the
17 alien is still being provided protection, or that protection
18 remains available to the alien in accordance with this
19 chapter, or that the alien is still cooperating with the Gov-
20 ernment and has maintained good moral character, the
21 Attorney General shall remove the conditional basis of the
22 status effective as of the second anniversary of the alien's
23 obtaining the status of admission for permanent residence.
24 Permanent resident status shall not be granted to an alien
25 who would be excluded because of felony convictions unless

1 the Attorney General determines, pursuant to regulations
2 which shall be prescribed by the Attorney General, that
3 granting permanent residence status to the alien is nec-
4 essary in the interests of justice and comports with safety
5 of the community.

6 “(c) LIMIT ON NUMBER OF ALIENS.—The number
7 of aliens and members of their immediate families entering
8 the United States under the authority of this section shall
9 in no case exceed 200 persons in any fiscal year. The deci-
10 sion to grant or deny permanent resident status under this
11 section is at the discretion of the Attorney General and
12 shall not be subject to judicial review.

13 “(d) DEFINITIONS.—As used in this section, the
14 terms ‘alien’ and ‘United States’ have the meanings stated
15 in section 101 of the Immigration and Nationality Act (8
16 U.S.C. 1101).”.

17 (b) TECHNICAL AMENDMENT.—The chapter analysis
18 for chapter 224 of title 18, United States Code, is amend-
19 ed by striking the item relating to section 3528 and insert-
20 ing the following:

“3528. Aliens; waiver of admission requirements.

“3529. Definition.”.

1 **SEC. 705. TERRITORIAL SEA EXTENDING TO 12 MILES IN-**
2 **CLUDED IN SPECIAL MARITIME AND TERRI-**
3 **TORIAL JURISDICTION.**

4 The Congress declares that all the territorial sea of
5 the United States, as defined by Presidential Proclamation
6 5928 of December 27, 1988, is part of the United States,
7 subject to its sovereignty, and, for purposes of Federal
8 criminal jurisdiction, is within the special maritime and
9 territorial jurisdiction of the United States wherever that
10 term is used in title 18, United States Code.

11 **SEC. 706. ASSIMILATED CRIMES IN EXTENDED TERRI-**
12 **TORIAL SEA.**

13 Section 13 of title 18, United States Code is amend-
14 ed—

15 (1) in subsection (a), by inserting after “title”
16 the following: “or on, above, or below any portion of
17 the territorial sea of the United States not within
18 the territory of any State, territory, possession, or
19 district”; and

20 (2) by inserting at the end the following new
21 subsection:

22 “(c) Whenever any waters of the territorial sea of the
23 United States lie outside the territory of any State, terri-
24 tory, possession, or district, such waters (including the air-
25 space above and the seabed and subsoil below, and artifi-
26 cial islands and fixed structures erected thereon) shall be

1 deemed for purposes of subsection (a) to lie within the
2 area of the State, territory, possession, or district within
3 which it would lie if the boundaries of the State, territory,
4 possession, or district were extended seaward to the outer
5 limit of the territorial sea of the United States.”.

6 **SEC. 707. JURISDICTION OVER CRIMES AGAINST UNITED**
7 **STATES NATIONALS ON CERTAIN FOREIGN**
8 **SHIPS.**

9 Section 7 of title 18, United States Code, is amended
10 by inserting at the end the following new paragraph:

11 “(8) Any foreign vessel during a voyage having
12 a scheduled departure from or arrival in the United
13 States with respect to an offense committed by or
14 against a national of the United States.”.

15 **SEC. 708. PENALTIES FOR INTERNATIONAL TERRORIST**
16 **ACTS.**

17 Section 2332 of title 18, United States Code, as re-
18 designated by section 601(a)(2), is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2) by striking “ten” and
21 inserting “20”; and

22 (B) in paragraph (3) by striking “three”
23 and inserting “10”; and

24 (2) in subsection (c) by striking “five” and in-
25 serting “10”.

1 **SEC. 709. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated in each of
3 the fiscal years 1994, 1995, and 1996, in addition to any
4 other amounts specified in appropriations Acts, for
5 counterterrorist operations and programs—

6 (1) for the Federal Bureau of Investigation,
7 \$25,000,000;

8 (2) for the Department of State, \$10,000,000;

9 (3) for the United States Customs Service,
10 \$7,500,000;

11 (4) for the United States Secret Service,
12 \$2,500,000;

13 (5) for the Bureau of Alcohol, Tobacco, and
14 Firearms, \$2,500,000;

15 (6) for the Federal Aviation Administration,
16 \$2,500,000;

17 (7) for the United States Marshals Service,
18 \$2,500,000; and

19 (8) for grants to State and local law enforce-
20 ment agencies, to be administered by the Office of
21 Justice Programs in the Department of Justice, in
22 consultation with the Federal Bureau of Investiga-
23 tion, \$25,000,000.

24 **SEC. 710. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

25 (a) INTERNATIONAL ECONOMIC EMERGENCY POW-
26 ERS ACT.—(1) Section 206(a) of the International Eco-

1 nomic Emergency Powers Act (50 U.S.C. 1705(a)) is
2 amended by striking “\$10,000” and inserting
3 “\$1,000,000”.

4 (2) Section 206(b) of the International Economic
5 Emergency Powers Act (50 U.S.C. 1705(b)) is amended
6 by striking “\$50,000” and inserting “\$1,000,000”.

7 (b) SECTION 1541 OF TITLE 18.—Section 1541 of
8 title 18, United States Code, is amended—

9 (1) by striking “\$500” and inserting
10 “\$250,000”; and

11 (2) by striking “one year” and inserting “5
12 years”.

13 (c) CHAPTER 75 OF TITLE 18.—Sections 1542,
14 1543, 1544, and 1546 of title 18, United States Code,
15 are each amended—

16 (1) by striking “\$2,000” each place it appears
17 and inserting “\$250,000”; and

18 (2) by striking “five years” each place it ap-
19 pears and inserting “10 years”.

20 (d) SECTION 1545 OF TITLE 18.—Section 1545 of
21 title 18, United States Code, is amended—

22 (1) by striking “\$2,000” and inserting
23 “\$250,000”; and

24 (2) by striking “three years” and inserting “10
25 years”.

1 **SEC. 711. SENTENCING GUIDELINES INCREASE FOR TER-**
2 **RORIST CRIMES.**

3 The United States Sentencing Commission shall
4 study and, if warranted, amend its sentencing guidelines
5 to provide an increase in the base offense level for any
6 felony, whether committed within or outside the United
7 States, that involves or is intended to promote inter-
8 national terrorism, unless such involvement or intent is
9 itself an element of the crime.

10 **SEC. 712. EXTENSION OF THE STATUTE OF LIMITATIONS**
11 **FOR CERTAIN TERRORISM OFFENSES.**

12 (a) IN GENERAL.—Chapter 213 of title 18, United
13 States Code, is amended by inserting after section 3285
14 the following new section:

15 **“§ 3286. Extension of statute of limitations for certain**
16 **terrorism offenses**

17 “Notwithstanding section 3282, no person shall be
18 prosecuted, tried, or punished for any offense involving a
19 violation of section 32, 36, 112, 351, 1116, 1203, 1361,
20 1751, 2280, 2281, 2332, 2339A, or 2340A of this title
21 or section 902 (i), (j), (k), (l), or (n) of the Federal Avia-
22 tion Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l),
23 and (n)), unless the indictment is found or the information
24 is instituted within 10 years next after such offense shall
25 have 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. 713. INTERNATIONAL PARENTAL KIDNAPPING.**

6 (a) IN GENERAL.—Chapter 55 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing new section:

9 **“§ 1204. International parental kidnapping**

10 “(a) OFFENSE.—Whoever removes a child from the
11 United States or retains a child (who has been in the
12 United States) outside the United States with intent to
13 obstruct the lawful exercise of parental rights shall be
14 fined under this title, imprisoned not more than 3 years,
15 or both.

16 “(b) DEFINITIONS.—As used in this section—

17 “(1) the term ‘child’ means a person who has
18 not attained the age of 16 years; and

19 “(2) the term ‘parental rights’, with respect to
20 a child, means the right to physical custody of the
21 child—

22 “(A) whether joint or sole (and includes
23 visiting rights); and

1 “(B) whether arising by operation of law,
2 court order, or legally binding agreement of the
3 parties.

4 “(c) RULE OF CONSTRUCTION.—This section does
5 not detract from The Hague Convention on the Civil As-
6 pects of International Parental Child Abduction, done at
7 The Hague on October 25, 1980.”.

8 (b) TECHNICAL AMENDMENT.—The chapter analysis
9 for chapter 55 of title 18, United States Code, is amended
10 by adding at the end the following new item:

“1204. International parental kidnapping.”.

11 **SEC. 714. FOREIGN MURDER OF UNITED STATES**
12 **NATIONALS.**

13 (a) IN GENERAL.—Chapter 51 of title 18, United
14 States Code, as amended by section 141(a), is amended
15 by adding at the end the following new section:

16 **“§ 1120. Foreign murder of United States nationals**

17 “(a) OFFENSE.—Whoever kills or attempts to kill a
18 national of the United States while such national is out-
19 side the United States but within the jurisdiction of an-
20 other country shall be punished as provided under sections
21 1111, 1112, and 1113.

22 “(b) APPROVAL OF PROSECUTION.—No prosecution
23 may be instituted against any person under this section
24 except upon the written approval of the Attorney General,
25 the Deputy Attorney General, or an Assistant Attorney

1 General, which function of approving prosecutions may
2 not be delegated. No prosecution shall be approved if pros-
3 ecution has been previously undertaken by a foreign coun-
4 try for the same act or omission.

5 “(c) CRITERIA FOR APPROVAL.—No prosecution
6 shall be approved under this section unless the Attorney
7 General, in consultation with the Secretary of State, deter-
8 mines that the act or omission took place in a country
9 in which the person is no longer present, and the country
10 lacks the ability to lawfully secure the person’s return. A
11 determination by the Attorney General under this sub-
12 section is not subject to judicial review.

13 “(d) ASSISTANCE FROM OTHER AGENCIES.—In the
14 course of the enforcement of this section and notwith-
15 standing any other law, the Attorney General may request
16 assistance from any Federal, State, local, or foreign agen-
17 cy, including the Army, Navy, and Air Force.

18 “(e) DEFINITION.—As used in this section, the term
19 ‘national of the United States’ has the meaning stated in
20 section 101(a)(22) of the Immigration and Nationality Act
21 (8 U.S.C. 1101(a)(22)).”.

22 (b) TECHNICAL AMENDMENTS.—(1) Section 1117 of
23 title 18, United States Code, is amended by striking “or
24 1116” and inserting “1116, or 1120”.

1 (2) The chapter analysis for chapter 51 of title 18,
2 United States Code, as amended by section 141(b), is
3 amended by adding at the end the following new item:

“1120. Foreign murder of United States nationals.”.

4 **SEC. 715. EXTRADITION.**

5 (a) SCOPE.—Section 3181 of title 18, United States
6 Code, is amended—

7 (1) by inserting “(a) IN GENERAL.—” before
8 “The provisions of this chapter”; and

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

11 “(b) SURRENDER WITHOUT REGARD TO EXISTENCE
12 OF EXTRADITION TREATY.—This chapter shall be con-
13 strued to permit, in the exercise of comity, the surrender
14 of persons who have committed crimes of violence against
15 nationals of the United States in foreign countries without
16 regard to the existence of any treaty of extradition with
17 such foreign government if the Attorney General certifies
18 in writing that—

19 “(1) evidence has been presented by the foreign
20 government that indicates that, if the offenses had
21 been committed in the United States, they would
22 constitute crimes of violence (as defined under sec-
23 tion 16); and

24 “(2) the offenses charged are not of a political
25 nature.

1 “(c) DEFINITION.—As used in this section, the term
2 ‘national of the United States’ has the meaning stated in
3 section 101(a)(22) of the Immigration and Nationality Act
4 (8 U.S.C. 1101(a)(22)).”.

5 (b) FUGITIVES.—Section 3184 of title 18, United
6 States Code, is amended—

7 (1) in the first sentence by inserting after
8 “United States and any foreign government,” the
9 following: “or in cases arising under section
10 3181(b),”;

11 (2) in the first sentence by inserting after
12 “treaty or convention,” the following: “or provided
13 for under section 3181(b),”; and

14 (3) in the third sentence by inserting after
15 “treaty or convention,” the following: “or under sec-
16 tion 3181(b),”.

17 **SEC. 716. FBI ACCESS TO TELEPHONE SUBSCRIBER INFOR-**
18 **MATION.**

19 (a) REQUIRED CERTIFICATION.—Section 2709(b) of
20 title 18, United States Code, is amended to read as
21 follows:

22 “(b) REQUIRED CERTIFICATION.—

23 “(1) NAME, ADDRESS, AND LENGTH OF SERV-
24 ICE ONLY.—The Director of the Federal Bureau of
25 Investigation, or the Director’s designee in a posi-

1 tion not lower than Deputy Assistant Director, may
2 request the name, address, and length of service of
3 a person or entity if the Director (or designee in a
4 position not lower than Deputy Assistant Director)
5 certifies in writing to the wire or electronic commu-
6 nication service provider to which the request is
7 made that—

8 “(A) the information sought is relevant to
9 an authorized foreign counterintelligence inves-
10 tigation; and

11 “(B) there are specific and articulable
12 facts giving reason to believe that communica-
13 tion facilities registered in the name of the per-
14 son or entity have been used, through the serv-
15 ices of the provider, in communication with—

16 “(i) an individual who is engaging or
17 has engaged in international terrorism (as
18 defined in section 101 of the Foreign Intel-
19 ligence Surveillance Act of 1978 (50
20 U.S.C. 1801)) or clandestine intelligence
21 activities that involve or may involve a vio-
22 lation of the criminal statutes of the Unit-
23 ed States; or

24 “(ii) a foreign power (as defined in
25 section 101 of the Foreign Intelligence

1 Surveillance Act of 1978 (50 U.S.C.
2 1801)) or an agent of a foreign power (as
3 defined in that section) under cir-
4 cumstances giving reason to believe that
5 the communication concerned international
6 terrorism (as defined in that section) or
7 clandestine intelligence activities that in-
8 volve or may involve a violation of the
9 criminal statutes of the United States.

10 “(2) NAME, ADDRESS, LENGTH OF SERVICE,
11 AND TOLL BILLING RECORDS.—The Director of the
12 Federal Bureau of Investigation, or the Director’s
13 designee in a position not lower than Deputy Assist-
14 ant Director, may request the name, address, length
15 of service, and toll billing records of a person or en-
16 tity if the Director (or designee in a position not
17 lower than Deputy Assistant Director) certifies in
18 writing to the wire or electronic communication serv-
19 ice provider to which the request is made that—

20 “(A) the name, address, length of service, and
21 toll billing records sought are relevant to an author-
22 ized foreign counterintelligence investigation; and

23 “(B) there are specific and articulable facts giv-
24 ing reason to believe that the person or entity to
25 whom the information sought pertains is a foreign

1 power (as defined in section 101 of the Foreign In-
2 telligence Surveillance Act of 1978 (50 U.S.C.
3 1801)) or an agent of a foreign power (as defined
4 in that section).”.

5 (b) REPORT TO JUDICIARY COMMITTEES.—Section
6 2709(e) of title 18, United States Code, is amended by
7 adding after “Senate” the following: “, and the Committee
8 on the Judiciary of the House of Representatives and the
9 Committee on the Judiciary of the Senate,”.

10 **TITLE VIII—SEXUAL VIOLENCE,**
11 **CHILD ABUSE, AND VICTIMS’**
12 **RIGHTS**

13 **Subtitle A—Sexual Violence and**
14 **Child Abuse**

15 **SECTION 800. SHORT TITLE.**

16 This subtitle may be cited as the “Sexual Assault
17 Prevention Act of 1993”.

18 **CHAPTER 1—SEXUAL VIOLENCE**

19 **Subchapter A—Penalties and Remedies**

20 **SEC. 801. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

21 Section 3156(a)(4) of title 18, United States Code,
22 is amended—

23 (1) by striking “, or” at the end of subpara-
24 graph (A) and inserting a semicolon;

1 (2) by striking the period at the end of sub-
2 paragraph (B) and inserting “; or”; and

3 (3) by adding after subparagraph (B) the fol-
4 lowing new subparagraph:

5 “(C) any felony under chapter 109A or chapter
6 110.”.

7 **SEC. 802. DEATH PENALTY FOR MURDERS COMMITTED BY**
8 **SEX OFFENDERS.**

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

12 **“§ 1118. Death penalty for murders committed by sex**
13 **offenders**

14 “(a) OFFENSE.—A person who—

15 “(1) causes the death of a person intentionally,
16 knowingly, or through recklessness manifesting ex-
17 treme indifference to human life; or

18 “(2) causes the death of a person through the
19 intentional infliction of serious bodily injury,
20 shall be punished as provided in subsection (c).

21 “(b) FEDERAL JURISDICTION.—There is Federal ju-
22 risdiction over an offense described in this section if the
23 conduct resulting in death occurs in the course of another
24 offense against the United States.

1 “(c) PENALTY.—An offense described in this section
2 is a Class A felony. A sentence of death may be imposed
3 for an offense described in this section as provided in this
4 section, except that a sentence of death may not be im-
5 posed on a defendant who was below the age of 18 years
6 at the time of the commission of the crime.

7 “(d) MITIGATING FACTORS.—In determining wheth-
8 er to recommend a sentence of death, the jury shall con-
9 sider whether any aspect of the defendant’s character,
10 background, or record or any circumstance of the offense
11 that the defendant may proffer as a mitigating factor ex-
12 ists, including the following factors:

13 “(1) MENTAL CAPACITY.—The defendant’s
14 mental capacity to appreciate the wrongfulness of
15 his conduct or to conform his conduct to the require-
16 ments of law was significantly impaired.

17 “(2) DURESS.—The defendant was under un-
18 usual and substantial duress.

19 “(3) PARTICIPATION IN OFFENSE MINOR.—The
20 defendant is punishable as a principal (pursuant to
21 section 2) in the offense, which was committed by
22 another, but the defendant’s participation was rel-
23 atively minor.

24 “(e) AGGRAVATING FACTORS.—In determining
25 whether to recommend a sentence of death, the jury shall

1 consider any aggravating factor for which notice has been
2 provided under subsection (f) of this section, including the
3 following factors—

4 “(1) KILLING IN COURSE OF DESIGNATED SEX
5 CRIMES.—The conduct resulting in death occurred
6 in the course of an offense defined in chapter 109A,
7 110, or 117.

8 “(2) KILLING IN CONNECTION WITH SEXUAL
9 ASSAULT OR CHILD MOLESTATION.—The defendant
10 committed a crime of sexual assault or crime of
11 child molestation in the course of an offense on
12 which Federal jurisdiction is based under subsection
13 (b).

14 “(3) PRIOR CONVICTION OF SEXUAL ASSAULT
15 OR CHILD MOLESTATION.—The defendant has pre-
16 viously been convicted of a crime of sexual assault
17 or crime of child molestation.

18 “(f) NOTICE OF INTENT TO SEEK DEATH PEN-
19 ALTY.—If the Government intends to seek the death pen-
20 alty for an offense under this section, the attorney for the
21 Government shall file with the court and serve on the de-
22 fendant a notice of such intent. The notice shall be pro-
23 vided a reasonable time before the trial or acceptance of
24 a guilty plea, or at such later time before trial as the court
25 may permit for good cause. If the court permits a late

1 filing of the notice upon a showing of good cause, the court
2 shall ensure that the defendant has adequate time to pre-
3 pare for trial. The notice shall set forth the aggravating
4 factor or factors the Government will seek to prove as the
5 basis for the death penalty. The factors for which notice
6 is provided under this subsection may include factors con-
7 cerning the effect of the offense on the victim and the vic-
8 tim's family. The court may permit the attorney for the
9 Government to amend the notice upon a showing of good
10 cause.

11 “(g) JUDGE AND JURY AT CAPITAL SENTENCING
12 HEARING.—A hearing to determine whether the death
13 penalty will be imposed for an offense under this section
14 shall be conducted by the judge who presided at trial or
15 accepted a guilty plea, or by another judge if that judge
16 is not available. The hearing shall be conducted before the
17 jury that determined the defendant's guilt if that jury is
18 available. A new jury shall be impaneled for the purpose
19 of the hearing if the defendant pleaded guilty, the trial
20 of guilt was conducted without a jury, the jury that deter-
21 mined the defendant's guilt was discharged for good
22 cause, or reconsideration of the sentence is necessary after
23 the initial imposition of a sentence of death. A jury
24 impaneled under this subsection shall have 12 members
25 unless the parties stipulate to a lesser number at any time

1 before the conclusion of the hearing with the approval of
2 the judge. Upon motion of the defendant, with the ap-
3 proval of the attorney for the Government, the hearing
4 shall be carried out before the judge without a jury. If
5 there is no jury, references to ‘the jury’ in this section,
6 where applicable, shall be understood as referring to the
7 judge.

8 “(h) PROOF OF MITIGATING AND AGGRAVATING
9 FACTORS.—No presentence report shall be prepared if a
10 capital sentencing hearing is held under this section. Any
11 information relevant to the existence of mitigating factors,
12 or to the existence of aggravating factors for which notice
13 has been provided under subsection (f), may be presented
14 by either the Government or the defendant. The informa-
15 tion presented may include trial transcripts and exhibits.
16 Information presented by the Government in support of
17 factors concerning the effect of the offense on the victim
18 and the victim’s family may include oral testimony, a vic-
19 tim impact statement that identifies the victim of the of-
20 fense and the nature and extent of harm and loss suffered
21 by the victim and the victim’s family, and other relevant
22 information. Information is admissible regardless of its
23 admissibility under the rules governing the admission of
24 evidence at criminal trials, except that information may
25 be excluded if its probative value is outweighed by the dan-

1 ger of creating unfair prejudice, confusing the issues, or
2 misleading the jury. The attorney for the Government and
3 the attorney for the defendant shall be permitted to rebut
4 any information received at the hearing, and shall be given
5 fair opportunity to present argument as to the adequacy
6 of the information to establish the existence of any aggra-
7 vating or mitigating factor, and as to the appropriateness
8 in that case of imposing a sentence of death. The attorney
9 for the Government shall open the argument, the defend-
10 ant shall be permitted to reply, and the Government shall
11 then be permitted to reply in rebuttal.

12 “(i) FINDINGS OF AGGRAVATING AND MITIGATING
13 FACTORS.—The jury shall return special findings identify-
14 ing any aggravating factor or factors for which notice has
15 been provided under subsection (f) and which the jury
16 unanimously determines have been established by the Gov-
17 ernment beyond a reasonable doubt. A mitigating factor
18 is established if the defendant has proven its existence by
19 a preponderance of the evidence, and any member of the
20 jury who finds the existence of such a factor may regard
21 it as established for purposes of this section regardless of
22 the number of jurors who concur that the factor has been
23 established.

24 “(j) FINDING CONCERNING A SENTENCE OF
25 DEATH.—If the jury specially finds under subsection (i)

1 that one or more aggravating factors set forth in this sec-
2 tion exist, and the jury further finds unanimously that
3 there are no mitigating factors or that the aggravating
4 factor or factors specially found under subsection (i) out-
5 weigh any mitigating factors, the jury shall recommend
6 a sentence of death. In any other case, the jury shall not
7 recommend a sentence of death. The jury shall be in-
8 structed that it must avoid any influence of sympathy,
9 sentiment, passion, prejudice, or other arbitrary factors in
10 its decision, and should make such a recommendation as
11 the information warrants.

12 “(k) SPECIAL PRECAUTION TO ASSURE AGAINST
13 DISCRIMINATION.—In a hearing held before a jury, the
14 court, before the return of a finding under subsection (j),
15 shall instruct the jury that, in considering whether to rec-
16 ommend a sentence of death, it shall not be influenced
17 by prejudice or bias relating to the race, color, religion,
18 national origin, or sex of the defendant or any victim, and
19 that the jury is not to recommend a sentence of death
20 unless it has concluded that it would recommend a sen-
21 tence of death for such a crime regardless of the race,
22 color, religion, national origin, or sex of the defendant or
23 any victim. The jury, upon the return of a finding under
24 subsection (j), shall also return to the court a certificate,
25 signed by each juror, that the race, color, religion, national

1 origin, or sex of the defendant or any victim did not affect
2 the juror's individual decision and that the individual juror
3 would have recommended the same sentence for such a
4 crime regardless of the race, color, religion, national ori-
5 gin, or sex of the defendant or any victim.

6 “(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon
7 a recommendation under subsection (j) that a sentence of
8 death be imposed, the court shall sentence the defendant
9 to death. Otherwise the court shall impose a sentence,
10 other than death, that is authorized by law.

11 “(m) REVIEW OF A SENTENCE OF DEATH.—The de-
12 fendant may appeal a sentence of death under this section
13 by filing a notice of appeal of the sentence within the time
14 provided for filing a notice of appeal of the judgment of
15 conviction. An appeal of a sentence under this subsection
16 may be consolidated with an appeal of the judgment of
17 conviction and shall have priority over all non-capital mat-
18 ters in the court of appeals. The court of appeals shall
19 review the entire record in the case including the evidence
20 submitted at trial and information submitted during the
21 sentencing hearing, the procedures employed in the sen-
22 tencing hearing, and the special findings returned under
23 subsection (i). The court of appeals shall uphold the sen-
24 tence if it determines that the sentence of death was not
25 imposed under the influence of passion, prejudice, or any

1 other arbitrary factor, that the evidence and information
2 support the special findings under subsection (i), and that
3 the proceedings were otherwise free of prejudicial error
4 that was properly preserved for and raised on appeal. In
5 any other case, the court of appeals shall remand the case
6 for reconsideration of the sentence or imposition of an-
7 other authorized sentence as appropriate, except that the
8 court shall not reverse a sentence of death on the ground
9 that an aggravating factor was not supported by the evi-
10 dence and information if at least one aggravating factor
11 set forth in subsection (e) that was found to exist remains
12 and the court, on the basis of the evidence submitted at
13 trial and the information submitted at the sentencing
14 hearing, finds no mitigating factor or finds that the re-
15 maining aggravating factor or factors which were found
16 to exist outweigh any mitigating factors. The court of ap-
17 peals shall state in writing the reasons for its disposition
18 of an appeal of a sentence of death under this section.

19 “(n) IMPLEMENTATION OF SENTENCE OF DEATH.—
20 A person sentenced to death under this section shall be
21 committed to the custody of the Attorney General until
22 exhaustion of the procedures for appeal of the judgment
23 of conviction and review of the sentence. When the sen-
24 tence is to be implemented, the Attorney General shall re-
25 lease the person sentenced to death to the custody of a

1 United States Marshal. The Marshal shall supervise im-
2 plementation of the sentence in the manner prescribed by
3 the law of the State in which the sentence is imposed, or
4 in the manner prescribed by the law of another State des-
5 igned by the court if the law of the State in which the
6 sentence was imposed does not provide for implementation
7 of a sentence of death. The Marshal may use State or local
8 facilities, may use the services of an appropriate State or
9 local official or of a person such an official employs, and
10 shall pay the costs thereof in an amount approved by the
11 Attorney General.

12 “(o) SPECIAL BAR TO EXECUTION.—A sentence of
13 death shall not be carried out upon a woman while she
14 is pregnant.

15 “(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION
16 IN EXECUTION.—No employee of any State department
17 of corrections, the Federal Bureau of Prisons, or the Unit-
18 ed States Marshals Service, and no person providing serv-
19 ices to that department, bureau, or service under contract
20 shall be required, as a condition of that employment or
21 contractual obligation, to be in attendance at or to partici-
22 pate in any execution carried out under this section if such
23 participation is contrary to the moral or religious convic-
24 tions of the employee. For purposes of this subsection, the
25 term ‘participate in any execution’ includes personal prep-

1 aration of the condemned individual and the apparatus
2 used for the execution, and supervision of the activities
3 of other personnel in carrying out such activities.

4 “(q) APPOINTMENT OF COUNSEL FOR INDIGENT
5 CAPITAL DEFENDANTS.—A defendant against whom a
6 sentence of death is sought, or on whom a sentence of
7 death has been imposed, under this section, shall be enti-
8 tled to appointment of counsel from the commencement
9 of trial proceedings until one of the conditions specified
10 in subsection (v) has occurred, if the defendant is or be-
11 comes financially unable to obtain adequate representa-
12 tion. Counsel shall be appointed for trial representation
13 as provided in section 3005, and at least one counsel so
14 appointed shall continue to represent the defendant until
15 the conclusion of direct review of the judgment, unless re-
16 placed by the court with other qualified counsel. Except
17 as otherwise provided in this section, section 3006A shall
18 apply to appointments under this section.

19 “(r) REPRESENTATION AFTER FINALITY OF JUDG-
20 MENT.—When a judgment imposing a sentence of death
21 under this section has become final through affirmance by
22 the Supreme Court on direct review, denial of certiorari
23 by the Supreme Court on direct review, or expiration of
24 the time for seeking direct review in the court of appeals
25 or the Supreme Court, the Government shall promptly no-

1 tify the court that imposed the sentence. The court, within
2 10 days of receipt of such notice, shall proceed to make
3 a determination whether the defendant is eligible for ap-
4 pointment of counsel for subsequent proceedings. The
5 court shall issue an order appointing one or more counsel
6 to represent the defendant upon a finding that the defend-
7 ant is financially unable to obtain adequate representation
8 and wishes to have counsel appointed or is unable com-
9 petently to decide whether to accept or reject appointment
10 of counsel. The court shall issue an order denying appoint-
11 ment of counsel upon a finding that the defendant is fi-
12 nancially able to obtain adequate representation or that
13 the defendant rejected appointment of counsel with an un-
14 derstanding of the consequences of that decision. Counsel
15 appointed pursuant to this subsection shall be different
16 from the counsel who represented the defendant at trial
17 and on direct review unless the defendant and counsel re-
18 quest a continuation or renewal of the earlier representa-
19 tion.

20 “(s) STANDARDS FOR COMPETENCE OF COUNSEL.—
21 In relation to a defendant who is entitled to appointment
22 of counsel under this section, at least one counsel ap-
23 pointed for trial representation must have been admitted
24 to the bar for at least 5 years and have at least 3 years
25 of experience in the trial of felony cases in the Federal

1 district courts. If new counsel is appointed after judgment,
2 at least one counsel so appointed must have been admitted
3 to the bar for at least 5 years and have at least 3 years
4 of experience in the litigation of felony cases in the Fed-
5 eral courts of appeals or the Supreme Court. The court,
6 for good cause, may appoint counsel who does not meet
7 these standards, but whose background, knowledge, or ex-
8 perience would otherwise enable that counsel to properly
9 represent the defendant, with due consideration of the se-
10 riousness of the penalty and the nature of the litigation.

11 “(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN
12 COLLATERAL PROCEEDINGS.—The ineffectiveness or in-
13 competence of counsel during proceedings on a motion
14 under section 2255 of title 28 shall not be a ground for
15 relief from the judgment or sentence in any proceeding.
16 This limitation shall not preclude the appointment of dif-
17 ferent counsel at any stage of the proceedings.

18 “(u) TIME FOR COLLATERAL ATTACK ON DEATH
19 SENTENCE.—A motion under section 2255 of title 28 at-
20 tacking a sentence of death under this section, or the con-
21 viction on which it is predicated, shall be filed within 90
22 days of the issuance of the order under subsection (r) ap-
23 pointing or denying the appointment of counsel for such
24 proceedings. The court in which the motion is filed, for
25 good cause shown, may extend the time for filing for a

1 period not exceeding 60 days. Such a motion shall have
2 priority over all non-capital matters in the district court,
3 and in the court of appeals on review of the district court's
4 decision.

5 “(v) STAY OF EXECUTION.—The execution of a sen-
6 tence of death under this section shall be stayed in the
7 course of direct review of the judgment and during the
8 litigation of an initial motion in the case under section
9 2255 of title 28. The stay shall run continuously following
10 imposition of the sentence and shall expire if—

11 “(1) the defendant fails to file a motion under
12 section 2255 of title 28 within the time specified in
13 subsection (u), or fails to make a timely application
14 for court of appeals review following the denial of
15 such a motion by a district court;

16 “(2) upon completion of district court and court
17 of appeals review under section 2255 of title 28, the
18 Supreme Court disposes of a petition for certiorari
19 in a manner that leaves the capital sentence undis-
20 turbed, or the defendant fails to file a timely petition
21 for certiorari; or

22 “(3) before a district court, in the presence of
23 counsel and after having been advised of the con-
24 sequences of such a decision, the defendant waives

1 the right to file a motion under section 2255 of title
2 28.

3 “(w) FINALITY OF THE DECISION ON REVIEW.—If
4 one of the conditions specified in subsection (v) has oc-
5 curred, no court thereafter shall have the authority to
6 enter a stay of execution or grant relief in the case un-
7 less—

8 “(1) the basis for the stay and request for relief
9 is a claim not presented in earlier proceedings;

10 “(2) the failure to raise the claim is the result
11 of governmental action in violation of the Constitu-
12 tion or laws of the United States, the result of the
13 Supreme Court’s recognition of a new Federal right
14 that is retroactively applicable, or the result of the
15 fact that the factual predicate of the claim could not
16 have been discovered through the exercise of reason-
17 able diligence in time to present the claim in earlier
18 proceedings; and

19 “(3) the facts underlying the claim would be
20 sufficient, if proven, to undermine the court’s con-
21 fidence in the determination of guilt on the offense
22 or offenses for which the death penalty was imposed.

23 “(x) DEFINITIONS.—In this section—

24 “ ‘child’ means a person below the age of 14.

1 “‘crime of child molestation’ means a crime
2 under Federal or State law that involved—

3 “(A) contact between any part of the de-
4 fendant’s body or an object and the genitals or
5 anus of a child;

6 “(B) contact between the genitals or anus
7 of the defendant and any part of the body of
8 a child;

9 “(C) deriving sexual pleasure or gratifi-
10 cation from the infliction of death, bodily in-
11 jury, or physical pain on a child; or

12 “(D) an attempt or conspiracy to engage
13 in any conduct described in paragraphs (A)
14 through (C).

15 “‘crime of sexual assault’ means a crime under
16 Federal or State law that involved—

17 “(A) contact, without consent, between any
18 part of the defendant’s body or an object and
19 the genitals or anus of another person;

20 “(B) contact, without consent, between the
21 genitals or anus of the defendant and any part
22 of the body of another person;

23 “(C) deriving sexual pleasure or gratifi-
24 cation from the infliction of death, bodily in-
25 jury, or physical pain on another person; or

1 “(D) an attempt or conspiracy to engage
2 in any conduct described in paragraphs (A)
3 through (C).”.

4 (b) TECHNICAL AMENDMENT.—The chapter analysis
5 for chapter 110A of title 18, United States Code, is
6 amended by adding at the end the following new item:

“1118. Death penalty for murders committed by sex offenders.”.

7 **SEC. 803. INCREASED PENALTIES FOR RECIDIVIST SEX**
8 **OFFENDERS.**

9 (a) PENALTIES FOR SUBSEQUENT OFFENSES.—
10 Chapter 109A of title 18, United States Code, is amend-
11 ed—

12 (1) by redesignating section 2245 as section
13 2246; and

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

16 **“§ 2245. Penalties for subsequent offenses**

17 “A person who violates this chapter, after a prior con-
18 viction under this chapter or the law of a State (as defined
19 in section 513) for conduct proscribed by this chapter has
20 become final, is punishable by a term of imprisonment up
21 to twice that otherwise authorized.”.

22 (b) TECHNICAL AMENDMENT.—The chapter analysis
23 for chapter 109A of title 18, United States Code, is
24 amended—

1 (1) by striking “2245” and inserting “2246”;

2 and

3 (2) by inserting after the item relating to sec-

4 tion 2244 the following new item:

“2245. Penalties for subsequent offenses.”.

5 **SEC. 804. INCREASED PENALTIES FOR SEX OFFENSES**

6 **AGAINST VICTIMS BELOW THE AGE OF 16.**

7 Section 2245(2) of title 18, United States Code, is

8 amended—

9 (1) by striking “or” at the end of subparagraph

10 (B);

11 (2) by striking “; and” at the end of subpara-

12 graph (C) and inserting “; or”; and

13 (3) by inserting after subparagraph (C) the fol-

14 lowing new subparagraph:

15 “(D) the intentional touching, not through the

16 clothing, of the genitalia of another person who has

17 not attained the age of 16 years with an intent to

18 abuse, humiliate, harass, degrade, or arouse or grat-

19 ify the sexual desire of any person;”.

20 **SEC. 805. SENTENCING GUIDELINES INCREASE FOR SEX**

21 **OFFENSES.**

22 The United States Sentencing Commission shall

23 study and, if necessary, amend the sentencing guidelines

24 to increase by at least 4 levels the base offense level for

25 an offense under section 2241 (relating to aggravated sex-

1 ual abuse) or section 2242 (relating to sexual abuse) of
2 title 18, United States Code, and shall consider whether
3 any other changes are warranted in the guidelines provi-
4 sions applicable to such offenses to ensure realization of
5 the objectives of sentencing. In amending the guidelines
6 in conformity with this section, the Sentencing Commis-
7 sion shall review the appropriateness and adequacy of ex-
8 isting offense characteristics and adjustments applicable
9 to such offenses, taking into account the heinousness of
10 sexual abuse offenses, the severity and duration of the
11 harm caused to victims, and any other relevant factors.

12 **SEC. 806. HIV TESTING AND PENALTY ENHANCEMENT IN**
13 **SEXUAL OFFENSE CASES.**

14 (a) IN GENERAL.—Chapter 109A of title 18, United
15 States Code, as amended by section 803, is amended by
16 inserting at the end the following new section:

17 **“§ 2247. Testing for human immunodeficiency virus;**
18 **disclosure of test results to victim; effect**
19 **on penalty**

20 “(a) TESTING AT TIME OF PRE-TRIAL RELEASE DE-
21 TERMINATION.—In a case in which a person is charged
22 with an offense under this chapter, a judicial officer issu-
23 ing an order pursuant to section 3142(a) shall include in
24 the order a requirement that a test for the human
25 immunodeficiency virus be performed upon the person and

1 that followup tests for the virus be performed 6 months
2 and 12 months following the date of the initial test, unless
3 the judicial officer determines that the conduct of the per-
4 son created no risk of transmission of the virus to the vic-
5 tim, and so states in the order. The order shall direct that
6 the initial test be performed within 24 hours, or as soon
7 thereafter as feasible. The person shall not be released
8 from custody until the test is performed.

9 “(b) TESTING AT LATER TIME.—If a person charged
10 with an offense under this chapter was not tested for the
11 human immunodeficiency virus pursuant to subsection (a),
12 the court may at a later time direct that such a test be
13 performed upon the person, and that follow-up tests be
14 performed 6 months and 12 months following the date of
15 the initial test, if it appears to the court that the conduct
16 of the person may have risked transmission of the virus
17 to the victim. A testing requirement under this subsection
18 may be imposed at any time while the charge is pending,
19 or following conviction at any time prior to the person’s
20 completion of service of the sentence.

21 “(c) TERMINATION OF TESTING REQUIREMENT.—A
22 requirement of follow-up testing imposed under this sec-
23 tion shall be canceled if any test is positive for the virus
24 or the person obtains an acquittal on, or dismissal of, all
25 charges under this chapter.

1 “(d) DISCLOSURE OF TEST RESULTS.—The results
2 of any test for the human immunodeficiency virus per-
3 formed pursuant to an order under this section shall be
4 provided to the judicial officer or court. The judicial offi-
5 cer or court shall ensure that the results are disclosed to
6 the victim (or to the victim’s parent or legal guardian, as
7 appropriate), the attorney for the Government, and the
8 person tested.

9 “(e) EFFECT ON PENALTY.—The United States Sen-
10 tencing Commission shall amend existing guidelines for
11 sentences for offenses under this chapter to enhance the
12 sentence if the offender knew or had reason to know that
13 he was infected with the human immunodeficiency virus,
14 except where the offender did not engage or attempt to
15 engage in conduct creating a risk of transmission of the
16 virus to the victim.”.

17 (b) TECHNICAL AMENDMENT.—The chapter analysis
18 for chapter 109A of title 18, United States Code, as
19 amended by section 803, is amended by adding at the end
20 the following new item:

“2247. Testing for human immunodeficiency virus; disclosure of test results to
victim; effect on penalty.”.

21 **SEC. 807. PAYMENT OF COST OF HIV TESTING FOR VICTIMS**
22 **IN SEX OFFENSE CASES.**

23 Section 503(c)(7) of the Victims’ Rights and Restitu-
24 tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by

1 inserting: “, the cost of up to two tests of the victim for
2 the human immunodeficiency virus during the 12 months
3 following the assault, and the cost of a counseling session
4 by a medically trained professional on the accuracy of such
5 tests and the risk of transmission of the human
6 immunodeficiency virus to the victim as the result of the
7 assault” before the period at the end.

8 **SEC. 808. EXTENSION AND STRENGTHENING OF RESTITU-**
9 **TION.**

10 Section 3663 of title 18, United States Code, is
11 amended—

12 (1) in subsection (b)—

13 (A) in paragraph (2) by inserting “or an
14 offense under chapter 109A or chapter 110”
15 after “an offense resulting in bodily injury to a
16 victim”;

17 (B) by striking “and” at the end of para-
18 graph (3);

19 (C) by redesignating paragraph (4) as
20 paragraph (5); and

21 (D) by inserting after paragraph (3) the
22 following new paragraph:

23 “(4) in any case, reimburse the victim for lost
24 income and necessary child care, transportation, and
25 other expenses related to participation in the inves-

1 tigation or prosecution of the offense or attendance
2 at proceedings related to the offense; and”;

3 (2) in subsection (d) by adding at the end:

4 “However, the court shall issue an order requiring
5 restitution of the full amount of the victim’s losses
6 and expenses for which restitution is authorized
7 under this section in imposing sentence for an of-
8 fense under chapter 109A or chapter 110, unless the
9 Government and the victim do not request such
10 restitution.”.

11 **SEC. 809. ENFORCEMENT OF RESTITUTION ORDERS**
12 **THROUGH SUSPENSION OF FEDERAL BENE-**
13 **FITS.**

14 Section 3663 of title 18, United States Code, is
15 amended—

16 (1) by redesignating subsections (g) and (h) as
17 subsections (h) and (i), respectively; and

18 (2) by inserting after subsection (f) the follow-
19 ing new subsection:

20 “(g)(1) If the defendant is delinquent in making res-
21 titution in accordance with any schedule of payments or
22 any requirement of immediate payment imposed under
23 this section, the court may, after a hearing, suspend the
24 defendant’s eligibility for all Federal benefits until such

1 time as the defendant demonstrates to the court good-
2 faith efforts to return to such schedule.

3 “(2) In this subsection—

4 “(A) ‘Federal benefits’—

5 “(i) means any grant, contract, loan, pro-
6 fessional license, or commercial license provided
7 by an agency of the United States or appro-
8 priated funds of the United States; and

9 “(ii) does not include any retirement, wel-
10 fare, Social Security, health, disability, veterans
11 benefit, public housing, or other similar benefit,
12 or any other benefit for which payments or
13 services are required for eligibility.

14 “(B) ‘veterans benefit’ means all benefits pro-
15 vided to veterans, their families, or survivors by vir-
16 tue of the service of a veteran in the Armed Forces
17 of the United States.”.

18 **SEC. 810. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIO-**
19 **LENCE.**

20 (a) CAUSE OF ACTION.—A person who, in violation
21 of the Constitution or laws of the United States, engages
22 in sexual violence against another, shall be liable to the
23 injured party in an action under this section. The relief
24 available in such an action shall include compensatory and

1 punitive damages and any appropriate equitable or declar-
2 atory relief.

3 (b) DEFINITION.—In this section, “sexual violence”
4 means any conduct proscribed by chapter 109A of title
5 18, United States Code, whether or not the conduct occurs
6 in the special maritime and territorial jurisdiction of the
7 United States or in a Federal prison.

8 (c) ATTORNEY’S FEES.—Section 922 of the Revised
9 Statutes (42 U.S.C. 1988) is amended—

10 (1) by striking “or” after “Public Law 92–
11 318”; and

12 (2) by inserting “, or section 111 of the Sexual
13 Assault Prevention Act of 1993,” after “1964”.

14 **Subchapter B—Rules of Evidence, Practice,**
15 **and Procedure**

16 **SEC. 821. ADMISSIBILITY OF EVIDENCE OF SIMILAR**
17 **CRIMES IN SEX OFFENSE CASES.**

18 The Federal Rules of Evidence are amended by add-
19 ing after Rule 412 the following new rules:

20 **“Rule 413. Evidence of Similar Crimes in Sexual As-**
21 **sault Cases**

22 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
23 which the defendant is accused of an offense of sexual as-
24 sault, evidence of the defendant’s commission of another
25 offense or offenses of sexual assault is admissible, and

1 may be considered for its bearing on any matter to which
2 it is relevant.

3 “(b) DISCLOSURE TO DEFENDANT.—In a case in
4 which the government intends to offer evidence under this
5 rule, the attorney for the government shall disclose the
6 evidence to the defendant, including statements of wit-
7 nesses or a summary of the substance of any testimony
8 that is expected to be offered, at least 15 days before the
9 scheduled date of trial or at such later time as the court
10 may allow for good cause.

11 “(c) EFFECT ON OTHER RULES.—This rule shall not
12 be construed to limit the admission or consideration of evi-
13 dence under any other rule.

14 “(d) DEFINITION.—For purposes of this rule and
15 rule 415, ‘offense of sexual assault’ means a crime under
16 Federal law or the law of a State (as defined in section
17 513 of title 18, United States Code) that involved—

18 “(1) conduct proscribed by chapter 109A of
19 title 18, United States Code;

20 “(2) contact, without consent, between any part
21 of the defendant’s body or an object and the genitals
22 or anus of another person;

23 “(3) contact, without consent, between the geni-
24 tals or anus of the defendant and any part of an-
25 other person’s body;

1 “(4) deriving sexual pleasure or gratification
2 from the infliction of death, bodily injury, or phys-
3 ical pain on another person; or

4 “(5) an attempt or conspiracy to engage in con-
5 duct described in paragraph (1), (2), (3), or (4).

6 **“Rule 414. Evidence of Similar Crimes in Child Mo-**
7 **lestation Cases**

8 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
9 which the defendant is accused of an offense of child mo-
10 lestation, evidence of the defendant’s commission of an-
11 other offense or offenses of child molestation is admissible
12 and may be considered for its bearing on any matter to
13 which it is relevant.

14 “(b) DISCLOSURE TO DEFENDANT.—In a case in
15 which the government intends to offer evidence under this
16 rule, the attorney for the government shall disclose the
17 evidence to the defendant, including statements of wit-
18 nesses or a summary of the substance of any testimony
19 that is expected to be offered, at least 15 days before the
20 scheduled date of trial or at such later time as the court
21 may allow for good cause.

22 “(c) EFFECT ON OTHER RULES.—This rule shall not
23 be construed to limit the admission or consideration of evi-
24 dence under any other rule.

1 “(d) DEFINITION.—For purposes of this rule and
2 rule 414, ‘child’ means a person below the age of 14 years,
3 and ‘offense of child molestation’ means a crime under
4 Federal law or the law of a State (as defined in section
5 513 of title 18, United States Code) that involved—

6 “(1) conduct proscribed by chapter 109A of
7 title 18, United States Code, that was committed in
8 relation to a child;

9 “(2) conduct proscribed by chapter 110 of title
10 18, United States Code;

11 “(3) contact between any part of the defend-
12 ant’s body or an object and the genitals or anus of
13 a child;

14 “(4) contact between the genitals or anus of the
15 defendant and any part of the body of a child;

16 “(5) deriving sexual pleasure or gratification
17 from the infliction of death, bodily injury, or phys-
18 ical pain on a child; or

19 “(6) an attempt or conspiracy to engage in con-
20 duct described in paragraph (1), (2), (3), (4), or (5).

21 **“Rule 415. Evidence of Similar Acts in Civil Cases**
22 **Concerning Sexual Assault or Child Mo-**
23 **lestation**

24 “(a) EVIDENCE ADMISSIBLE.—In a civil case in
25 which a claim for damages or other relief is predicated

1 on a party's alleged commission of conduct constituting
2 an offense of sexual assault or child molestation, evidence
3 of that party's commission of another offense or offenses
4 of sexual assault or child molestation is admissible and
5 may be considered as provided in rule 413 and rule 414
6 of these rules.

7 “(b) DISCLOSURE TO OTHER PARTIES.—A party who
8 intends to offer evidence under this rule shall disclose the
9 evidence to the party against whom it will be offered, in-
10 cluding statements of witnesses or a summary of the sub-
11 stance of any testimony that is expected to be offered, at
12 least 15 days before the scheduled date of trial or at such
13 later time as the court may allow for good cause.

14 “(c) EFFECT ON OTHER RULES.—This rule shall not
15 be construed to limit the admission or consideration of evi-
16 dence under any other rule.”.

17 **SEC. 822. EXTENSION AND STRENGTHENING OF RAPE VIC-**
18 **TIM SHIELD LAW.**

19 (a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—
20 Rule 412 of the Federal Rules of Evidence is amended—

21 (1) in subdivisions (a) and (b) by striking
22 “criminal case” and inserting “criminal or civil
23 case”;

24 (2) in subdivisions (a) and (b) by striking “an
25 offense under chapter 109A of title 18, United

1 States Code,” and inserting “an offense or civil
2 wrong involving conduct proscribed by chapter 109A
3 of title 18, United States Code, whether or not the
4 conduct occurred in the special maritime and terri-
5 torial jurisdiction of the United States or in a Fed-
6 eral prison,”;

7 (3) in subdivision (a) by striking “victim of
8 such offense” and inserting “victim of such con-
9 duct”;

10 (4) in subdivision (c)—

11 (A) by striking in paragraph (1) “the per-
12 son accused of committing an offense under
13 chapter 109A of title 18, United States Code”
14 and inserting “the accused”; and

15 (B) by inserting at the end of paragraph
16 (3): “An order admitting evidence under this
17 paragraph shall explain the reasoning leading to
18 the finding of relevance, and the basis of the
19 finding that the probative value of the evidence
20 outweighs the danger of unfair prejudice not-
21 withstanding the potential of the evidence to
22 humiliate and embarrass the alleged victim and
23 to result in unfair or biased inferences.”; and

24 (5) in subdivision (d) by striking “an offense
25 under chapter 109A of title 18, United States Code”

1 and inserting “the conduct proscribed by chapter
2 109A of title 18, United States Code,”.

3 (b) INTERLOCUTORY APPEAL.—Section 3731 of title
4 18, United States Code, is amended by inserting after the
5 second paragraph the following new paragraph:

6 “An appeal by the United States before trial shall
7 lie to a court of appeals from an order of a district court
8 admitting evidence of an alleged victim’s past sexual be-
9 havior in a criminal case in which the defendant is charged
10 with an offense involving conduct proscribed by chapter
11 109A, whether or not the conduct occurred in the special
12 maritime and territorial jurisdiction of the United States
13 or in a Federal prison.”.

14 **SEC. 823. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**
15 **CATION OR INVITATION BY VICTIM IN SEX**
16 **OFFENSE CASES.**

17 The Federal Rules of Evidence, as amended by sec-
18 tion 821, are amended by adding after rule 415 the follow-
19 ing new rule:

20 **“Rule 416. Inadmissibility of Evidence to Show Invi-**
21 **tation or Provocation by Victim in Sexual**
22 **Abuse Cases**

23 “In a criminal case in which a person is accused of
24 an offense involving conduct proscribed by chapter 109A
25 of title 18, United States Code, whether or not the conduct

1 occurred in the special maritime and territorial jurisdic-
2 tion of the United States or in a Federal prison, evidence
3 is not admissible to show that the alleged victim invited
4 or provoked the commission of the offense. This rule does
5 not limit the admission of evidence of consent by the al-
6 leged victim if the issue of consent is relevant to liability
7 and the evidence is otherwise admissible under these
8 rules.”.

9 **SEC. 824. RIGHT OF THE VICTIM TO FAIR TREATMENT IN**
10 **LEGAL PROCEEDINGS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Judicial Conference of the United States
13 shall review and make recommendations regarding the fol-
14 lowing Rules of Professional Conduct for Lawyers in Fed-
15 eral Practice:

16 **“RULES OF PROFESSIONAL CONDUCT FOR**
17 **LAWYERS IN FEDERAL PRACTICE**

“Rule 1. Scope

“Rule 2. Abuse of Victims and Others Prohibited

“Rule 3. Duty of Enquiry in Relation to Client

“Rule 4. Duty To Expedite Litigation

“Rule 5. Duty To Prevent Commission of Crime

18 **“Rule 1. Scope**

19 “(a) These rules apply to the conduct of lawyers in
20 their representation of clients in relation to proceedings
21 and potential proceedings before federal tribunals.

22 “(b) For purposes of these rules, ‘federal tribunal’
23 and ‘tribunal’ mean a court of the United States or an

1 agency of the federal government that carries out adju-
2 dicatory or quasi-adjudicatory functions.

3 **“Rule 2. Abuse of Victims and Others Prohibited**

4 “(a) A lawyer shall not engage in any action or course
5 of conduct for the purpose of increasing the expense of
6 litigation for any person, other than a liability under an
7 order or judgment of a tribunal.

8 “(b) A lawyer shall not engage in any action or course
9 of conduct that has no substantial purpose other than to
10 distress, harass, embarrass, burden, or inconvenience an-
11 other person.

12 “(c) A lawyer shall not offer evidence that the lawyer
13 knows to be false or attempt to discredit evidence that the
14 lawyer knows to be true.

15 **“Rule 3. Duty of Enquiry in Relation to Client**

16 “A lawyer shall attempt to elicit from the client a
17 truthful account of the material facts concerning the mat-
18 ters in issue. In representing a client charged with a crime
19 or civil wrong, the duty of enquiry under this rule in-
20 cludes—

21 “(1) attempting to elicit from the client a mate-
22 rially complete account of the alleged criminal activ-
23 ity or civil wrong if the client acknowledges involve-
24 ment in the alleged activity or wrong; and

1 “(2) attempting to elicit from the client the ma-
2 terial facts relevant to a defense of alibi if the client
3 denies such involvement.

4 **“Rule 4. Duty To Expedite Litigation**

5 “(a) A lawyer shall seek to bring about the expedi-
6 tious conduct and conclusion of litigation.

7 “(b) A lawyer shall not seek a continuance or other-
8 wise attempt to delay or prolong proceedings in the hope
9 or expectation that—

10 “(1) evidence will become unavailable;

11 “(2) evidence will become more subject to im-
12 peachment or otherwise less useful to another party
13 because of the passage of time; or

14 “(3) an advantage will be obtained in relation
15 to another party because of the expense, frustration,
16 distress, or other hardship resulting from prolonged
17 or delayed proceedings.

18 **“Rule 5. Duty To Prevent Commission of Crime**

19 “(a) A lawyer may disclose information relating to
20 the representation of a client to the extent necessary to
21 prevent the commission of a crime or other unlawful act.

22 “(b) A lawyer shall disclose information relating to
23 the representation of a client where disclosure is required
24 by law. A lawyer shall also disclose such information to
25 the extent necessary to prevent—

1 “(1) the commission of a crime involving the
2 use or threatened use of force against another, or a
3 substantial risk of death or serious bodily injury to
4 another; or

5 “(2) the commission of a crime of sexual as-
6 sault or child molestation.

7 “(c) For purposes of this rule, ‘crime’ means a crime
8 under the law of the United States or the law of a State,
9 and ‘unlawful act’ means an act in violation of the law
10 of the United States or the law of a State.”.

11 **SEC. 825. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

12 Rule 32 of the Federal Rules of Criminal Procedure
13 is amended—

14 (1) by striking “and” at the end of subdivision
15 (a)(1)(B);

16 (2) by striking the period at the end of subdivi-
17 sion (a)(1)(C) and inserting “; and”;

18 (3) by inserting after subdivision (a)(1)(C) the
19 following:

20 “(D) if sentence is to be imposed for a crime
21 of violence or sexual abuse, address the victim per-
22 sonally if the victim is present at the sentencing
23 hearing and determine if the victim wishes to make
24 a statement and to present any information in rela-
25 tion to the sentence.”;

1 (4) in the penultimate sentence of subdivision
2 (a)(1) by striking “equivalent opportunity” and in-
3 serting “opportunity equivalent to that of the de-
4 fendant’s counsel”;

5 (5) in the last sentence of subdivision (a)(1) by
6 inserting “the victim,” before “, or the attorney for
7 the Government.”; and

8 (6) by adding at the end the following new sub-
9 division:

10 “(f) DEFINITIONS.—For purposes of this rule—

11 “(1) ‘crime of violence or sexual abuse’ means
12 a crime that involved the use or attempted or threat-
13 ened use of physical force against the person or
14 property of another, or a crime under chapter 109A
15 of title 18, United States Code; and

16 “(2) ‘victim’ means an individual against whom
17 an offense for which a sentence is to be imposed has
18 been committed, but the right of allocution under
19 subdivision (a)(1)(D) may be exercised instead by—

20 “(A) a parent or legal guardian if the vic-
21 tim is below the age of 18 years or incompetent;
22 or

23 “(B) one or more family members or rel-
24 atives designated by the court if the victim is
25 deceased or incapacitated,

1 if such person or persons are present at the sentenc-
2 ing hearing, regardless of whether the victim is
3 present.”.

4 **SEC. 826. VICTIM'S RIGHT OF PRIVACY.**

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

6 (1) the crime of rape is underreported to law
7 enforcement authorities because of its traumatic ef-
8 fect on victims and the stigmatizing nature of the
9 crime;

10 (2) rape victims may be further victimized by
11 involuntary public disclosure of their identities;

12 (3) rape victims should be encouraged to come
13 forward and report the crime without fear of being
14 revictimized through involuntary public disclosure of
15 their identities; and

16 (4) any interest of the public in knowing the
17 identity of a rape victim notwithstanding the vic-
18 tim's wishes to the contrary is outweighed by the in-
19 terest of protecting the privacy of rape victims and
20 encouraging rape victims to report the crime and as-
21 sist in prosecution.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that news media, law enforcement personnel, and
24 other persons should exercise restraint and respect a rape
25 victim's privacy by not disclosing the victim's identity to

1 the general public or facilitating such disclosure without
2 the consent of the victim.

3 **Subchapter C—Safe Campuses**

4 **SEC. 831. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL**
5 **ASSAULT.**

6 (a) STUDY.—The Attorney General shall provide for
7 a national baseline study to examine the scope of the prob-
8 lem of campus sexual assaults and the effectiveness of in-
9 stitutional and legal policies in addressing such crimes and
10 protecting victims. The Attorney General may utilize the
11 Bureau of Justice Statistics, the National Institute of Jus-
12 tice, and the Office for Victims of Crime in carrying out
13 this section.

14 (b) REPORT.—Based on the study required by sub-
15 section (a), the Attorney General shall prepare a report
16 including an analysis of—

17 (1) the number of reported allegations and esti-
18 mated number of unreported allegations of campus
19 sexual assaults, and to whom the allegations are re-
20 ported (including authorities of the educational insti-
21 tution, sexual assault victim service entities, and
22 local criminal authorities);

23 (2) the number of campus sexual assault allega-
24 tions reported to authorities of educational institu-
25 tions which are reported to criminal authorities;

1 (3) the number of campus sexual assault allega-
2 tions that result in criminal prosecution in compari-
3 son with the number of non-campus sexual assault
4 allegations that result in criminal prosecution;

5 (4) Federal and State laws or regulations per-
6 taining specifically to campus sexual assaults;

7 (5) the adequacy of policies and practices of
8 educational institutions in addressing campus sexual
9 assaults and protecting victims, including consider-
10 ation of—

11 (A) the security measures in effect at edu-
12 cational institutions, such as utilization of cam-
13 pus police and security guards, control over ac-
14 cess to grounds and buildings, supervision of
15 student activities and student living arrange-
16 ments, control over the consumption of alcohol
17 by students, lighting, and the availability of es-
18 cort services;

19 (B) the articulation and communication to
20 students of the institution's policies concerning
21 sexual assaults;

22 (C) policies and practices that may prevent
23 or discourage the reporting of campus sexual
24 assaults to local criminal authorities, or that
25 may otherwise obstruct justice or interfere with

1 the prosecution of perpetrators of campus sex-
2 ual assaults;

3 (D) the nature and availability of victim
4 services for victims of campus sexual assaults;

5 (E) the ability of educational institutions'
6 disciplinary processes to address allegations of
7 sexual assault adequately and fairly;

8 (F) measures that are taken to ensure that
9 victims are free of unwanted contact with al-
10 leged assailants, and disciplinary sanctions that
11 are imposed when a sexual assault is deter-
12 mined to have occurred; and

13 (G) the grounds on which educational in-
14 stitutions are subject to lawsuits based on cam-
15 pus sexual assaults, the resolution of these
16 cases, and measures that can be taken to avoid
17 the likelihood of lawsuits and civil liability;

18 (6) an assessment of the policies and practices
19 of educational institutions that are of greatest effec-
20 tiveness in addressing campus sexual assaults and
21 protecting victims, including policies and practices
22 relating to the particular issues described in para-
23 graph (5); and

24 (7) any recommendations the Attorney General
25 may have for reforms to address campus sexual as-

1 saults and protect victims more effectively, and any
2 other matters that the Attorney General deems rel-
3 evant to the subject of the study and report required
4 by this section.

5 (c) SUBMISSION OF REPORT.—The report required
6 by subsection (b) shall be submitted to the Congress no
7 later than September 1, 1995.

8 (d) DEFINITION.—For purposes of this section,
9 “campus sexual assaults” includes sexual assaults occur-
10 ring at institutions of postsecondary education and sexual
11 assaults committed against or by students or employees
12 of such institutions.

13 (e) AUTHORIZATION OF APPROPRIATION.—There is
14 authorized to be appropriated \$200,000 to carry out the
15 study required by this section.

16 **Subchapter D—Assistance to States and**
17 **Localities**

18 **SEC. 841. SEXUAL VIOLENCE GRANT PROGRAM.**

19 (a) PURPOSE.—The purpose of this section is to
20 strengthen and improve State and local efforts to prevent
21 and punish sexual violence, and to assist and protect the
22 victims of sexual violence.

23 (b) AUTHORIZATION OF GRANTS.—The Attorney
24 General, through the Bureau of Justice Assistance, the
25 Office for Victims of Crime, and the Bureau of Justice

1 Statistics, may make grants to support projects and pro-
2 grams relating to sexual violence, including support of—

3 (1) training and policy development programs
4 for law enforcement officers and prosecutors con-
5 cerning the investigation and prosecution of sexual
6 violence;

7 (2) law enforcement and prosecutorial units and
8 teams that target sexual violence;

9 (3) victim services programs for victims of sex-
10 ual violence;

11 (4) educational and informational programs re-
12 lating to sexual violence;

13 (5) improved systems for collecting, keeping,
14 and disseminating records and data concerning sex-
15 ual violence and offenders who engage in sexual vio-
16 lence;

17 (6) background check systems that enable em-
18 ployers to determine whether employees and appli-
19 cants for employment have criminal histories involv-
20 ing sexual violence, in relation to employment posi-
21 tions for which a person may be unsuitable on the
22 basis of such a history, such as child care positions
23 and positions involving access to people's homes;

1 (7) registration systems which require persons
2 convicted of sexual violence to keep law enforcement
3 authorities informed of their addresses or locations;

4 (8) security measures in parks, public transpor-
5 tation systems, public buildings and facilities, and
6 other public places which reduce the risk that acts
7 of sexual violence will occur in such places;

8 (9) programs addressing campus sexual as-
9 saults (as defined in section 831);

10 (10) programs assisting runaway and homeless
11 children who have been subjected to or at risk of
12 sexual violence or sexual exploitation;

13 (11) training programs for judges and court
14 personnel in relation to cases involving sexual vio-
15 lence; and

16 (12) treatment programs in a correctional set-
17 ting for offenders who engage in sexual violence,
18 which may include aftercare components, and which
19 shall include an evaluation component to determine
20 the effectiveness of the treatment in reducing
21 recidivism.

22 (c) FORMULA GRANTS.—Of the amount appropriated
23 in each fiscal year for grants under this section, other than
24 the amount set aside to carry out subsection (d)—

1 (1) 1 percent shall be set aside for each partici-
2 pating State; and

3 (2) the remainder shall be allocated to the par-
4 ticipating States in proportion to their populations;
5 for the use of State and local governments in the States.

6 (d) DISCRETIONARY GRANTS.—Of the amount appro-
7 priated in each fiscal year, 20 percent shall be set aside
8 in a discretionary fund to provide grants to public and
9 private agencies to further the purposes and objectives set
10 forth in subsections (a) and (b).

11 (e) APPLICATION FOR FORMULA GRANTS.—To re-
12 quest a grant under subsection (c), the chief executive offi-
13 cer of a State must, in each fiscal year, submit to the
14 Attorney General a plan for addressing sexual violence in
15 the State, including a specification of the uses to which
16 funds provided under subsection (c) will be put in carrying
17 out the plan. The application shall include—

18 (1) certification that the Federal funding pro-
19 vided will be used to supplement and not supplant
20 State and local funds;

21 (2) certification that any requirement of State
22 law for review by the State legislature or a des-
23 ignated body, and any requirement of State law for
24 public notice and comment concerning the proposed
25 plan, have been satisfied; and

1 (3) provisions for fiscal control, management,
2 recordkeeping, and submission of reports in relation
3 to funds provided under this section that are consist-
4 ent with requirements prescribed for the program.

5 (f) CONDITIONS ON GRANTS.—

6 (1) MATCHING FUNDS.—Grants under sub-
7 section (c) may be for up to 50 percent of the overall
8 cost of a project or program funded. Discretionary
9 grants under subsection (d) may be for up to 100
10 percent of the overall cost of a project of program
11 funded.

12 (2) DURATION OF GRANTS.—Grants under sub-
13 section (c) may be provided in relation to a particu-
14 lar project or program for up to an aggregate maxi-
15 mum period of 4 years.

16 (3) LIMIT ON ADMINISTRATIVE COSTS.—Not
17 more than 5 percent of a grant under subsection (c)
18 may be used for costs incurred to administer the
19 grant.

20 (4) PAYMENT OF COST OF FORENSIC MEDICAL
21 EXAMINATIONS.—It is a condition of eligibility for
22 grants under subsection (c) that a State pay the cost
23 of forensic medical examinations for victims of sex-
24 ual violence.

1 (5) POLICIES AGAINST CAMPUS SEXUAL AS-
2 SAULTS.—For an institution of postsecondary edu-
3 cation seeking a grant under subsection (d), it is a
4 condition of eligibility that the institution articulate
5 and communicate to its students a clear policy that
6 sexual violence will not be tolerated by the institu-
7 tion.

8 (g) EVALUATION.—The National Institute of Justice
9 shall have the authority to carry out evaluations of pro-
10 grams funded under this section. The recipient of any
11 grant under this section may be required to include an
12 evaluation component to determine the effectiveness of the
13 project or program funded that is consistent with guide-
14 lines issued by the National Institute of Justice.

15 (h) COORDINATION.—The Attorney General may uti-
16 lize the Office of Justice Programs to coordinate the ad-
17 ministration of grants under this section. The coordination
18 of grants under this section shall include prescribing con-
19 sistent program requirements for grantees, allocating
20 functions and the administration of particular grants
21 among the components that participate in the administra-
22 tion of the program under this section, coordinating the
23 program under this section with the Domestic Violence
24 and Family Support Grant Program established by section
25 857, and coordinating the program under this section with

1 other grant programs administered by components of the
2 Department of Justice.

3 (i) DEFINITION.—In this section, “sexual violence”
4 includes nonconsensual sex offenses and sex offenses in-
5 volving victims who are not able to give legally effective
6 consent because of age or incompetency.

7 (j) REPORT.—The Attorney General shall submit an
8 annual report to Congress concerning the operation and
9 effectiveness of the program under this section.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this sec-
12 tion—

13 (1) \$250,000,000 for each of fiscal years 1994,
14 1995, and 1996; and

15 (2) such sums as are necessary for each fiscal
16 year thereafter.

17 **SEC. 842. SUPPLEMENTARY GRANTS FOR STATES ADOPT-**
18 **ING EFFECTIVE LAWS RELATING TO SEXUAL**
19 **VIOLENCE.**

20 (a) SUPPLEMENTARY GRANTS.—The Attorney Gen-
21 eral may, in each fiscal year, authorize the award to a
22 State of an aggregate amount of up to \$1,000,000 under
23 the Sexual Violence Grant Program established by section
24 141, in addition to any funds that are otherwise author-
25 ized under that program. The authority to award addi-

1 tional funding under this section is conditional on certifi-
2 cation by the Attorney General that the State has laws
3 relating to sexual violence that exceed or are reasonably
4 comparable to the provisions of Federal law (including
5 changes in Federal law made by this Act) in the following
6 areas:

7 (1) Authorization of pre-trial detention of de-
8 fendants in sexual assault cases where prevention of
9 flight or the safety of others cannot be reasonably
10 assured by other means, and denial of release pend-
11 ing appeal for persons convicted of sexual assault of-
12 fenses who have been sentenced to imprisonment.

13 (2) Authorization of severe penalties for sexual
14 assault offenses.

15 (3) Pre-trial testing for the human
16 immunodeficiency virus of persons charged with sex-
17 ual assault offenses, with disclosure of test results to
18 the victim.

19 (4) Payment of the cost of medical examina-
20 tions and the cost of testing for the human
21 immunodeficiency virus for victims of sexual as-
22 saults.

23 (5) According the victim of a sexual assault the
24 right to be present at judicial proceedings in the
25 case.

1 (6) Protection of victims from inquiry into un-
2 related sexual behavior in sexual assault cases.

3 (7) Rules of professional conduct for lawyers
4 that protect victims from unwarranted cross-exam-
5 ination and impeachment, dilatory tactics, and other
6 abuses in sexual assault cases.

7 (8) Authorization of admission and consider-
8 ation in sexual assault cases of evidence that the de-
9 fendant has committed sexual assaults on other oc-
10 casions.

11 (9) Authorization of the victim in sexual assault
12 cases to address the court concerning the sentence
13 to be imposed.

14 (10) Authorization of the award of restitution
15 to victims of sexual assaults as part of a criminal
16 sentence.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated in each fiscal year such
19 sums as may be necessary to carry out this section.

1 **CHAPTER 2—DOMESTIC VIOLENCE AND**
2 **OFFENSES AGAINST THE FAMILY**

3 **SEC. 851. NONCOMPLIANCE WITH CHILD SUPPORT OBLIGA-**
4 **TIONS IN INTERSTATE CASES.**

5 (a) OFFENSE.—Part 1 of title 18, United States
6 Code, is amended by inserting after chapter 110 the fol-
7 lowing new chapter:

8 **“CHAPTER 110A—NONCOMPLIANCE WITH CHILD**
9 **SUPPORT OBLIGATIONS**

“Sec.

“2261. Noncompliance with child support obligations.

10 **“§ 2261. Noncompliance with child support obliga-**
11 **tions**

12 “(a) DEFINITIONS.—In this section—

13 “‘child support obligation’ means an amount
14 determined under a court order or an order of an
15 administrative process pursuant to the law of a
16 State to be due from a person for the support of a
17 child or of a child and the parent with whom the
18 child is living.

19 “‘major child support obligation’ means a child
20 support obligation that has remained unpaid for a
21 period exceeding one year, or that is greater than
22 \$5,000.

1 “‘past due support obligation’ means a child
2 support obligation that is unpaid at the time of sen-
3 tencing for an offense under this section.

4 “‘State’ has the meaning stated in section
5 513(c)(5).

6 “(b) OFFENSE.—A person who—

7 “(1) leaves or remains outside a State with in-
8 tent to avoid payment of a child support obligation;
9 or

10 “(2) fails to pay a major child support obliga-
11 tion with respect to a child who resides in another
12 State, despite having the financial resources to pay
13 the obligation or the ability to acquire such re-
14 sources through reasonable diligence,

15 shall be punished as provided in subsection (d).

16 “(c) PRESUMPTION.—In relation to an offense
17 charged under subsection (b)(1), the absence of the de-
18 fendant from the State for an aggregate period of 6
19 months without payment of the child support obligation
20 shall create a rebuttable presumption that the intent ex-
21 isted to avoid payment of the obligation.

22 “(d) PENALTY.—A person convicted of an offense
23 under this section shall be punished by imprisonment for
24 up to 6 months, and on a second or subsequent conviction,
25 by imprisonment for up to 2 years.

1 “(e) RESTITUTION.—In addition to any restitution
2 that may be ordered pursuant to section 3663, a sentence
3 for an offense under this section shall include an order
4 of restitution in an amount equal to the past due support
5 obligation as it exists at the time of sentencing. Sub-
6 sections (e) through (i) of section 3663 apply to an order
7 of restitution pursuant to this subsection.”.

8 (b) TECHNICAL AMENDMENT.—The part analysis for
9 part 1 of title 18, United States Code, is amended by in-
10 serting after the item for chapter 110 the following new
11 item:

“2261. Noncompliance with child support obligations.”.

12 (c) CONDITION OF PROBATION AND SUPERVISED RE-
13 LEASE.—Section 3563(b)(1) of title 18, United States
14 Code, is amended by inserting before the semicolon “, in-
15 cluding compliance with any court order or administrative
16 order under the law of a State (as defined in section
17 513(c)(5)) requiring payments for the support of a child
18 or of a child and the parent with whom the child is living”.

19 **SEC. 852. FULL FAITH AND CREDIT FOR PROTECTIVE**
20 **ORDERS.**

21 (a) REQUIREMENT OF FULL FAITH AND CREDIT.—
22 Chapter 110A of title 18, United States Code, as added
23 by section 851, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 2262. Full faith and credit for protective orders**

2 “(a) DEFINITIONS.—In this section—

3 “‘protective order’ means an order prohibiting
4 or limiting violence against, harassment of, contact
5 or communication with, or physical proximity to an-
6 other person.

7 “‘State’ has the meaning stated in section
8 513(c)(5).

9 “(b) FULL FAITH AND CREDIT.—A protective order
10 issued by a court of a State shall have the same full faith
11 and credit in a court in another State that it would have
12 in a court of the State in which issued, and shall be en-
13 forced by the courts of any State as if it were issued in
14 that State.”.

15 (b) TECHNICAL AMENDMENT.—The chapter analysis
16 for chapter 110A of title 18, United States Code, as added
17 by section 201, is amended by adding at the end the fol-
18 lowing new item:

“2262. Full faith and credit for protective orders.”.

19 **SEC. 853. PRESUMPTION AGAINST CHILD CUSTODY FOR**
20 **SPOUSE ABUSERS.**

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

22 (1) courts fail to recognize the detrimental ef-
23 fects of having as a custodial parent an individual
24 who physically abuses his or her spouse, insofar as

1 they do not hear or weigh evidence of domestic vio-
2 lence in child custody litigation;

3 (2) joint custody forced upon hostile parents
4 can create a damaging psychological environment for
5 a child;

6 (3) physical abuse of a spouse is relevant to the
7 likelihood of child abuse in child custody disputes;

8 (4) the effects on children of physical abuse of
9 a spouse include—

10 (A) traumatization and psychological dam-
11 age to children resulting from observation of
12 the abuse and the climate of violence and fear
13 existing in a home where abuse takes place;

14 (B) the risk that children may become tar-
15 gets of physical abuse when they attempt to in-
16 tervene on behalf of an abused parent; and

17 (C) the negative effects on children of ex-
18 posure to an inappropriate role model, in that
19 witnessing an aggressive parent may commu-
20 nicate to children that violence is an acceptable
21 means of dealing with others; and

22 (5) the harm to children from spouse abuse
23 may be compounded by award of exclusive or joint
24 custody to an abuser because further abuse may
25 occur when the abused spouse is forced to have con-

1 tact with the abuser as a result of the custody ar-
2 rangement, and because the child or children may be
3 exposed to abuse committed by the abuser against a
4 subsequent spouse or partner.

5 (b) SENSE OF CONGRESS.—It is the sense of the
6 Congress that, for purposes of determining child custody,
7 evidence establishing that a parent engages in physical
8 abuse of a spouse should create a statutory presumption
9 that it is detrimental to the child to be placed in the cus-
10 tody of the abusive spouse.

11 **SEC. 854. REPORT ON BATTERED WOMEN'S SYNDROME.**

12 (a) REPORT.—The Attorney General shall prepare
13 and transmit to the Congress a report on the status of
14 battered women's syndrome as a medical and psycho-
15 logical condition and on its effect in criminal trials. The
16 Attorney General may utilize the National Institute of
17 Justice to obtain information required for the preparation
18 of the report.

19 (b) COMPONENTS OF REPORT.—The report described
20 in subsection (a) shall include—

21 (1) a review of medical and psychological views
22 concerning the existence, nature, and effects of bat-
23 tered women's syndrome as a psychological condi-
24 tion;

1 (2) a compilation of judicial decisions that have
2 admitted or excluded evidence of battered women's
3 syndrome as evidence of guilt or as a defense in
4 criminal trials; and

5 (3) information on the views of judges, prosecu-
6 tors, and defense attorneys concerning the effects
7 that evidence of battered women's syndrome may
8 have in criminal trials.

9 **SEC. 855. REPORT ON CONFIDENTIALITY OF ADDRESSES**
10 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

11 (a) REPORT.—The Attorney General shall conduct a
12 study of the means by which abusive spouses may obtain
13 information concerning the addresses or locations of es-
14 tranged or former spouses, notwithstanding the desire of
15 the victims to have such information withheld to avoid fur-
16 ther exposure to abuse. Based on the study, the Attorney
17 General shall transmit a report to Congress including—

18 (1) the findings of the study concerning the
19 means by which information concerning the address-
20 es or locations of abused spouses may be obtained
21 by abusers; and

22 (2) analysis of the feasibility of creating effec-
23 tive means of protecting the confidentiality of infor-
24 mation concerning the addresses and locations of
25 abused spouses to protect such persons from expo-

1 and punish domestic violence and other criminal and un-
2 lawful acts that particularly affect women, and to assist
3 and protect the victims of such crimes and acts.

4 (b) AUTHORIZATION OF GRANTS.—The Attorney
5 General, through the Bureau of Justice Assistance, the
6 Office for Victims of Crime, and the Bureau of Justice
7 Statistics, may make grants to support projects and pro-
8 grams relating to domestic violence and other criminal and
9 unlawful acts that particularly affect women, including
10 support of—

11 (1) training and policy development programs
12 for law enforcement officers and prosecutors con-
13 cerning the investigation and prosecution of domes-
14 tic violence;

15 (2) law enforcement and prosecutorial units and
16 teams that target domestic violence;

17 (3) model, innovative, and demonstration law
18 enforcement programs relating to domestic violence
19 that involve pro-arrest and aggressive prosecution
20 policies;

21 (4) model, innovative, and demonstration pro-
22 grams for the effective utilization and enforcement
23 of protective orders;

24 (5) programs addressing stalking and persistent
25 menacing;

1 (6) victim services programs for victims of do-
2 mestic violence;

3 (7) shelters that provide services for victims of
4 domestic violence and related programs;

5 (8) educational and informational programs re-
6 lating to domestic violence;

7 (9) resource centers providing information,
8 technical assistance, and training to domestic vio-
9 lence service providers, agencies, and programs;

10 (10) coalitions of domestic violence service pro-
11 viders, agencies, and programs;

12 (11) training programs for judges and court
13 personnel in relation to cases involving domestic vio-
14 lence; and

15 (12) enforcement of child support obligations,
16 including cooperative efforts and arrangements of
17 States to improve enforcement in cases involving
18 interstate elements.

19 (c) FORMULA GRANTS.—Of the amount appropriated
20 in each fiscal year for grants under this section, other than
21 the amount set aside to carry out subsection (d)—

22 (1) 1 percent shall be set aside for each partici-
23 pating State; and

24 (2) the remainder shall be allocated to the par-
25 ticipating States in proportion to their populations;

1 for the use of State and local governments in the States.

2 (d) DISCRETIONARY GRANTS.—Of the amount appro-
3 priated in each fiscal year, 20 percent shall be set aside
4 in a discretionary fund to provide grants to public and
5 private agencies to further the purposes and objectives set
6 forth in subsections (a) and (b).

7 (e) APPLICATION FOR FORMULA GRANTS.—To re-
8 quest a grant under subsection (c), the chief executive offi-
9 cer of a State must, in each fiscal year, submit to the
10 Attorney General a plan for addressing domestic violence
11 and other criminal and unlawful acts that particularly af-
12 fect women in the State, including a specification of the
13 uses to which funds provided under subsection (c) will be
14 put in carrying out the plan. The application must in-
15 clude—

16 (1) certification that the Federal funding pro-
17 vided will be used to supplement and not supplant
18 State and local funds;

19 (2) certification that any requirement of State
20 law for review by the State legislature or a des-
21 ignated body, and any requirement of State law for
22 public notice and comment concerning the proposed
23 plan, have been satisfied; and

24 (3) provisions for fiscal control, management,
25 recordkeeping, and submission of reports in relation

1 to funds provided under this section that are consist-
2 ent with requirements prescribed for the program.

3 (f) CONDITIONS ON GRANTS.—

4 (1) MATCHING FUNDS.—Grants under sub-
5 section (c) may be for up to 50 percent of the overall
6 cost of a project or program funded. Discretionary
7 grants under subsection (d) may be for up to 100
8 percent of the overall cost of a project or program
9 funded.

10 (2) DURATION OF GRANTS.—Grants under sub-
11 section (c) may be provided in relation to a particu-
12 lar project or program for up to an aggregate maxi-
13 mum period of four years.

14 (3) LIMIT ON ADMINISTRATIVE COSTS.—Not
15 more than 5 percent of a grant under subsection (c)
16 may be used for costs incurred to administer the
17 grant.

18 (g) EVALUATION.—The National Institute of Justice
19 shall have the authority to carry out evaluations of pro-
20 grams funded under this section. The recipient of any
21 grant under this section may be required to include an
22 evaluation component to determine the effectiveness of the
23 project or program funded that is consistent with guide-
24 lines issued by the National Institute of Justice.

1 (h) COORDINATION.—The Attorney General may uti-
2 lize the Office of Justice Programs to coordinate the ad-
3 ministration of grants under this section. The coordination
4 of grants under this section shall include prescribing con-
5 sistent program requirements for grantees, allocating
6 functions and the administration of particular grants
7 among the components that participate in the administra-
8 tion of the program under this section, coordinating the
9 program under this section with the Sexual Violence Grant
10 Program established by section 841, and coordinating the
11 program under this section with other grant programs ad-
12 ministered by components of the Department of Justice.

13 (i) DEFINITION.—In this section, “domestic violence”
14 includes any act of criminal violence in which the offender
15 and the victim are members of the same household or rel-
16 atives, or in which the offender and the victim are present
17 or former spouses or cohabitators or have a child in com-
18 mon.

19 (j) REPORT.—The Attorney General shall submit an
20 annual report to Congress concerning the operation and
21 effectiveness of the program under this section.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this sec-
24 tion—

1 (1) \$250,000,000 for each of fiscal years 1994,
2 1995, and 1996; and

3 (2) such sums as are necessary for each fiscal
4 year thereafter.

5 **CHAPTER 3—NATIONAL TASK FORCE ON**
6 **VIOLENCE AGAINST WOMEN**

7 **SEC. 861. ESTABLISHMENT.**

8 Not later than 30 days after the date of enactment
9 of this Act, the Attorney General shall establish a task
10 force to be known as the National Task Force on Violence
11 Against Women (referred to in this title as the “task
12 force”).

13 **SEC. 862. DUTIES OF TASK FORCE.**

14 (a) GENERAL PURPOSE OF TASK FORCE.—The task
15 force shall recommend Federal, State, and local strategies
16 aimed at protecting women against violent crime, punish-
17 ing persons who commit such crimes, and enhancing the
18 rights of victims of such crimes.

19 (b) DUTIES OF TASK FORCE.—The task force shall
20 perform such functions as the Attorney General deems ap-
21 propriate to carry out the purposes of the task force, in-
22 cluding—

23 (1) considering the reports and recommenda-
24 tions of past Federal and State studies of violent
25 crime, family violence, and the treatment of crime

1 victims, including the Report of the Attorney Gen-
2 eral to the President on Combating Violent Crime
3 (1992), the Report of the Attorney General's Task
4 Force on Family Violence (1984), the Report of the
5 President's Task Force on Victims of Crime (1982),
6 and the reports and recommendations of the task
7 forces and commissions established by the States of
8 Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana,
9 Kansas, Louisiana, Michigan, Minnesota, Nebraska,
10 New Mexico, New York, North Carolina, Rhode Is-
11 land, Virginia, Texas, and Wyoming;

12 (2) developing strategies for Federal, State, and
13 local law enforcement designed to protect women
14 against violent crime, and to prosecute and punish
15 those responsible for such crime;

16 (3) evaluating the adequacy of rules of evi-
17 dence, practice, and procedure to ensure the effective
18 prosecution and conviction of violent offenders
19 against women and to protect victims from abuse in
20 legal proceedings, and making recommendations for
21 the improvement of the rules;

22 (4) evaluating the adequacy of pre-trial release,
23 sentencing, incarceration, and post-conviction release
24 in relation to violent offenders against women, and
25 making recommendations designed to ensure that

1 such offenders are restrained from causing further
2 harm to the victim and others and receive appro-
3 priate punishment, including means of ensuring that
4 the efficacy of criminal sanctions will not be under-
5 mined by parole or other early release mechanisms;

6 (5) assessing the issuance, formulation, and en-
7 forcement of protective orders, whether or not relat-
8 ed to a criminal proceeding, and making rec-
9 ommendations for the effective use of such orders to
10 protect women from violence;

11 (6) assessing the problem of stalking and per-
12 sistent menacing of women, and recommending ef-
13 fective means of response to the problem; and

14 (7) generally evaluating the treatment of
15 women as victims of violent crime in the criminal
16 justice system, and making recommendations de-
17 signed to improve such treatment.

18 **SEC. 863. MEMBERSHIP.**

19 (a) IN GENERAL.—The task force shall consist of up
20 to 10 members, who shall be appointed by the Attorney
21 General not later than 60 days after the date of enactment
22 of this Act. The Attorney General shall ensure that the
23 task force includes representatives of State and local law
24 enforcement, the State and local judiciary, and groups
25 dedicated to protecting the rights of victims.

1 (b) CHAIRMAN.—The Attorney General or the Attor-
2 ney General’s designee shall serve as chairman of the task
3 force.

4 **SEC. 864. PAY.**

5 (a) NO ADDITIONAL COMPENSATION.—Members of
6 the task force who are officers or employees of a govern-
7 mental agency shall receive no additional compensation by
8 reason of their service on the task force.

9 (b) PER DIEM.—While away from their homes or reg-
10 ular places of business in the performance of duties for
11 the task force, members of the task force shall be allowed
12 travel expenses, including per diem in lieu of subsistence,
13 at rates authorized for employees of agencies under sec-
14 tions 5702 and 5703 of title 5, United States Code.

15 **SEC. 865. EXECUTIVE DIRECTOR AND STAFF.**

16 (a) EXECUTIVE DIRECTOR.—

17 (1) APPOINTMENT.—The task force shall have
18 an Executive Director who shall be appointed by the
19 Attorney General not later than 30 days after the
20 task force is fully constituted under section 303.

21 (2) COMPENSATION.—The Executive Director
22 shall be compensated at a rate not to exceed the
23 maximum rate of the basic pay payable for a posi-
24 tion above GS–15 of the General Schedule contained
25 in title 5, United States Code.

1 (b) STAFF.—With the approval of the task force, the
2 Executive Director may appoint and fix the compensation
3 of such additional personnel as the Executive Director
4 considers necessary to carry out the duties of the task
5 force.

6 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
7 Executive Director and the additional personnel of the
8 task force appointed under subsection (b) may be ap-
9 pointed without regard to title 5, United States Code, gov-
10 erning appointments in the competitive service, and may
11 be paid without regard to chapter 51 and subchapter III
12 of chapter 53 of that title relating to classification and
13 General Schedule pay rates.

14 (d) CONSULTANTS.—Subject to such rules as may be
15 prescribed by the task force, the Executive Director may
16 procure temporary intermittent services under section
17 3109(b) of title 5, United States Code, at rates for individ-
18 uals not to exceed \$200 per day.

19 **SEC. 866. POWERS OF TASK FORCE.**

20 (a) HEARINGS.—For the purpose of carrying out this
21 title, the task force may conduct such hearings, sit and
22 act at such times and places, take such testimony, and
23 receive such evidence, as the task force considers appro-
24 priate. A member of the task force may administer oaths
25 to persons appearing before the task force.

1 (b) DELEGATION.—Any member or employee of the
2 task force may, if authorized by the task force, take any
3 action that the task force is authorized to take under this
4 title.

5 (c) ACCESS TO INFORMATION.—The task force may
6 secure directly from any executive department or agency
7 such information as may be necessary to enable the task
8 force to carry out this title, to the extent access to such
9 information is permitted by law. On request of the Attor-
10 ney General, the head of such a department or agency
11 shall furnish such permitted information to the task force.

12 (d) MAIL.—The task force may use the United States
13 mails in the same manner and under the same conditions
14 as other departments and agencies of the United States.

15 **SEC. 867. REPORT.**

16 Not later than 1 year after the date on which the
17 task force is fully constituted under section 303, the Attor-
18 ney General shall submit a detailed report to the Congress
19 on the findings and recommendations of the task force.

20 **SEC. 868. AUTHORIZATION OF APPROPRIATION.**

21 There is authorized to be appropriated to carry out
22 this title \$500,000 for fiscal year 1994.

23 **SEC. 869. TERMINATION.**

24 The task force shall cease to exist 30 days after the
25 date on which the Attorney General's report is submitted

1 under section 307. The Attorney General may extend the
2 life of the task force for a period of not to exceed one
3 year.

4 **Subtitle B—Victims’ Rights**

5 **SEC. 871. RESTITUTION AMENDMENTS.**

6 Section 3663(b) of title 18, United States Code, is
7 amended—

8 (1) by striking “and” at the end of paragraph
9 (3);

10 (2) by redesignating paragraph (4) as para-
11 graph (5); and

12 (3) by inserting after paragraph (4) the follow-
13 ing new paragraph:

14 “(4) in any case, reimburse the victim for nec-
15 essary child care, transportation, and other expenses
16 related to participation in the investigation or pros-
17 ecution of the offense or attendance at proceedings
18 related to the offense; and”.

19 (b) **SUSPENSION OF FEDERAL BENEFITS.**—Section
20 3663 of title 18, United States Code, is amended—

21 (1) by redesignating subsections (g) and (h) as
22 subsections (h) and (i), respectively; and

23 (2) by inserting after subsection (f) the follow-
24 ing new subsection:

1 “(g)(1) If the defendant is delinquent in making res-
2 titution in accordance with any schedule of payments or
3 any requirement of immediate payment imposed under
4 this section, the court may, after a hearing, suspend the
5 defendant’s eligibility for all Federal benefits until such
6 time as the defendant demonstrates to the court good-
7 faith efforts to return to such schedule.

8 “(2) In this subsection—

9 “(A) ‘Federal benefits’—

10 “(i) means any grant, contract, loan, pro-
11 fessional license, or commercial license provided
12 by an agency of the United States or by appro-
13 priated funds of the United States; and

14 “(ii) does not include any retirement, wel-
15 fare, Social Security, health, disability, veterans
16 benefit, public housing, or other similar benefit,
17 or any other benefit for which payments or
18 services are required for eligibility.

19 “(B) ‘veterans benefit’ means all benefits pro-
20 vided to veterans, their families, or survivors by vir-
21 tue of the service of a veteran in the Armed Forces
22 of the United States.”.

23 **SEC. 872. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

24 Rule 24(b) of the Federal Rules of Criminal Proce-
25 dure is amended by striking “the Government is entitled

1 to 6 peremptory challenges and the defendant or defend-
2 ants jointly to 10 peremptory challenges” and inserting
3 “each side is entitled to 6 peremptory challenges”.

4 **SEC. 873. MANDATORY RESTITUTION AND OTHER PROVI-**
5 **SIONS.**

6 (a) ORDER OF RESTITUTION.—Section 3663 of title
7 18, United States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking “may order” and inserting
10 “shall order”; and

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

13 “(4) In addition to ordering restitution of the
14 victim of the offense of which a defendant is con-
15 victed, a court may order restitution of any person
16 who, as shown by a preponderance of evidence, was
17 harmed physically, emotionally, or pecuniarily, by
18 unlawful conduct of the defendant during—

19 “(A) the criminal episode during which the
20 offense occurred; or

21 “(B) the course of a scheme, conspiracy, or
22 pattern of unlawful activity related to the
23 offense.”;

24 (2) in subsection (b)(1)(A) by striking “imprac-
25 tical” and inserting “impracticable”;

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

3 (4) in subsection (c) by striking “If the Court
4 decides to order restitution under this section, the”
5 and inserting “The”;

6 (5) by striking subsections (d), (e), (f), (h), and
7 (i), as redesignated by section 871(b)(1);

8 (6) by redesignating subsection (g), as added by
9 section 871(b)(2), as subsection (d); and

10 (7) by adding at the end the following new sub-
11 sections:

12 “(e)(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 “(f) 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 “(g) 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 “(h)(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 “(i) 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;

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 “(j) 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 “(k) 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 “(l) 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; 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 restitution, in the same manner as a judgment in a
15 civil action.

16 “(m) 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 the following new sub-
14 section:

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 C—National Child**
21 **Protection Act**

22 **SEC. 881. SHORT TITLE.**

23 This subtitle may be cited as the “National Child
24 Protection Act of 1993”.

1 **SEC. 882. FINDINGS AND PURPOSES.**

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

3 (1) more than 2,500,000 reports of suspected
4 child abuse and neglect are made each year, and in-
5 creases have occurred in recent years in the abuse
6 of children by persons who have previously commit-
7 ted crimes of child abuse or other serious crimes;

8 (2) although the great majority of child care
9 providers are caring and dedicated professionals,
10 child abusers and others who harm or prey on chil-
11 dren frequently seek employment in or volunteer for
12 positions that give them access to children;

13 (3) nearly 6,000,000 children received day care
14 in 1990, and this total is growing rapidly to an esti-
15 mated 8,000,000 children by 1995;

16 (4) exposure to child abusers and others who
17 harm or prey on children is harmful to the physical
18 and emotional well-being of children;

19 (5) there is no reliable, centralized national
20 source through which child care organizations may
21 obtain the benefit of a nationwide criminal back-
22 ground check on persons who provide or seek to pro-
23 vide child care;

24 (6) some States maintain automated criminal
25 background files and provide criminal history infor-

1 mation to child care organizations on persons who
2 provide or seek to provide child care; and

3 (7) because State and national criminal jus-
4 tice databases are inadequate to permit effective na-
5 tional background checks, persons convicted of
6 crimes of child abuse or other serious crimes may
7 gain employment at a child care organization.

8 (b) PURPOSES.—The purposes of this subtitle are—

9 (1) to establish a national system through
10 which child care organizations may obtain the bene-
11 fit of a nationwide criminal background check to de-
12 termine if persons who are current or prospective
13 child care providers have committed child abuse
14 crimes or other serious crimes;

15 (2) to establish minimum criteria for State laws
16 and procedures that permit child care organizations
17 to obtain the benefit of nationwide criminal back-
18 ground checks to determine if persons who are cur-
19 rent or prospective child care providers have commit-
20 ted child abuse crimes or other serious crimes;

21 (3) to provide procedural rights for persons who
22 are subject to nationwide criminal background
23 checks, including procedures to challenge and correct
24 inaccurate background check information;

1 (4) to establish a national system for the re-
2 porting by the States of child abuse crime informa-
3 tion; and

4 (5) to document and study the problem of child
5 abuse by providing statistical and informational data
6 on child abuse and related crimes to the Department
7 of Justice and other interested parties.

8 **SEC. 883. DEFINITIONS.**

9 In this subtitle—

10 “authorized agency” means a division or office
11 of a State designated by a State to report, receive,
12 or disseminate information under this subtitle.

13 “background check crime” means a child abuse
14 crime, murder, manslaughter, aggravated assault,
15 kidnapping, arson, sexual assault, domestic violence,
16 incest, indecent exposure, prostitution, promotion of
17 prostitution, and a felony offense involving the use
18 or distribution of a controlled substance.

19 “child” means a person who is a child for pur-
20 poses of the criminal child abuse law of a State.

21 “child abuse” means the physical or mental in-
22 jury, sexual abuse or exploitation, neglectful treat-
23 ment, negligent treatment, or maltreatment of a
24 child by any person in violation of the criminal child
25 abuse laws of a State, but does not include discipline

1 administered by a parent or legal guardian to his or
2 her child provided it is reasonable in manner and
3 moderate in degree and otherwise does not con-
4 stitute cruelty.

5 “child abuse crime” means a crime committed
6 under any law of a State that establishes criminal
7 penalties for the commission of child abuse by a par-
8 ent or other family member of a child or by any
9 other person.

10 “child abuse crime information” means the fol-
11 lowing facts concerning a person who is under in-
12 dictment for, or has been convicted of, a child abuse
13 crime: full name, social security number, age, race,
14 sex, date of birth, height, weight, hair and eye color,
15 legal residence address, a brief description of the
16 child abuse crime or offenses for which the person
17 is under indictment or has been convicted, and any
18 other information that the Attorney General deter-
19 mines may be useful in identifying persons under in-
20 dictment for, or convicted of, a child abuse crime.

21 “child care” means the provision of care, treat-
22 ment, education, training, instruction, supervision,
23 or recreation to children.

1 “domestic violence” means a felony or mis-
2 demeanor involving the use or threatened use of
3 force by—

4 (A) a present or former spouse of the vic-
5 tim;

6 (B) a person with whom the victim shares
7 a child in common;

8 (C) a person who is cohabiting with or has
9 cohabited with the victim as a spouse; or

10 (D) any person defined as a spouse of the
11 victim under the domestic or family violence
12 laws of a State.

13 “exploitation” means child pornography and
14 child prostitution.

15 “mental injury” means harm to a child’s psy-
16 chological or intellectual functioning, which may be
17 exhibited by severe anxiety, depression, withdrawal
18 or outward aggressive behavior, or a combination of
19 those behaviors or by a change in behavior, emo-
20 tional response, or cognition.

21 “national criminal background check system”
22 means the system of information and identification
23 relating to convicted and accused child abuse offend-
24 ers that is maintained by the Attorney General
25 under this subtitle.

1 “negligent treatment” means the failure to pro-
2 vide, for a reason other than poverty, adequate food,
3 clothing, shelter, or medical care so as to seriously
4 endanger the physical health of a child.

5 “physical injury” includes lacerations, fractured
6 bones, burns, internal injuries, severe bruising, and
7 serious bodily harm.

8 “provider” means

9 (A) a person who—

10 (i) is employed by or volunteers with
11 a qualified entity;

12 (ii) who owns or operates a qualified
13 entity; or

14 (iii) who has or may have unsuper-
15 vised access to a child to whom the quali-
16 fied entity provides child care; and

17 (B) a person who—

18 (i) seeks to be employed by or volun-
19 teer with a qualified entity;

20 (ii) seeks to own or operate a qualified
21 entity; or

22 (iii) seeks to have or may have unsu-
23 pervised access to a child to whom the
24 qualified entity provides child care.

1 “qualified entity” means a business or organi-
2 zation, whether public, private, for-profit, not-for-
3 profit, or voluntary, that provides child care or child
4 care placement services, including a business or or-
5 ganization that licenses or certifies others to provide
6 child care or child care placement services.

7 “sex crime” means an act of sexual abuse that
8 is a criminal act.

9 “sexual abuse” includes the employment, use,
10 persuasion, inducement, enticement, or coercion of a
11 child to engage in, or assist another person to en-
12 gage in, sexually explicit conduct or the rape, moles-
13 tation, prostitution, or other form of sexual exploi-
14 tation of children or incest with children.

15 “State” means a State, the District of Colum-
16 bia, the Commonwealth of Puerto Rico, American
17 Samoa, the Virgin Islands, Guam, and the Trust
18 Territories of the Pacific.

19 **SEC. 884. REPORTING BY THE STATES.**

20 (a) IN GENERAL.—An authorized agency of a State
21 shall report child abuse crime information to the national
22 criminal background check system.

23 (b) PROVISION OF STATE CHILD ABUSE CRIME
24 RECORDS TO THE NATIONAL CRIMINAL BACKGROUND
25 CHECK SYSTEM.—(1) Not later than 180 days after the

1 date of enactment of this Act, the Attorney General
2 shall—

3 (A) investigate the criminal records of each
4 State and determine for each State a timetable by
5 which the State should be able to provide child
6 abuse crime records on an on-line capacity basis to
7 the national criminal background check system;

8 (B) establish guidelines for the reporting of
9 child abuse crime information, including guidelines
10 relating to the format, content, and accuracy of child
11 abuse crime information and other procedures for
12 carrying out this subtitle; and

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

15 (2) The Attorney General shall require as a part of
16 the State timetable that the State—

17 (A) achieve, by not later than the date that is
18 3 years after the date of enactment of this Act, at
19 least 80 percent currency of child abuse crime case
20 dispositions in computerized criminal history files for
21 all child abuse crime cases in which there has been
22 an entry of activity within the last 5 years; and

23 (B) continue to maintain such a system.

24 (c) EXCHANGE OF INFORMATION.—An authorized
25 agency of a State shall maintain close liaison with the Na-

1 tional Center on Child Abuse and Neglect, the National
2 Center for Missing and Exploited Children, and the Na-
3 tional Center for the Prosecution of Child Abuse for the
4 exchange of information and technical assistance in cases
5 of child abuse.

6 (d) ANNUAL SUMMARY.—(1) The Attorney General
7 shall publish an annual statistical summary of the child
8 abuse crime information reported under this subtitle.

9 (2) The annual statistical summary described in
10 paragraph (1) shall not contain any information that may
11 reveal the identity of any particular victim of a crime.

12 (e) ANNUAL REPORT.—The Attorney General shall
13 publish an annual summary of each State's progress in
14 reporting child abuse crime information to the national
15 criminal background check system.

16 (f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not
17 later than 180 days after the date of enactment of this
18 Act, the Administrator of the Office of Juvenile Justice
19 and Delinquency Prevention shall begin a study based on
20 a statistically significant sample of convicted child abuse
21 offenders and other relevant information to determine—

22 (A) the percentage of convicted child abuse of-
23 fenders who have more than 1 conviction for an of-
24 fense involving child abuse;

1 (B) the percentage of convicted child abuse of-
2 fenders who have been convicted of an offense in-
3 volving child abuse in more than 1 State;

4 (C) whether there are crimes or classes of
5 crimes, in addition to those defined as background
6 check crimes in section 883, that are indicative of a
7 potential to abuse children; and

8 (D) the extent to which and the manner in
9 which instances of child abuse form a basis for con-
10 victions for crimes other than child abuse crimes.

11 (2) Not later than 1 year after the date of enactment
12 of this Act, the Administrator shall submit a report to the
13 Chairman of the Committee on the Judiciary of the Senate
14 and the Chairman of the Committee on the Judiciary of
15 the House of Representatives containing a description of
16 and a summary of the results of the study conducted pur-
17 suant to paragraph (1).

18 **SEC. 885. BACKGROUND CHECKS.**

19 (a) IN GENERAL.—(1) A State may have in effect
20 procedures (established by or under State statute or regu-
21 lation) to permit a qualified entity to contact an author-
22 ized agency of the State to request a nationwide back-
23 ground check for the purpose of determining whether
24 there is a report that a provider is under indictment for,
25 or has been convicted of, a background check crime.

1 (2) The authorized agency shall access and review
2 State and Federal records of background check crimes
3 through the national criminal background check system
4 and other criminal justice recordkeeping systems and shall
5 respond promptly to the inquiry.

6 (b) GUIDELINES.—(1) The Attorney General shall es-
7 tablish guidelines for State background check procedures
8 established under subsection (a), including procedures for
9 carrying out the purposes of this subtitle.

10 (2) The guidelines established under paragraph (1)
11 shall require—

12 (A) that no qualified entity may request a back-
13 ground check of a provider under subsection (a) un-
14 less the provider first completes and signs a state-
15 ment that—

16 (i) contains the name, address, and date of
17 birth appearing on a valid identification docu-
18 ment (as defined by section 1028(d)(1) of title
19 18, United States Code) of the provider;

20 (ii) the provider is not under indictment
21 for, and has not been convicted of, a back-
22 ground check crime and, if the provider is
23 under indictment for or has been convicted of
24 a background check crime, contains a descrip-

1 tion of the crime and the particulars of the in-
2 dictment or conviction;

3 (iii) notifies the provider that the entity
4 may request a background check under sub-
5 section (a);

6 (iv) notifies the provider of the provider's
7 rights under subparagraph (B); and

8 (v) notifies the provider that prior to the
9 receipt of the background check the qualified
10 entity may choose to deny the provider unsuper-
11 vised access to a child to whom the qualified en-
12 tity provides child care;

13 (B) that each State establish procedures under
14 which a provider who is the subject of a background
15 check under subsection (a) is entitled—

16 (i) to obtain a copy of any background
17 check report and any record that forms the
18 basis for any such report; and

19 (ii) to challenge the accuracy and com-
20 pleteness of any information contained in any
21 such report or record and obtain a prompt de-
22 termination from an authorized agency as to
23 the validity of such challenge;

24 (C) that an authorized agency to which a quali-
25 fied entity has provided notice pursuant to sub-

1 section (a) make reasonable efforts to complete re-
2 search in whatever State and local recordkeeping
3 systems are available and in the national criminal
4 background check system and respond to the quali-
5 fied entity within 15 business days;

6 (D) that the response of an authorized agency
7 to an inquiry pursuant to subsection (a) informs the
8 qualified entity that the background check pursuant
9 to this section—

10 (i) may not reflect all indictments or con-
11 victions for a background check crime;

12 (ii) is not certain to include arrest infor-
13 mation; and

14 (iii) should not be the sole basis for deter-
15 mining the fitness of a provider;

16 (E) that the response of an authorized agency
17 to an inquiry pursuant to subsection (a)—

18 (i) at a minimum, states whether the back-
19 ground check information set forth in the iden-
20 tification document required under subpara-
21 graph (A) is complete and accurate; and

22 (ii) be limited to the information reason-
23 ably required to accomplish the purposes of this
24 subtitle;

1 (F) that no qualified entity may take action ad-
2 verse to a provider, except that the qualified entity
3 may choose to deny the provider unsupervised access
4 to a child to whom the qualified entity provides child
5 care, on the basis of a background check under sub-
6 section (a) until the provider has obtained a deter-
7 mination as to the validity of any challenge under
8 subparagraph (B) or waived the right to make such
9 challenge;

10 (G) that each State establish procedures to en-
11 sure that any background check under subsection
12 (a) and the results thereof shall be requested by and
13 provided only to—

14 (i) qualified entities identified by States;

15 (ii) authorized representatives of a quali-
16 fied entity who have a need to know such infor-
17 mation;

18 (iii) the providers;

19 (iv) law enforcement authorities; or

20 (v) pursuant to the direction of a court of
21 law;

22 (H) that background check information con-
23 veyed to a qualified entity pursuant to subsection (a)
24 shall not be conveyed to any person except as pro-
25 vided under subparagraph (G);

1 (I) that an authorized agency shall not be liable
2 in an action at law for damages for failure to pre-
3 vent a qualified entity from taking action adverse to
4 a provider on the basis of a background check; and

5 (J) that a State employee or a political subdivi-
6 sion of a State or employee thereof responsible for
7 providing information to the national criminal back-
8 ground check system shall not be liable in an action
9 at law for damages for failure to prevent a qualified
10 entity from taking action adverse to a provider on
11 the basis of a background check.

12 (c) EQUIVALENT PROCEDURES.—(1) Notwithstand-
13 ing anything to the contrary in this section, the Attorney
14 General may certify that a State licensing or certification
15 procedure that differs from the procedures described in
16 subsections (a) and (b) shall be deemed to be the equiva-
17 lent of such procedures for purposes of this subtitle, but
18 the procedures described in subsections (a) and (b) shall
19 continue to apply to those qualified entities, providers, and
20 background check crimes that are not governed by or in-
21 cluded within the State licensing or certification proce-
22 dure.

23 (2) The Attorney General shall by regulation estab-
24 lish criteria for certifications under this subsection. Such
25 criteria shall include a finding by the Attorney General

1 that the State licensing or certification procedure accom-
2 plishes the purposes of this subtitle and incorporates a na-
3 tionwide review of State and Federal records of back-
4 ground check offenses through the national criminal back-
5 ground check system.

6 (d) RECORDS EXCHANGE.—The Attorney General
7 may exchange Federal Bureau of Investigation identifica-
8 tion records with authorized agencies for purposes of back-
9 ground checks under subsection (a) and may by regulation
10 authorize further dissemination of such records by author-
11 ized agencies for such purposes.

12 (e) REGULATIONS.—(1) The Attorney General shall
13 by regulation prescribe such other measures as may be
14 required to carry out the purposes of this subtitle, includ-
15 ing measures relating to the security, confidentiality, accu-
16 racy, use, misuse, and dissemination of information, and
17 audits and recordkeeping.

18 (2) The Attorney General shall, to the maximum ex-
19 tent possible, encourage the use of the best technology
20 available in conducting background checks.

21 **SEC. 886. FUNDING FOR IMPROVEMENT OF CHILD ABUSE**

22 **CRIME INFORMATION.**

23 (a) USE OF FORMULA GRANTS FOR IMPROVEMENTS
24 IN STATE RECORDS AND SYSTEMS.—Section 509(b) of
25 title I of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (42 U.S.C. 3759(b)), as amended by section
2 524(a) of this Act, is amended—

3 (1) in paragraph (3) by striking “and” after
4 the semicolon;

5 (2) in paragraph (4) by striking the period and
6 inserting “; and”; and

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

9 “(5) the improvement of State record systems
10 and the sharing of all of the records described in
11 paragraphs (1), (2), and (3) of this subsection and
12 the records required by the Attorney General under
13 section 884 of the National Child Protection Act of
14 1993 with the Attorney General for the purpose of
15 implementing the National Child Protection Act of
16 1993.”.

17 (b) ADDITIONAL FUNDING GRANTS FOR THE IM-
18 PROVEDMENT OF CHILD ABUSE CRIME INFORMATION.—

19 (1) The Attorney General shall, subject to appropriations
20 and with preference to States that as of the date of enact-
21 ment of this Act have the lowest percent currency of case
22 dispositions in computerized criminal history files, make
23 a grant to each State to be used—

24 (A) for the computerization of criminal history
25 files for the purposes of this subtitle;

1 (B) for the improvement of existing computer-
2 ized criminal history files for the purposes of this
3 subtitle;

4 (C) to improve accessibility to the national
5 criminal background check system for the purposes
6 of this subtitle; and

7 (D) to assist the State in the transmittal of
8 criminal records to, or the indexing of criminal his-
9 tory records in, the national criminal background
10 check system for the purposes of this subtitle.

11 (2) There are authorized to be appropriated for
12 grants under paragraph (1) a total of \$20,000,000 for fis-
13 cal years 1994, 1995, and 1996.

14 (c) WITHHOLDING STATE FUNDS.—Effective 1 year
15 after the date of enactment of this Act, the Attorney Gen-
16 eral may reduce by up to 10 percent the allocation to a
17 State for a fiscal year under title I of the Omnibus Crime
18 Control and Safe Streets Act of 1968 of a State that is
19 not in compliance with the timetable established for that
20 State under section 884.

1 **Subtitle D—Jacob Wetterling**
2 **Crimes Against Children Reg-**
3 **istration Act**

4 **SEC. 891. SHORT TITLE.**

5 This subtitle may be cited as the “Jacob Wetterling
6 Crimes Against Children Registration Act”.

7 **SEC. 892. ESTABLISHMENT OF PROGRAM.**

8 (a) IN GENERAL.—

9 (1) STATE GUIDELINES.—The Attorney General
10 shall establish guidelines for State programs requir-
11 ing any person who is convicted of a criminal offense
12 against a victim who is a minor to register a current
13 address with a designated State law enforcement
14 agency for 10 years after release from prison, being
15 placed on parole, or being placed on supervised re-
16 lease.

17 (2) DEFINITION.—For purposes of this sub-
18 section, “criminal offense against a victim who is a
19 minor” includes—

20 (A) kidnapping of a minor, except by a
21 noncustodial parent;

22 (B) false imprisonment of a minor, except
23 by a noncustodial parent;

24 (C) criminal sexual conduct toward a
25 minor;

1 (D) solicitation of minors to engage in sex-
2 ual conduct;

3 (E) use of minors in a sexual performance;

4 or

5 (F) solicitation of minors to practice pros-
6 titution.

7 (b) REGISTRATION REQUIREMENT UPON RELEASE,
8 PAROLE, OR SUPERVISED RELEASE.—An approved State
9 registration program established by this section shall con-
10 tain the following requirements:

11 (1) NOTIFICATION.—If a person who is re-
12 quired to register under this section is released from
13 prison, paroled, or placed on supervised release, a
14 State prison officer shall—

15 (A) inform the person of the duty to reg-
16 ister;

17 (B) inform the person that if the person
18 changes residence address, the person shall give
19 the new address to a designated State law en-
20 forcement agency in writing within 10 days;

21 (C) obtain fingerprints and a photograph
22 of the person if these have not already been ob-
23 tained in connection with the offense that trig-
24 gers registration; and

1 (D) require the person to read and sign a
2 form stating that the duty of the person to reg-
3 ister under this section has been explained.

4 (2) TRANSFER OF INFORMATION TO STATE AND
5 THE FBI.—The officer shall, within 3 days after re-
6 ceipt of information described in paragraph (1), for-
7 ward it to a designated State law enforcement agen-
8 cy. The State law enforcement agency shall imme-
9 diately enter the information into the appropriate
10 State law enforcement record system and notify the
11 appropriate law enforcement agency having jurisdic-
12 tion where the person expects to reside. The State
13 law enforcement agency shall also immediately
14 transmit the conviction data and fingerprints to the
15 Identification Division of the Federal Bureau of In-
16 vestigation.

17 (3) ANNUAL VERIFICATION.—On each anniver-
18 sary of a person's initial registration date during the
19 period in which the person is required to register
20 under this section, the designated State law enforce-
21 ment agency shall mail a nonforwardable verification
22 form to the last reported address of the person. The
23 person shall mail the verification form to the officer
24 within 10 days after receipt of the form. The ver-
25 ification form shall be signed by the person, and

1 state that the person still resides at the address last
2 reported to the designated State law enforcement
3 agency. If the person fails to mail the verification
4 form to the designated State law enforcement agen-
5 cy within 10 days after receipt of the form, the per-
6 son shall be in violation of this section unless the
7 person proves that the person has not changed his
8 or her residence address.

9 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
10 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
11 change of address by a person required to register
12 under this section reported to the designated State
13 law enforcement agency shall immediately be re-
14 ported to the appropriate law enforcement agency
15 having jurisdiction where the person is residing.

16 (c) REGISTRATION FOR 10 YEARS.—A person re-
17 quired to register under this section shall continue to com-
18 ply with this section until 10 years have elapsed since the
19 person was released from imprisonment, or placed on pa-
20 role or supervised release.

21 (d) PENALTY.—A person required to register under
22 a State program established pursuant to this section who
23 knowingly fails to so register and keep such registration
24 current shall be subject to criminal penalties in such State.

1 It is the sense of Congress that such penalties should in-
2 clude at least 6 months' imprisonment.

3 (e) PRIVATE DATA.—The information provided under
4 this section is private data on individuals and may be used
5 for law enforcement purposes and confidential background
6 checks conducted with fingerprints for child care services
7 providers.

8 **SEC. 893. STATE COMPLIANCE.**

9 (a) COMPLIANCE DATE.—Each State shall have 3
10 years from the date of the enactment of this Act in which
11 to implement this subtitle.

12 (b) INELIGIBILITY FOR FUNDS.—The allocation of
13 funds under section 506 of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3756)
15 received by a State not complying with this subtitle 3
16 years after the date of enactment of this Act shall be re-
17 duced by 25 percent and the unallocated funds shall be
18 reallocated to the States in compliance with this section.

19 **TITLE IX—EQUAL JUSTICE ACT**

20 **SEC. 901. SHORT TITLE.**

21 This title may be cited as the “Equal Justice Act”.

1 **SEC. 902. PROHIBITION OF RACIALLY DISCRIMINATORY**
2 **POLICIES CONCERNING CAPITAL PUNISH-**
3 **MENT OR OTHER PENALTIES.**

4 (a) **GENERAL RULE.**—The penalty of death and all
5 other penalties shall be administered by the United States
6 and by every State without regard to the race or color
7 of the defendant or victim. Neither the United States nor
8 any State shall prescribe any racial quota or statistical
9 test for the imposition or execution of the death penalty
10 or any other penalty.

11 (b) **DEFINITIONS.**—For purposes of this title—

12 (1) the action of the United States or of a State
13 includes the action of any legislative, judicial, execu-
14 tive, administrative, or other agency or instrumental-
15 ity of the United States or a State, or of any politi-
16 cal subdivision of the United States or a State;

17 (2) the term “State” has the meaning stated in
18 section 513 of title 18, United States Code; and

19 (3) the term “racial quota or statistical test”
20 includes any law, rule, presumption, goal, standard
21 for establishing a prima facie case, or mandatory or
22 permissive inference that—

23 (A) requires or authorizes the imposition
24 or execution of the death penalty or another
25 penalty so as to achieve a specified racial pro-

1 portion relating to offenders, convicts, defend-
2 ants, arrestees, or victims; or

3 (B) requires or authorizes the invalidation
4 of, or bars the execution of, sentences of death
5 or other penalties based on the failure of a ju-
6 risdiction to achieve a specified racial propor-
7 tion relating to offenders, convicts, defendants,
8 arrestees, or victims in the imposition or execu-
9 tion of such sentences or penalties.

10 **SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJU-**
11 **DICE OR BIAS IN THE TRIBUNAL.**

12 In a criminal trial in a court of the United States,
13 or of any State—

14 (1) on motion of the defense attorney or pros-
15 ecutor, the risk of racial prejudice or bias shall be
16 examined on voir dire if there is a substantial likeli-
17 hood in the circumstances of the case that such prej-
18 udice or bias will affect the jury either against or in
19 favor of the defendant;

20 (2) on motion of the defense attorney or pros-
21 ecutor, a change of venue shall be granted if an im-
22 partial jury cannot be obtained in the original venue
23 because of racial prejudice or bias; and

1 (3) neither the prosecutor nor the defense at-
2 torney shall make any appeal to racial prejudice or
3 bias in statements before the jury.

4 **SEC. 904. FEDERAL CAPITAL CASES.**

5 (a) JURY INSTRUCTIONS AND CERTIFICATION.—In a
6 prosecution for an offense against the United States in
7 which a sentence of death is sought, and in which the cap-
8 ital sentencing determination is to be made by a jury, the
9 judge shall instruct the jury that it is not to be influenced
10 by prejudice or bias relating to the race or color of the
11 defendant or victim in considering whether a sentence of
12 death is justified, and that the jury is not to recommend
13 the imposition of a sentence of death unless it has con-
14 cluded that it would recommend the same sentence for
15 such a crime regardless of the race or color of the defend-
16 ant or victim. Upon the return of a recommendation of
17 a sentence of death, the jury shall also return a certificate,
18 signed by each juror, that the juror’s individual decision
19 was not affected by prejudice or bias relating to the race
20 or color of the defendant or victim, and that the individual
21 juror would have made the same recommendation regard-
22 less of the race or color of the defendant or victim.

23 (b) RACIALLY MOTIVATED KILLINGS.—In a prosecu-
24 tion for an offense against the United States for which
25 a sentence of death is authorized, the fact that the killing

1 of the victim was motivated by racial prejudice or bias
2 shall be deemed an aggravating factor whose existence
3 permits consideration of the death penalty, in addition to
4 any other aggravating factors that may be specified by law
5 as permitting consideration of the death penalty.

6 **SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS**
7 **STATUTES.**

8 (a) SECTION 241.—Section 241 of title 18, United
9 States Code, is amended by striking “inhabitant of” and
10 inserting “person in”.

11 (b) SECTION 242.—Section 242 of title 18, United
12 States Code, is amended by striking “inhabitant of” and
13 inserting “person in”, and by striking “such inhabitant”
14 and inserting “such person”.

15 **TITLE X—FUNDING, GRANT**
16 **PROGRAMS, AND STUDIES**
17 **Subtitle A—Safer Streets and**
18 **Neighborhoods**

19 **SEC. 1001. SHORT TITLE.**

20 This subtitle may be cited as the “Law Enforcement
21 Enhancement Act of 1993”.

1 **SEC. 1002. GRANTS TO STATE AND LOCAL AGENCIES FOR**
2 **THE HIRING OF LAW ENFORCEMENT PER-**
3 **SONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
5 1001(a)(5) of part J of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5))
7 is amended to read as follows:

8 “(5) There are authorized to be appropriated
9 \$1,000,000,000 for fiscal year 1994 and such sums as are
10 necessary in fiscal years 1995 and 1996 to carry out the
11 programs under parts D and E. Sums appropriated for
12 fiscal years 1994, 1995, and 1996 that are in excess of
13 sums appropriated for fiscal year 1993 shall be used pri-
14 marily for the purposes of section 501(b)(22).”.

15 (b) HIRING OF ADDITIONAL CAREER LAW ENFORCE-
16 MENT OFFICERS.—Section 501(b) of title I of the Omni-
17 bus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3751(b)) is amended—

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

21 (2) by striking the period at the end of para-
22 graph (21) and inserting “; and”; and

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

25 “(22) hiring additional career law enforcement
26 officers.”.

1 **SEC. 1003. CONTINUATION OF FEDERAL-STATE FUNDING**
2 **FORMULA.**

3 Section 504(a)(1) of part E of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
5 3754(a)(1)) is amended by striking “1991” and inserting
6 “1994”.

7 **SEC. 1004. EQUITY IN FUNDING.**

8 Section 506(a)(1) of title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C.
10 3756(a)(6)) is amended by striking “0.25” and inserting
11 “0.5”.

12 **Subtitle B—Retired Public Safety**
13 **Officer Death Benefit**

14 **SEC. 1011. RETIRED PUBLIC SAFETY OFFICER DEATH**
15 **BENEFIT.**

16 (a) PAYMENTS.—Section 1201 of title I of the Omni-
17 bus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3796) is amended—

19 (1) in subsection (a) by inserting “or a retired
20 public safety officer has died as the direct and proximi-
21 mate result of a personal injury sustained while re-
22 sponding to a fire, rescue, or police emergency” after
23 “line of duty”;

24 (2) in subsection (b) by inserting “or a retired
25 public safety officer has become permanently and to-
26 tally disabled as the direct result of a catastrophic

1 injury sustained while responding to a fire, rescue,
2 or police emergency” after “line of duty”; and

3 (3) in subsections (c), (i), and (j) by inserting
4 “or a retired public safety officer” after “public
5 safety officer” each place it appears.

6 (b) LIMITATIONS.—Section 1202 of title I of the Om-
7 nibus Crime Control and Safe Streets Act of 1968 (42
8 U.S.C. 3796a) is amended—

9 (1) in paragraph (1) by striking “the public
10 safety officer or by such officer’s intention” and in-
11 serting “the public safety officer or the retired pub-
12 lic safety officer who had the intention”;

13 (2) in paragraph (2) by striking “the public
14 safety officer” and inserting “the public safety offi-
15 cer or the retired public safety officer”; and

16 (3) in paragraph (3) by striking “the public
17 safety officer” and inserting “the public safety offi-
18 cer or the retired public safety officer”.

19 (c) NATIONAL PROGRAM.—Section 1203 of title I of
20 the Omnibus Crime Control and Safe Streets Act of 1968
21 (42 U.S.C. 3796a–1) is amended by inserting before the
22 period “or retired public safety officers who have died
23 while responding to a fire, rescue, or police emergency”.

1 (d) DEFINITIONS.—Section 1204 of title I of the Om-
2 nibus Crime Control and Safe Streets Act of 1968 (42
3 U.S.C. 3796b) is amended—

4 (1) by striking “and” after paragraph (6);

5 (2) by inserting “; and” at the end of para-
6 graph (7); and

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

9 “(8) ‘retired public safety officer’ means a
10 former public safety officer who has served a suffi-
11 cient period of time in such capacity to become vest-
12 ed in the retirement system of a public agency with
13 which the officer was employed and who retired from
14 such agency in good standing.”.

15 (e) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to death or injuries
17 occurring after the date of enactment of this Act.

18 (f) IRWIN RUTMAN PROGRAM.—Part L of title I of
19 the Omnibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3796 et seq.) is amended by inserting before
21 section 1201 the following new section:

22 “NAME OF PROGRAM

23 “SEC. 1200. The program established under this part
24 shall be known as the ‘Irwin Rutman Retired Safety Offi-
25 cer’s Benefit Program’.”.

1 **Subtitle C—Study on Police**
2 **Officers’ Rights**

3 **SEC. 1021. STUDY ON POLICE OFFICERS’ RIGHTS.**

4 The Attorney General, through the National Institute
5 of Justice, shall conduct a study of the procedures followed
6 in internal, noncriminal investigations of State and local
7 law enforcement officers to determine if such investiga-
8 tions are conducted fairly and effectively. The study shall
9 examine the adequacy of the rights available to law en-
10 forcement officers and members of the public in cases in-
11 volving the performance of a law enforcement officer, in-
12 cluding—

- 13 (1) notice;
14 (2) conduct of questioning;
15 (3) counsel;
16 (4) hearings;
17 (5) appeal; and
18 (6) sanctions.

19 Not later than 1 year after the date of enactment of this
20 Act, the Attorney General shall submit to the Congress
21 a report on the results of the study, along with findings
22 and recommendations on strategies to guarantee fair and
23 effective internal affairs investigations.

1 **Subtitle D—Cop-on-the-Beat Grants**

2 **SEC. 1031. SHORT TITLE.**

3 This subtitle may be cited as “The Cop-on-the-Beat
4 Act of 1993”.

5 **SEC. 1032. COP-ON-THE-BEAT GRANTS.**

6 (a) IN GENERAL.—Title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
8 et seq.), as amended by section 633(a), is amended—

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

10 (2) by redesignating section 1701 as section
11 1801; and

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

14 **“PART R—COP-ON-THE-BEAT GRANTS**

15 **“SEC. 1701. GRANT AUTHORIZATION.**

16 “(a) GRANT PROJECTS.—The Director of the Bureau
17 of Justice Assistance may make grants to units of local
18 government and to community groups to establish or ex-
19 pand cooperative efforts between police and a community
20 for the purposes of increasing police presence in the
21 community, including—

22 “(1) developing innovative neighborhood-ori-
23 ented policing programs;

1 “(2) providing new technologies to reduce the
2 amount of time officers spend processing cases in-
3 stead of patrolling the community;

4 “(3) purchasing equipment to improve commu-
5 nications between officers and the community and to
6 improve the collection, analysis, and use of informa-
7 tion about crime-related community problems;

8 “(4) developing policies that reorient police em-
9 phasis from reacting to crime to preventing crime;

10 “(5) creating decentralized police substations
11 throughout the community to encourage interaction
12 and cooperation between the public and law enforce-
13 ment personnel on a local level;

14 “(6) providing training and problem solving for
15 community crime problems;

16 “(7) providing training in cultural differences
17 for law enforcement officials;

18 “(8) developing community-based crime preven-
19 tion programs, such as safety programs for senior
20 citizens, community anticrime groups, and other
21 anticrime awareness programs;

22 “(9) developing crime prevention programs in
23 communities that have experienced a recent increase
24 in gang-related violence; and

1 “(10) developing projects following the model
2 under subsection (b).

3 “(b) MODEL PROJECT.—The Director shall develop
4 a written model that informs community members regard-
5 ing—

6 “(1) how to identify the existence of a drug or
7 gang house;

8 “(2) what civil remedies, such as public nui-
9 sance violations and civil suits in small claims court,
10 are available; and

11 “(3) what mediation techniques are available
12 between community members and individuals who
13 have established a drug or gang house in the
14 community.

15 **“SEC. 1702. APPLICATION.**

16 “(a) IN GENERAL.—(1) To be eligible to receive a
17 grant under this part, a chief executive of a unit of local
18 government, a duly authorized representative of a com-
19 bination of local governments within a geographic region,
20 or a community group shall submit an application to the
21 Director in such form and containing such information as
22 the Director may reasonably require.

23 “(2) In an application under paragraph (1), a single
24 office, or agency (public, private, or nonprofit) shall be
25 designated as responsible for the coordination, implemen-

1 tation, administration, accounting, and evaluation of serv-
2 ices described in the application.

3 “(b) GENERAL CONTENTS.—Each application under
4 subsection (a) shall include—

5 “(1) a request for funds available under this
6 part for the purposes described in section 1701;

7 “(2) a description of the areas and populations
8 to be served by the grant; and

9 “(3) assurances that Federal funds received
10 under this part shall be used to supplement, not
11 supplant, non-Federal funds that would otherwise be
12 available for activities funded under this part.

13 “(c) COMPREHENSIVE PLAN.—Each application shall
14 include a comprehensive plan that contains—

15 “(1) a description of the crime problems within
16 the areas targeted for assistance;

17 “(2) a description of the projects to be
18 developed;

19 “(3) a description of the resources available in
20 the community to implement the plan together with
21 a description of the gaps in the plan that cannot be
22 filled with existing resources;

23 “(4) an explanation of how the requested grant
24 shall be used to fill those gaps;

1 “(5) a description of the system the applicant
2 shall establish to prevent and reduce crime problems;
3 and

4 “(6) an evaluation component, including per-
5 formance standards and quantifiable goals the appli-
6 cant shall use to determine project progress, and the
7 data the applicant shall collect to measure progress
8 toward meeting project goals.

9 **“SEC. 1703. ALLOCATION OF FUNDS; LIMITATIONS ON**
10 **GRANTS.**

11 “(a) ALLOCATION.—The Director shall allocate not
12 less than 75 percent of the funds available under this part
13 to units of local government or combinations of such units
14 and not more than 20 percent of the funds available under
15 this part to community groups.

16 “(b) ADMINISTRATIVE COST LIMITATION.—The Di-
17 rector shall use not more than 5 percent of the funds avail-
18 able under this part for the purposes of administration,
19 technical assistance, and evaluation.

20 “(c) RENEWAL OF GRANTS.—A grant under this part
21 may be renewed for up to 2 additional years after the first
22 fiscal year during which the recipient receives its initial
23 grant, subject to the availability of funds, if the Director
24 determines that the funds made available to the recipient
25 during the previous year were used in a manner required

1 under the approved application and if the recipient can
2 demonstrate significant progress toward achieving the
3 goals of the plan required under section 1702(c).

4 “(d) FEDERAL SHARE.—The Federal share of a
5 grant made under this part may not exceed 75 percent
6 of the total costs of the projects described in the applica-
7 tion submitted under section 1702 for the fiscal year for
8 which the projects receive assistance under this part.

9 **“SEC. 1704. AWARD OF GRANTS.**

10 “(a) SELECTION OF RECIPIENTS.—The Director
11 shall consider the following factors in awarding grants to
12 units of local government or combinations of such units
13 under this part:

14 “(1) NEED AND ABILITY.—Demonstrated need
15 and evidence of the ability to provide the services de-
16 scribed in the plan required under section 1702(c).

17 “(2) COMMUNITY-WIDE RESPONSE.—Evidence
18 of the ability to coordinate community-wide response
19 to crime.

20 “(3) MAINTAIN PROGRAM.—The ability to
21 maintain a program to control and prevent crime
22 after funding under this part is no longer available.

23 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
24 shall attempt to achieve, to the extent practicable, an equi-
25 table geographic distribution of grant awards.

1 **“SEC. 1705. REPORTS.**

2 “(a) REPORT TO DIRECTOR.—Recipients who receive
3 funds under this part shall submit to the Director not
4 later than March 1 of each year a report that describes
5 progress achieved in carrying out the plan required under
6 section 1702(c).

7 “(b) REPORT TO CONGRESS.—The Director shall
8 submit to the Congress a report by October 1 of each year
9 containing—

10 “(1) a detailed statement regarding grant
11 awards and activities of grant recipients; and

12 “(2) an evaluation of projects established under
13 this part.

14 **“SEC. 1706. DEFINITIONS.**

15 “For the purposes of this part:

16 “(1) The term ‘community group’ means a
17 community-based nonprofit organization that has a
18 primary purpose of crime prevention.

19 “(2) The term ‘Director’ means the Director of
20 the Bureau of Justice Assistance.”.

21 (b) TECHNICAL AMENDMENT.—The table of contents
22 of title I of the Omnibus Crime Control and Safe Streets
23 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
24 tion 633(b), is amended by striking the matter relating
25 to part Q and inserting the following:

“PART Q—COP-ON-THE-BEAT GRANTS

“Sec. 1701. Grant authorization.
 “Sec. 1702. Application.
 “Sec. 1703. Allocation of funds; limitation on grants.
 “Sec. 1704. Award of grants.
 “Sec. 1705. Reports.
 “Sec. 1706. Definitions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1701. Continuation of rules, authorities, and proceedings.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 1001(a) of title I of the Omnibus Crime Control and Safe
 3 Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by
 4 section 633(b), is amended—

5 (1) in paragraph (3) by striking “and P” and
 6 inserting “P, and Q”; and

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

9 “(11) There are authorized to be appropriated
 10 \$150,000,000 for each of fiscal years 1994, 1995, and
 11 1996 to carry out projects under part Q.”.

12 **Subtitle E—National Commission**
 13 **to Support Law Enforcement**

14 **SEC. 1041. SHORT TITLE.**

15 This subtitle may be cited as the “National Commis-
 16 sion to Support Law Enforcement Act.”.

17 **SEC. 1042. FINDINGS.**

18 The Congress finds that—

19 (1) law enforcement officers risk their lives
 20 daily to protect citizens, for modest rewards and too
 21 little recognition;

1 (2) a significant shift has occurred in the prob-
2 lems that law enforcement officers face without a
3 corresponding change in the support from the Fed-
4 eral Government;

5 (3) law enforcement officers are on the front
6 line in the war against drugs and crime;

7 (4) the rate of violent crime continues to in-
8 crease along with the increase in drug use;

9 (5) a large percentage of individuals arrested
10 test positive for drug usage;

11 (6) the Presidential Commission on Law En-
12 forcement and the Administration of Justice of 1965
13 focused attention on many issues affecting law en-
14 forcement, and a review 25 years later would help to
15 evaluate current problems, including drug-related
16 crime, violence, racial conflict, and decreased fund-
17 ing; and

18 (7) a comprehensive study of law enforcement
19 issues, including the role of the Federal Government
20 in supporting law enforcement officers, working con-
21 ditions, and responsibility for crime control would
22 assist in redefining the relationships between the
23 Federal Government, the public, and law enforce-
24 ment officials.

1 **SEC. 1043. ESTABLISHMENT OF COMMISSION.**

2 There is established a national commission to be
3 known as the “National Commission to Support Law En-
4 forcement” (referred to in this subtitle as the “Commis-
5 sion”).

6 **SEC. 1044. DUTIES.**

7 (a) IN GENERAL.—The Commission shall study and
8 recommend changes regarding law enforcement agencies
9 and law enforcement issues on the Federal, State, and
10 local levels, including the following:

11 (1) FUNDING.—The sufficiency of funding, in-
12 cluding a review of grant programs at the Federal
13 level.

14 (2) EMPLOYMENT.—The conditions of law en-
15 forcement employment.

16 (3) INFORMATION.—The effectiveness of infor-
17 mation-sharing systems, intelligence, infrastructure,
18 and procedures among law enforcement agencies of
19 Federal, State, and local governments.

20 (4) RESEARCH AND TRAINING.—The status of
21 law enforcement research and education and train-
22 ing.

23 (5) EQUIPMENT AND RESOURCES.—The ade-
24 quacy of equipment, physical resources, and human
25 resources.

1 (6) COOPERATION.—The cooperation among
2 Federal, State, and local law enforcement agencies.

3 (7) RESPONSIBILITY.—The responsibility of
4 governments and law enforcement agencies in solv-
5 ing the crime problem.

6 (8) IMPACT.—The impact of the criminal jus-
7 tice system, including court schedules and prison
8 overcrowding, on law enforcement.

9 (b) CONSULTATION.—The Commission shall conduct
10 surveys and consult with focus groups of law enforcement
11 officers, local officials, and community leaders across the
12 Nation to obtain information and seek advice on important
13 law enforcement issues.

14 **SEC. 1045. MEMBERSHIP.**

15 (a) NUMBER AND APPOINTMENT.—The Commission
16 shall be composed of 23 members as follows:

17 (1) Seven individuals from among national law
18 enforcement officers, of whom—

19 (A) two shall be appointed by the Speaker
20 of the House of Representatives;

21 (B) two shall be appointed by the Majority
22 Leader of the Senate;

23 (C) one shall be appointed by the Minority
24 Leader of the House;

1 (D) one shall be appointed by the Minority
2 Leader of the Senate; and

3 (E) one shall be appointed by the Presi-
4 dent.

5 (2) Seven individuals from national law enforce-
6 ment organizations representing law enforcement
7 management, of whom—

8 (A) two shall be appointed by the Speaker
9 of the House of Representatives;

10 (B) two shall be appointed by the Majority
11 Leader of the Senate;

12 (C) one shall be appointed by the Minority
13 Leader of the House;

14 (D) one shall be appointed by the Minority
15 Leader of the Senate; and

16 (E) one shall be appointed by the Presi-
17 dent.

18 (3) Two individuals with academic expertise re-
19 garding law enforcement issues, of whom—

20 (A) one shall be appointed by the Speaker
21 of the House of Representatives and the Major-
22 ity Leader of the Senate;

23 (B) one shall be appointed by the Minority
24 Leader of the Senate and the Minority Leader
25 of the House of Representatives;

1 (4) two Members of the House of Representa-
2 tives, appointed by the Speaker and the Minority
3 Leader of the House of Representatives;

4 (5) two Members of the Senate, appointed by
5 the Majority Leader and the Minority Leader of the
6 Senate;

7 (6) one individual involved in Federal law en-
8 forcement from the Department of the Treasury, ap-
9 pointed by the President;

10 (7) one individual from the Department of Jus-
11 tice, appointed by the President; and

12 (8) The Comptroller General of the United
13 States, who shall serve as the chairperson of the
14 Commission.

15 (b) COMPENSATION.—

16 (1) IN GENERAL.—Members of the Commission
17 shall receive no additional pay, allowance, or benefit
18 by reason of service on the Commission.

19 (2) TRAVEL EXPENSES.—Each member of the
20 Commission shall receive travel expenses, including
21 per diem in lieu of subsistence, in accordance with
22 sections 5702 and 5703 of title 5, United States
23 Code.

1 (c) APPOINTMENT DATES.—Members of the Com-
2 mission shall be appointed no later than 90 days after the
3 enactment of this title.

4 **SEC. 1046. EXPERTS AND CONSULTANTS.**

5 (a) EXPERTS AND CONSULTANTS.—The Commission
6 may procure temporary and intermittent services under
7 section 3109(b) of title 5, United States Code.

8 (b) STAFF OF FEDERAL AGENCIES.—Upon request
9 of the Commission, the head of any Federal agency is au-
10 thorized to detail, on a reimbursable basis, any of the per-
11 sonnel of that agency to the Commission to assist the
12 Commission in carrying out its duties under this subtitle.

13 (c) ADMINISTRATIVE SUPPORT.—The Administrator
14 of General Services shall provide to the Commission, on
15 a reimbursable basis, administrative support services as
16 the Commission may request.

17 **SEC. 1047. POWERS OF COMMISSION.**

18 (a) HEARINGS.—The Commission may, for purposes
19 of this subtitle, hold hearings, sit and act at the time and
20 places, take testimony, and receive evidence, as the Com-
21 mission considers appropriate.

22 (b) DELEGATION OF AUTHORITY.—Any member or
23 agent of the Commission may, if authorized by the Com-
24 mission, take any action that the Commission is author-
25 ized to take by this section.

1 (c) INFORMATION.—The Commission may secure di-
2 rectly from any Federal agency information necessary to
3 enable it to carry out this subtitle. Upon request of the
4 chairperson of the Commission, the head of an agency
5 shall furnish the information to the Commission to the
6 extent permitted by law.

7 (d) GIFTS AND DONATIONS.—The Commission may
8 accept, use, and dispose of gifts or donations of services
9 or property.

10 (e) MAILS.—The Commission may use the United
11 States mails in the same manner and under the same con-
12 ditions as other Federal agencies.

13 **SEC. 1048. REPORT.**

14 Not later than the expiration of the 18-month period
15 beginning on the date of the appointment of the members
16 of the Commission, a report containing the findings of the
17 Commission and specific proposals for legislation and ad-
18 ministrative actions that the Commission has determined
19 to be appropriate shall be submitted to Congress.

20 **SEC. 1049. TERMINATION.**

21 The Commission shall cease to exist upon the expira-
22 tion of the 60-day period beginning on the date on which
23 the Commission submits its report under section 1048.

1 **SEC. 1050. REPEALS.**

2 Title XXXIV of the Crime Control Act of 1990 (42
3 U.S.C. 3721 note) and section 211(B) of the Departments
4 of Commerce, Justice, and State, the Judiciary, and Re-
5 lated Agencies Appropriations Act, 1991 (42 U.S.C. 3721
6 note; 104 Stat. 2122) are repealed.

7 **Subtitle F—Other Provisions**

8 **SEC. 1062. LAW ENFORCEMENT FAMILY SUPPORT.**

9 (a) IN GENERAL.—Title I of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
11 et seq.), as amended by section 1032(a), is amended—

- 12 (1) by redesignating part R as part S;
13 (2) by redesignating section 1801 as 1901; and
14 (3) by inserting after part Q the following new
15 part:

16 **“PART R—FAMILY SUPPORT**

17 **“SEC. 1801. DUTIES OF DIRECTOR.**

18 “The Director shall—

19 “(1) establish guidelines and oversee the imple-
20 mentation of family-friendly policies within law en-
21 forcement-related offices and divisions in the De-
22 partment of Justice;

23 “(2) study the effects of stress on law enforce-
24 ment personnel and family well-being and dissemi-
25 nate the findings of such studies to Federal, State,

1 and local law enforcement agencies, related organi-
2 zations, and other interested parties;

3 “(3) identify and evaluate model programs that
4 provide support services to law enforcement person-
5 nel and families;

6 “(4) provide technical assistance and training
7 programs to develop stress reduction and family sup-
8 port to State and local law enforcement agencies;

9 “(5) collect and disseminate information re-
10 garding family support, stress reduction, and psy-
11 chological services to Federal, State, and local law
12 enforcement agencies, law enforcement-related orga-
13 nizations, and other interested entities; and

14 “(6) determine issues to be researched by the
15 Bureau and by grant recipients.

16 **“SEC. 1802. GENERAL AUTHORIZATION.**

17 “The Director is authorized to make grants to States
18 and local law enforcement agencies to provide family sup-
19 port services to law enforcement personnel.

20 **“SEC. 1803. USES OF FUNDS.**

21 “(a) IN GENERAL.—A State or local law enforcement
22 agency that receives a grant under this part shall use
23 amounts provided under the grant to establish or improve
24 training and support programs for law enforcement
25 personnel.

1 “(b) REQUIRED ACTIVITIES.—A law enforcement
2 agency that receives funds under this part shall provide
3 at least one of the following services:

4 “(1) Counseling for law enforcement family
5 members.

6 “(2) Child care on a 24-hour basis.

7 “(3) Marital and adolescent support groups.

8 “(4) Stress reduction programs.

9 “(5) Stress education for law enforcement re-
10 cruits and families.

11 “(c) OPTIONAL ACTIVITIES.—A law enforcement
12 agency that receives funds under this part may provide
13 the following services:

14 “(1) Post-shooting debriefing for officers and
15 their spouses.

16 “(2) Group therapy.

17 “(3) Hypertension clinics.

18 “(4) Critical incident response on a 24-hour
19 basis.

20 “(5) Law enforcement family crisis telephone
21 services on a 24-hour basis.

22 “(6) Counseling for law enforcement personnel
23 exposed to the human immunodeficiency virus.

24 “(7) Counseling for peers.

1 “(8) Counseling for families of personnel killed
2 in the line of duty.

3 “(9) Seminars regarding alcohol, drug use,
4 gambling, and overeating.

5 **“SEC. 1804. APPLICATIONS.**

6 “A law enforcement agency desiring to receive a
7 grant under this part shall submit to the Director an ap-
8 plication at such time, in such manner, and containing or
9 accompanied by such information as the Director may rea-
10 sonably require. Such application shall—

11 “(1) certify that the law enforcement agency
12 shall match all Federal funds with an equal amount
13 of cash or in-kind goods or services from other non-
14 Federal sources;

15 “(2) include a statement from the highest rank-
16 ing law enforcement official from the State or local-
17 ity applying for the grant that attests to the need
18 and intended use of services to be provided with
19 grant funds; and

20 “(3) assure that the Director or the Comptrol-
21 ler General of the United States shall have access to
22 all records related to the receipt and use of grant
23 funds received under this part.

1 **“SEC. 1805. AWARD OF GRANTS; LIMITATION.**

2 “(a) GRANT DISTRIBUTION.—In approving grants
3 under this part, the Director shall assure an equitable dis-
4 tribution of assistance among the States, among urban
5 and rural areas of the United States, and among urban
6 and rural areas of a State.

7 “(b) DURATION.—The Director may award a grant
8 each fiscal year, not to exceed \$100,000 to a State or local
9 law enforcement agency for a period not to exceed 5 years.
10 In any application from a State or local law enforcement
11 agency for a grant to continue a program for the second,
12 third, fourth, or fifth fiscal year following the first fiscal
13 year in which a grant was awarded to such agency, the
14 Director shall review the progress made toward meeting
15 the objectives of the program. The Director may refuse
16 to award a grant if the Director finds sufficient progress
17 has not been made toward meeting such objectives, but
18 only after affording the applicant notice and an oppor-
19 tunity for reconsideration.

20 “(c) LIMITATION.—Not more than 10 percent of
21 grant funds received by a State or a local law enforcement
22 agency may be used for administrative purposes.

23 **“SEC. 1806. DISCRETIONARY RESEARCH GRANTS.**

24 ““The Director may reserve 10 percent of funds to
25 award research grants to a State or local law enforcement

1 agency to study issues of importance in the law enforce-
2 ment field as determined by the Director.

3 **“SEC. 1807. REPORTS.**

4 “(a) REPORT FROM GRANT RECIPIENTS.—A State
5 or local law enforcement agency that receives a grant
6 under this part shall submit to the Director an annual
7 report that includes—

8 “(1) program descriptions;

9 “(2) the number of staff employed to admin-
10 ister programs;

11 “(3) the number of individuals who participated
12 in programs; and

13 “(4) an evaluation of the effectiveness of grant
14 programs.

15 “(b) REPORT FROM DIRECTOR.—(1) The Director
16 shall submit to the Congress a report not later than March
17 31 of each fiscal year.

18 “(2) A report under paragraph (1) shall contain—

19 “(A) a description of the types of projects de-
20 veloped or improved through funds received under
21 this part;

22 “(B) a description of exemplary projects and
23 activities developed;

1 “(C) a designation of the family relationship to
2 the law enforcement personnel of individuals served;
3 and

4 “(D) a statement of the number of individuals
5 served in each location and throughout the country.

6 **“SEC. 1808. DEFINITIONS.**

7 “For purposes of this part—

8 “(1) the term ‘family-friendly policy’ means a
9 policy to promote or improve the morale and well
10 being of law enforcement personnel and their fami-
11 lies; and

12 “(2) the term ‘law enforcement personnel’
13 means individuals employed by Federal, State, and
14 local law enforcement agencies.”.

15 (b) TECHNICAL AMENDMENT.—The table of contents
16 of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
18 tion 1032(b), is amended by striking the matter relating
19 to part S and inserting the following:

 “PART R—FAMILY SUPPORT

 “Sec. 1801. Duties of director.
 “Sec. 1802. General authorization.
 “Sec. 1803. Uses of funds.
 “Sec. 1804. Applications.
 “Sec. 1805. Award of grants; limitation.
 “Sec. 1806. Discretionary research grants.
 “Sec. 1807. Reports.
 “Sec. 1808. Definitions.

 “PART S—TRANSITION; EFFECTIVE DATE; REPEALS

 “Sec. 1901. Continuation of rules, authorities, and privileges.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3793(a)), as amended by section
4 1032(c), is amended—

5 (1) in paragraph (3) by striking “and Q” and
6 inserting “Q, and R”; and

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

9 “(12) There are authorized to be appropriated
10 \$5,000,000 for each of the fiscal years 1994, 1995, 1996,
11 1997, and 1998 to carry out part R, of which not more
12 than 20 percent may be used to accomplish the duties of
13 the Director under section 1801, including administrative
14 costs, research, and training programs.”.

15 **SEC. 1063. NOTICE OF RELEASE OF PRISONERS.**

16 Section 4042 of title 18, United States Code, is
17 amended—

18 (1) by striking “The Bureau” and inserting
19 “(a) IN GENERAL.—The Bureau”;

20 (2) by striking “This section” and inserting
21 “(c) APPLICATION OF SECTION.—This section”;

22 (3) in paragraph (4) of subsection (a), as des-
23 ignated by paragraph (1)—

24 (A) by striking “Provide” and inserting
25 “provide”; and

1 (B) by striking the period at the end and
2 inserting “; and”;

3 (4) by inserting after paragraph (4) of sub-
4 section (a), as designated by paragraph (1), the fol-
5 lowing new paragraph:

6 “(5) provide notice of release of prisoners in ac-
7 cordance with subsection (b).”; and

8 (5) by inserting after subsection (a), as des-
9 ignated by paragraph (1), the following new sub-
10 section:

11 “(b) NOTICE OF RELEASE OF PRISONERS.—(1) Ex-
12 cept in the case of a prisoner being protected under chap-
13 ter 224, the Bureau of Prisons shall, at least 5 days prior
14 to the date on which a prisoner described in paragraph
15 (3) is to be released on supervised release, or, in the case
16 of a prisoner on supervised release, at least 5 days prior
17 to the date on which the prisoner changes residence to
18 a new jurisdiction, cause written notice of the release or
19 change of residence to be made to the chief law enforce-
20 ment officer of the State and of the local jurisdiction in
21 which the prisoner will reside.

22 “(2) A notice under paragraph (1) shall disclose—

23 “(A) the prisoner’s name;

1 “(B) the prisoner’s criminal history, including a
2 description of the offense of which the prisoner was
3 convicted; and

4 “(C) any restrictions on conduct or other condi-
5 tions to the release of the prisoner that are imposed
6 by law, the sentencing court, or the Bureau of Pris-
7 ons or any other Federal agency.

8 “(3) A prisoner is described in this paragraph if the
9 prisoner was convicted of—

10 “(A) a drug trafficking crime (as defined in
11 section 924(c)(2)); or

12 “(B) a crime of violence (as defined in section
13 924(c)(3)).

14 “(4) The notice provided under this section shall be
15 used solely for law enforcement purposes.”.

16 (b) APPLICATION TO PRISONERS TO WHICH PRIOR
17 LAW APPLIES.—In the case of a prisoner convicted of an
18 offense committed prior to November 1, 1987, the ref-
19 erence to supervised release in section 4042(b) of title 18,
20 United States Code, shall be deemed to be a reference to
21 probation or parole.

TITLE XI—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1101. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 3608. Drug testing of Federal offenders on post-conviction release

“The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).”.

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

“3608. Drug testing of Federal offenders on post-conviction release.”.

1 (b) DRUG TESTING CONDITION FOR PROBATION.—

2 (1) CONDITIONS OF PROBATION.—Section
3 3563(a) of title 18, United States Code, is amend-
4 ed—

5 (A) in paragraph (2) by striking “and”;

6 (B) in paragraph (3) by striking the period
7 and inserting “; and”; and

8 (C) by inserting after paragraph (3) the
9 following new paragraph:

10 “(4) for a felony, an offense involving a firearm
11 as defined in section 921 of this title, a drug or nar-
12 cotic offense as defined in section 404(c) of the Con-
13 trolled Substances Act (21 U.S.C. 844(c)), or a
14 crime of violence as defined in section 16 of this
15 title, that the defendant refrain from any unlawful
16 use of the controlled substance and submit to peri-
17 odic drug tests (as determined by the court) for use
18 of a controlled substance. This latter condition may
19 be suspended or ameliorated upon request of the Di-
20 rector of the Administrative Office of the United
21 States Courts, or the Director’s designee. In addi-
22 tion, the Court may decline to impose this condition
23 for any individual defendant, if the defendant’s
24 presentence report or other reliable sentencing infor-
25 mation indicates a low risk of future substance

1 abuse by the defendant. A defendant who tests posi-
2 tive may be detained pending verification of a drug
3 test result.”.

4 (2) DRUG TESTING FOR SUPERVISED RE-
5 LEASE.—Section 3583(d) of title 18, United States
6 Code, is amended by inserting after the first sen-
7 tence the following: “For a defendant convicted of a
8 felony or other offense described in section
9 3563(a)(4), the court shall also order, as an explicit
10 condition of supervised release, that the defendant
11 refrain from any unlawful use of a controlled sub-
12 stance and submit to periodic drug tests (as deter-
13 mined by the court), for use of a controlled sub-
14 stance. This latter condition may be suspended or
15 ameliorated as provided in section 3563(a)(4).”.

16 (3) DRUG TESTING IN CONNECTION WITH PA-
17 ROLE.—Section 4209(a) of title 18, United States
18 Code, is amended by inserting after the first sen-
19 tence the following: “If the parolee has been con-
20 victed of a felony or other offense described in sec-
21 tion 3563(a)(4), the Commission shall also impose
22 as a condition of parole that the parolee refrain from
23 any unlawful use of a controlled substance and sub-
24 mit to periodic drug tests (as determined by the
25 Commission) for use of a controlled substance. This

1 latter condition may be suspended or ameliorated as
2 provided in section 3563(a)(4).”.

3 (c) REVOCATION OF PAROLE.—Section 4214(f) of
4 title 18, United States Code, is amended by inserting after
5 “substance” the following: “, or who unlawfully uses a
6 controlled substance or refuses to cooperate in drug test-
7 ing imposed as a condition of parole,”.

8 **Subtitle B—Precursor Chemicals**

9 **SEC. 1121. SHORT TITLE.**

10 This subtitle may be cited as “The Chemical Control
11 and Environmental Responsibility Act of 1993”.

12 **SEC. 1122. DEFINITION AMENDMENTS.**

13 (a) REFERENCES TO LISTED CHEMICALS IN SEC-
14 TION 102.—Section 102 of the Controlled Substances Act
15 (21 U.S.C. 802) is amended—

16 (1) in paragraph (33) by striking “any listed
17 precursor chemical or listed essential chemical” and
18 inserting “any list I chemical or any list II chemi-
19 cal”;

20 (2) in paragraph (34) by striking “listed pre-
21 cursor chemical” and inserting “list I chemical” and
22 by striking “critical to the creation” and inserting
23 “important to the manufacture”;

24 (3) in paragraph (35) by striking “listed essen-
25 tial chemical” and inserting “list II chemical” and

1 by striking “that is used as a solvent, reagent or
2 catalyst” and inserting “, which is not a list I chem-
3 ical, that is used”; and

4 (4) in paragraph (40) by striking the phrase
5 “listed precursor chemical or a listed essential chem-
6 ical” and inserting “list I chemical or a list II chem-
7 ical” both places it appears.

8 (b) REFERENCES TO LISTED CHEMICALS IN SEC-
9 TION 310.—Section 310 of the Controlled Substances Act
10 (21 U.S.C. 830) is amended—

11 (1) in subsection (a)(1)(A) by striking “precursor
12 chemical” and inserting “list I chemical”;

13 (2) in subsection (a)(1)(B) by striking “an es-
14 sential chemical” and inserting “a list II chemical”;
15 and

16 (3) in subsection (c)(2)(D) by striking “precursor
17 chemical” and inserting “chemical control”.

18 (c) OTHER AMENDMENTS TO SECTION 102.—Section
19 102 of the Controlled Substances Act (21 U.S.C. 802) is
20 amended—

21 (1) in paragraph (34) by inserting “, its
22 esters,” before “and” in subparagraphs (A), (F),
23 and (H);

24 (2) in paragraph (38) by striking the period
25 and inserting “or who acts as a broker or trader for

1 an international transaction involving a listed chemi-
2 cal, a tableting machine, or an encapsulating
3 machine”;

4 (3) in paragraph (39)(A) by striking “or expor-
5 tation” and inserting “, exportation or any inter-
6 national transaction which does not involve the im-
7 portation or exportation of a listed chemical into or
8 out of the United States if a broker or trader lo-
9 cated in the United States participates in the trans-
10 action,”;

11 (4) in paragraph (39)(A)(iii) by inserting “or
12 any category of transaction for a specific listed
13 chemical or chemicals” after “transaction”;

14 (5) in paragraph (39)(A)(iv) by striking the
15 semicolon and inserting “unless the listed chemical
16 is ephedrine as defined in paragraph (34)(C) of this
17 section or any other listed chemical which the Attor-
18 ney General may by regulation designate as not sub-
19 ject to this exemption after finding that such action
20 would serve the regulatory purposes of this chapter
21 in order to prevent diversion and the total quantity
22 of the ephedrine or other listed chemical designated
23 pursuant to this paragraph included in the trans-
24 action equals or exceeds the threshold established for
25 that chemical by the Attorney General;”;

1 (6) in paragraph (39)(A)(v) by striking the
2 semicolon and inserting “which the Attorney General
3 has by regulation designated as exempt from the ap-
4 plication of this chapter based on a finding that the
5 mixture is formulated in such a way that it cannot
6 be easily used in the illicit production of a controlled
7 substance and that the listed chemical or chemicals
8 contained in the mixture cannot be readily recov-
9 ered;”; and

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

12 “(42) The terms ‘broker’ and ‘trader’ mean a person
13 who assists in arranging an international transaction in
14 a listed chemical by negotiating contracts, serving as an
15 agent or intermediary, or bringing together a buyer and
16 a seller, or a buyer or seller and a transporter.”.

17 **SEC. 1123. REGISTRATION REQUIREMENT.**

18 (a) **RULES AND REGULATIONS.**—Section 301 of the
19 Controlled Substances Act (21 U.S.C. 821) is amended
20 by striking the period and inserting “and to the registra-
21 tion and control of regulated persons and of regulated
22 transactions.”.

23 (b) **PERSONS REQUIRED TO REGISTER.**—Section
24 302 of the Controlled Substances Act (21 U.S.C. 822) is
25 amended—

1 (1) in subsection (a)(1) by inserting “or list I
2 chemical” after “controlled substance” each place it
3 appears;

4 (2) in subsection (b) by inserting “or list I
5 chemicals” after “controlled substances” and by in-
6 serting “or chemicals” after “such substances”;

7 (3) in subsection (c) by inserting “or list I
8 chemicals” after “controlled substance” each place it
9 appears; and

10 (4) in subsection (e) by inserting “or list I
11 chemicals” after “controlled substances”.

12 (c) REGISTRATION REQUIREMENTS IN CONTROLLED
13 SUBSTANCES ACT.—Section 303 of the Controlled Sub-
14 stances Act (21 U.S.C. 823) is amended by adding at the
15 end the following new subsection:

16 “(h) The Attorney General shall register an applicant
17 to distribute a list I chemical unless the Attorney General
18 determines that the registration would be inconsistent
19 with the public interest. In determining the public interest,
20 the following factors shall be considered:

21 “(1) Maintenance of effective controls against
22 diversion of listed chemicals into other than legiti-
23 mate channels.

24 “(2) Compliance with applicable Federal, State
25 and local law.

1 “(3) Prior conviction record of applicant under
2 Federal or State laws relating to controlled sub-
3 stances or to chemicals controlled under Federal or
4 State law.

5 “(4) Past experience in the manufacture and
6 distribution of chemicals.

7 “(5) Such other factors as may be relevant to
8 and consistent with the public health and safety.”.

9 (d) DENIAL, REVOCATION, OR SUSPENSION OF REG-
10 ISTRATION.—Section 304 of the Controlled Substances
11 Act (21 U.S.C. 824) is amended—

12 (1) in subsection (a) by inserting “or a list I
13 chemical” after “controlled substance” each place it
14 appears and by inserting “or list I chemicals” after
15 “controlled substances”;

16 (2) in subsection (b) by inserting “or list I
17 chemical” after “controlled substance”;

18 (3) in subsection (f) by inserting “or list I
19 chemicals” after “controlled substances” each place
20 it appears; and

21 (4) in subsection (g) by inserting “or list I
22 chemicals” after “controlled substances” each place
23 it appears and by inserting “or list I chemical” after
24 “controlled substance” each place it appears.

1 (e) REGISTRATION REQUIREMENTS IN CONTROLLED
2 SUBSTANCES IMPORT AND EXPORT ACT.—Section 1008
3 of the Controlled Substances Import and Export Act (21
4 U.S.C. 958) is amended—

5 (1) in subsection (c)—

6 (A) by striking “(c) The” and inserting
7 “(c)(1) The”; and

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

10 “(2) The Attorney General shall register an applicant
11 to import or export a list I chemical unless the Attorney
12 General determines that the issuance of such registration
13 is inconsistent with the public interest. In determining the
14 public interest, the factors enumerated in section 303(h)
15 shall be considered.”;

16 (2) in subsection (d)—

17 (A) in paragraph (3) by inserting “or list
18 I chemical or chemicals,” after “substances,”;
19 and

20 (B) in paragraph (6) by inserting “or list
21 I chemicals” after “controlled substances” each
22 place it appears;

23 (3) in subsection (e) by striking “and 307” and
24 inserting “, 827, and 310”; and

1 (4) in subsections (f), (g), and (h) by inserting
2 “or list I chemicals” after “controlled substances”
3 each place it appears.

4 (f) PROHIBITED ACTS C.—Section 403(a) of the
5 Controlled Substances Act (21 U.S.C. 843(a)) is amend-
6 ed—

7 (1) by striking “or” at the end of paragraph
8 (7);

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

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

13 “(9) in the case of a person who is a regulated
14 person, to distribute, import, or export a list I chem-
15 ical without the registration required by this title.”.

16 **SEC. 1124. REPORTING OF LISTED CHEMICAL MANUFAC-**
17 **TURING.**

18 Section 310(b) of the Controlled Substances Act (21
19 U.S.C. 830(b)) is amended—

20 (1) by striking “(b) Each regulated person”
21 and inserting “(b)(1) Each regulated person”;

22 (2) by redesignating paragraphs (1), (2), (3),
23 and (4) as subparagraphs (A), (B), (C), and (D), re-
24 spectively;

1 (3) by striking “paragraph (1)” each place it
2 appears and inserting “subparagraph (A)”;

3 (4) by striking “paragraph (2)” and inserting
4 “subparagraph (B)”;

5 (5) by striking “paragraph (3)” and inserting
6 “subparagraph (C)”;

7 (6) by adding at the end the following new
8 paragraph:

9 “(2) Each regulated person who manufactures a list-
10 ed chemical shall report annually to the Attorney General,
11 in such form and manner and containing such specific
12 data as the Attorney General shall prescribe by regulation,
13 information concerning listed chemicals manufactured by
14 the person.”.

15 **SEC. 1125. REPORTS BY BROKERS AND TRADERS; CRIMINAL**
16 **PENALTIES.**

17 (a) NOTIFICATION, REPORTING, RECORDKEEPING,
18 AND OTHER REQUIREMENTS.—Section 1018 of the Con-
19 trolled Substances Import and Export Act (21 U.S.C.
20 971) is amended by adding at the end the following new
21 subsection:

22 “(d) Any person located in the United States who is
23 a broker or trader for an international transaction in a
24 listed chemical that is a regulated transaction solely be-
25 cause of that person’s involvement as a broker or trader

1 shall, with respect to that transaction, be subject to all
2 of the notification, reporting, recordkeeping, and other re-
3 quirements placed upon exporters of listed chemicals by
4 this title and by title II.”.

5 (b) PENALTIES.—Section 1010(d) of the Controlled
6 Substances Import and Export Act (21 U.S.C. 960(d)) is
7 amended to read as follows:

8 “(d) PENALTY FOR IMPORTATION OR EXPOR-
9 TATION.—Any person who knowingly or intentionally—

10 “(1) imports or exports a listed chemical with
11 intent to manufacture a controlled substance in vio-
12 lation of this title;

13 “(2) exports a listed chemical, or serves as a
14 broker or trader for an international transaction in-
15 volving a listed chemical, in violation of the laws of
16 the country to which the chemical is exported;

17 “(3) imports or exports a listed chemical know-
18 ing, or having reasonable cause to believe, that the
19 chemical will be used to manufacture a controlled
20 substance in violation of this title; or

21 “(4) exports a listed chemical, or serves as a
22 broker or trader for an international transaction in-
23 volving a listed chemical, knowing, or having reason-
24 able cause to believe, that the chemical will be used
25 to manufacture a controlled substance in violation of

1 the laws of the country to which the chemical is ex-
2 ported,
3 shall be fined in accordance with title 18, United States
4 Code, imprisoned not more than 10 years, or both.”.

5 **SEC. 1126. EXEMPTION AUTHORITY; ADDITIONAL PEN-**
6 **ALTIES.**

7 (a) ADVANCE NOTICE.—Section 1018 of the Con-
8 trolled Substances Import and Export Act (21 U.S.C.
9 971), as amended by section 1125(a), is amended by add-
10 ing at the end the following new subsection:

11 “(e)(1) The Attorney General may by regulation re-
12 quire that the 15-day advance notice requirement of sub-
13 section (a) apply to all exports of specific listed chemicals
14 to specified nations, regardless of the status of certain cus-
15 tomers in such country as regular customers if the Attor-
16 ney General finds that the action is necessary to support
17 effective diversion control programs or is required by trea-
18 ty or other international agreement to which the United
19 States is a party.

20 “(2) The Attorney General may by regulation waive
21 the 15-day advance notice requirement for exports of spe-
22 cific listed chemicals to specified countries if the Attorney
23 General determines that the advance notice is not required
24 for effective chemical control. If the advance notice re-
25 quirement is waived, exporters of such listed chemicals

1 shall be required to either submit reports of individual ex-
2 portations or to submit periodic reports of the exportation
3 of such listed chemicals to the Attorney General at such
4 time or times and containing such information as the At-
5 torney General shall establish by regulation.

6 “(3) The Attorney General may by regulation waive
7 the 15-day advance notice requirement for the importation
8 of specific listed chemicals if the Attorney General deter-
9 mines that the requirement is not necessary for effective
10 chemical control. If the advance notice requirement is
11 waived, importers of such listed chemicals shall be re-
12 quired to submit either reports of individual importations
13 or periodic reports of the importation of such listed chemi-
14 cals to the Attorney General at such time or times and
15 containing such information as the Attorney General shall
16 establish by regulation.”.

17 (b) PENALTIES.—Section 1010(d) of the Controlled
18 Substances Import and Export Act (21 U.S.C. 960(d)),
19 as amended by section 1015(b), is amended by—

20 (1) striking “or” at the end of paragraph (3);

21 (2) striking the comma at the end of paragraph

22 (4) and inserting “; or”; and

23 (3) by adding after paragraph (4) the following
24 new paragraph:

1 “(5) imports or exports a listed chemical, with
2 the intent to evade the reporting or recordkeeping
3 requirements of section 1018 applicable to such im-
4 portation or exportation by falsely representing to
5 the Attorney General that the importation or expor-
6 tation qualifies for a waiver of the advance notice re-
7 quirement granted pursuant to section 1128(d) (1)
8 or (2) by misrepresenting the actual country of final
9 destination of the listed chemical or the actual listed
10 chemical being imported or exported.”.

11 **SEC. 1127. AMENDMENTS TO LIST I.**

12 Section 102(34) of the Controlled Substances Act (21
13 U.S.C. 802(34)) is amended:

14 (1) by striking subparagraphs (O), (U), and
15 (W);

16 (2) by redesignating subparagraphs (P), (Q),
17 (R), (S), (T), (V), (X), and (Y) as subparagraphs
18 (O), (P), (Q), (R), (S), (T), (U), and (X), respec-
19 tively;

20 (3) by inserting after subparagraph (U), as re-
21 designated by paragraph (2), the following new sub-
22 paragraphs:

23 “(V) benzaldehyde.

24 “(W) nitroethane.”; and

1 (4) in subparagraph (X), as redesignated by
2 paragraph (2), by striking “(X)” and inserting
3 “(U)”.

4 **SEC. 1128. ELIMINATION OF REGULAR SUPPLIER STATUS**
5 **AND CREATION OF REGULAR IMPORTER**
6 **STATUS.**

7 (a) DEFINITION.—Section 102(37) of the Controlled
8 Substances Act (21 U.S.C. 802(37)) is amended to read
9 as follows:

10 “(37) The term ‘regular importer’ means, with re-
11 spect to a specific listed chemical, a person who has an
12 established record as an importer of that listed chemical
13 that is reported to the Attorney General.”.

14 (b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND
15 PENALTIES.—Section 1018 of the Controlled Substances
16 Act (21 U.S.C. 971) is amended—

17 (1) in subsection (b)(1) by striking “regular
18 supplier of the regulated person” and inserting “to
19 an importation by a regular importer”;

20 (2) in subsection (b)(2)—

21 (A) by striking “a customer or supplier of
22 a regulated person” and inserting “a customer
23 of a regulated person or to an importer”; and

1 (B) by striking “regular supplier” and in-
2 serting “the importer as a regular importer”;
3 and

4 (3) in subsection (c)(1) by striking “regular
5 supplier” and inserting “regular importer”.

6 **SEC. 1129. ADMINISTRATIVE INSPECTIONS AND AUTHOR-**
7 **ITY.**

8 Section 510(a)(2) of the Controlled Substances Act
9 (21 U.S.C. 880(a)(2)) is amended to read as follows:

10 “(2) places, including factories, warehouses, or
11 other establishments, and conveyances, where a per-
12 son registered under section 303 (or exempt from
13 such registration under section 302(d) or by regula-
14 tion of the Attorney General) or a regulated person
15 may lawfully hold, manufacture, distribute, dispense,
16 administer, or otherwise dispose of controlled sub-
17 stances or listed chemicals or where records relating
18 to such an activity are maintained.”.

19 **SEC. 1130. THRESHOLD AMOUNTS.**

20 Section 102(39)(A) of the Controlled Substances Act
21 (21 U.S.C. 802(39)(A)), as amended by section 1112, is
22 amended by inserting “of a listed chemical, or if the Attor-
23 ney General establishes a threshold amount for a specific
24 listed chemical,” before “a threshold amount, including a
25 cumulative threshold amount of multiple transactions”.

1 **SEC. 1131. MANAGEMENT OF LISTED CHEMICALS.**

2 (a) AMENDMENT OF CONTROLLED SUBSTANCES
3 ACT.—Part C of the Controlled Substances Act (21
4 U.S.C. 801 et seq.) is amended by adding at the end the
5 following new section:

6 “MANAGEMENT OF LISTED CHEMICALS

7 “SEC. 311. (a) OFFENSE.—It is unlawful for a per-
8 son who possesses a listed chemical with the intent that
9 it be used in the illegal manufacture of a controlled sub-
10 stance to manage the listed chemical or waste from the
11 manufacture of a controlled substance otherwise than as
12 required by regulations issued under sections 3001, 3002,
13 3003, 3004, and 3005 of the Solid Waste Disposal Act
14 (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

15 “(b) PENALTY.—(1) In addition to a penalty that
16 may be imposed for the illegal manufacture, possession,
17 or distribution of a listed chemical or toxic residue of a
18 clandestine laboratory, a person who violates subsection
19 (a) shall be assessed the costs described in paragraph (2)
20 and shall be imprisoned as described in paragraph (3).

21 “(2) Pursuant to paragraph (1), a defendant shall
22 be assessed the following costs to the United States, a
23 State, or other authority or person that undertakes to cor-
24 rect the results of the improper management of a listed
25 chemical:

1 “(A) The cost of initial cleanup and disposal of
2 the listed chemical and contaminated property.

3 “(B) The cost of restoring property that is
4 damaged by exposure to a listed chemical for reha-
5 bilitation under Federal, State, and local standards.

6 “(3)(A) A violation of subsection (a) shall be pun-
7 ished as a Class D felony, or in the case of a willful viola-
8 tion, as a Class C felony.

9 “(B) It is the sense of the Congress that guidelines
10 issued by the Sentencing Commission regarding sentenc-
11 ing under this paragraph should recommend that the term
12 of imprisonment for the violation of subsection (a) should
13 not be less than 5 years, or less than 10 years in the case
14 of a willful violation.

15 “(4) The court may order that all or a portion of
16 the earnings from work performed by a convicted offender
17 in prison be withheld for payment of costs assessed under
18 paragraph (2).

19 “(c) SHARING OF FORFEITED ASSETS.—The Attor-
20 ney General may direct that assets forfeited under section
21 511 in connection with a prosecution under this section
22 be shared with State agencies that participated in the sei-
23 zure or cleaning up of a contaminated site.”.

1 (b) AMENDMENT OF TITLE 11, UNITED STATES
2 CODE.—Section 523(a) of title 11, United States Code,
3 is amended—

4 (1) by striking “or” at the end of paragraph
5 (11);

6 (2) by striking the period at the end of para-
7 graph (12) and inserting “; or”; and

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

10 “(13) for costs assessed under section 311(b) of
11 the Controlled Substances Act.”.

12 **SEC. 1132. ATTORNEY GENERAL ACCESS TO THE NATIONAL**
13 **PRACTITIONER DATA BANK.**

14 Part B of the Health Care Quality Improvement Act
15 of 1986 (42 U.S.C. 11131 et seq.) is amended by adding
16 at the end the following new section:

17 **“SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTOR-**
18 **NEY GENERAL.**

19 “Information respecting physicians or other licensed
20 health care practitioners reported to the Secretary (or to
21 the agency designated under section 424(b)) under this
22 part or section 1921 of the Social Security Act (42 U.S.C.
23 1396r-2) shall be provided to the Attorney General. The
24 Secretary shall—

1 “(1) transmit to the Attorney General such in-
2 formation as the Attorney General may designate or
3 request to assist the Drug Enforcement Administra-
4 tion in the enforcement of the Controlled Substances
5 Act (21 U.S.C. 801 et seq.) and other laws enforced
6 by the Drug Enforcement Administration; and

7 “(2) transmit such information related to
8 health care providers as the Attorney General may
9 designate or request to assist the Federal Bureau of
10 Investigation in the enforcement of title 18, the Act
11 entitled ‘An Act to regulate the practice of pharmacy
12 and the sale of poison in the consular districts of the
13 United States in China’, approved March 3, 1915
14 (21 U.S.C. 201 et seq.), and chapter V of the Fed-
15 eral Food, Drug, and Cosmetic Act (21 U.S.C. 351
16 et seq.).”.

17 **SEC. 1133. REGULATIONS AND EFFECTIVE DATE.**

18 (a) REGULATIONS.—The Attorney General shall, not
19 later than 90 days after the enactment of this Act, issue
20 regulations necessary to carry out this subtitle.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this subtitle shall become effective on the date that is 120
23 days after the date of enactment of this Act.

1 **Subtitle C—Other Provisions**

2 **SEC. 1141. ADVERTISEMENTS OF CONTROLLED SUB-** 3 **STANCES.**

4 Section 403 of the Controlled Substances Act (21
5 U.S.C. 843) is amended—

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

8 (2) by inserting after subsection (b) the follow-
9 ing new subsection:

10 “(c) It shall be unlawful for any person to print, pub-
11 lish, place, or otherwise cause to appear in any newspaper,
12 magazine, handbill, or other publication, any written ad-
13 vertisement knowing that it has the purpose of seeking
14 or offering illegally to receive, buy, or distribute a Sched-
15 ule I controlled substance. As used in this section the term
16 ‘advertisement’ includes, in addition to its ordinary mean-
17 ing, such advertisements as those for a catalog of Schedule
18 I controlled substances and any similar written advertise-
19 ment that has the purpose of seeking or offering illegally
20 to receive, buy, or distribute a Schedule I controlled sub-
21 stance, but does not include material that—

22 “(1) merely advocates the use of a similar ma-
23 terial or advocates a position or practice; and

1 “(2) does not attempt to propose or facilitate
2 an actual transaction in a Schedule I controlled sub-
3 stance.”.

4 **SEC. 1142. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTA-**
5 **TION OF SMALL DRUG QUANTITIES.**

6 Section 497(a)(2)(A) of the Tariff Act of 1930 (19
7 U.S.C. 1497(a)(2)(A)) is amended by adding “or \$500,
8 whichever is greater” after “value of the article”.

9 **SEC. 1143. DRUG PARAPHERNALIA AMENDMENT.**

10 Section 422 of the Controlled Substances Act (21
11 U.S.C. 863) is amended by adding at the end the following
12 new subsection:

13 “(g) CIVIL ENFORCEMENT.—The Attorney General
14 may bring a civil action against any person who violates
15 this section. The action may be brought in any district
16 court of the United States or the United States courts
17 of any territory in which the violation is taking or has
18 taken place. The court in which such action is brought
19 shall determine the existence of any violation by a prepon-
20 derance of the evidence, and shall have the power to assess
21 a civil penalty of up to \$100,000 and to grant such other
22 relief, including injunctions, as may be appropriate. Such
23 remedies shall be in addition to any other remedy available
24 under statutory or common law.”.

1 **SEC. 1144. CONFORMING AMENDMENT ADDING CERTAIN**
2 **DRUG OFFENSES AS REQUIRING**
3 **FINGERPRINTING AND RECORDS FOR RECID-**
4 **IVIST JUVENILES.**

5 Subsections (d) and (f) of section 5038 of title 18,
6 United States Code, are amended by striking “or an of-
7 fense described in section 841, 952(a), 955, or 959, of
8 title 21,” and inserting “or an offense described in section
9 401 of the Controlled Substances Act (21 U.S.C. 841) or
10 section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2),
11 or (3) of the Controlled Substances Import and Export
12 Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b) (1), (2),
13 and (3)).”.

14 **SEC. 1145. CLARIFICATION OF NARCOTIC OR OTHER DAN-**
15 **GEROUS DRUGS UNDER RICO.**

16 Section 1961(1) of title 18, United States Code, is
17 amended by striking “narcotic or other dangerous drugs”
18 each place it appears and inserting “a controlled substance
19 or listed chemical (as defined in section 102 of the Con-
20 trolled Substances Act (21 U.S.C. 802))”.

21 **SEC. 1146. CONFORMING AMENDMENTS TO RECIDIVIST**
22 **PENALTY PROVISIONS OF THE CONTROLLED**
23 **SUBSTANCES ACT AND THE CONTROLLED**
24 **SUBSTANCES IMPORT AND EXPORT ACT.**

25 (a) SECTION 401(b)(1) (B), (C), AND (D) OF THE
26 CONTROLLED SUBSTANCES ACT.—Subparagraphs (B),

1 (C), and (D) of section 401(b)(1) of the Controlled Sub-
2 stances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are
3 amended in the second sentence by striking “one or more
4 prior convictions” and all that follows through “have be-
5 come final” and inserting “a prior conviction for a felony
6 drug offense has become final”.

7 (b) SECTION 1010(b) (1), (2), AND (3) OF THE CON-
8 TROLLED SUBSTANCES IMPORT AND EXPORT ACT.—
9 Paragraphs (1), (2), and (3) of section 1010(b) of the
10 Controlled Substances Import and Export Act (21 U.S.C.
11 960(b) (1), (2), and (3)) are amended in the second sen-
12 tence by striking “one or more prior convictions” and all
13 that follows through “have become final” and inserting “a
14 prior conviction for a felony drug offense has become
15 final”.

16 (c) SECTION 1012(b) OF THE CONTROLLED IMPORT
17 AND EXPORT ACT.—Section 1012(b) of the Controlled
18 Substances Import and Export Act (21 U.S.C. 962(b)) is
19 amended by striking “one or more prior convictions of him
20 for a felony under any provision of this subchapter or sub-
21 chapter I of this chapter or other law of a State, the
22 United States, or a foreign country relating to narcotic
23 drugs, marihuana, or depressant or stimulant drugs, have
24 become final” and inserting in lieu thereof “one or more

1 prior convictions of such person for a felony drug offense
2 have become final”.

3 (d) SECTION 401(b)(1)(A) OF THE CONTROLLED
4 SUBSTANCES ACT.—Section 401(b)(1)(A) of the Con-
5 trolled Substances Act (21 U.S.C. 841(b)(1)(A)) is
6 amended by striking the sentence beginning “For the pur-
7 poses of this subparagraph, the term ‘felony drug offense’
8 means”.

9 (e) SECTION 102 OF THE CONTROLLED SUBSTANCES
10 ACT.—Section 102 of the Controlled Substances Act (21
11 U.S.C. 802), as amended by section 1012(c)(7), is amend-
12 ed by adding at the end the following new paragraph:

13 “(43) The term ‘felony drug offense’ means an of-
14 fense that is punishable by imprisonment for more than
15 1 year under any law of the United States or of a State
16 or foreign country that prohibits or restricts conduct relat-
17 ing to narcotic drugs, marihuana, or depressant or stimu-
18 lant substances.”.

19 **SEC. 1147. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
20 **ING TO PAROLE.**

21 (a) SECTION 401(b)(1) OF THE CONTROLLED SUB-
22 STANCES ACT.—Subparagraphs (A) and (B) of section
23 401(b)(1) of the Controlled Substances Act (21 U.S.C.
24 841(b)(1)) are amended by striking “No person sentenced

1 under this subparagraph shall be eligible for parole during
2 the term of imprisonment imposed therein.”.

3 (b) SECTION 1010(b) OF THE CONTROLLED SUB-
4 STANCES IMPORT AND EXPORT ACT.—Paragraphs (1)
5 and (2) of section 1010(b) of the Controlled Substances
6 Import and Export Act (21 U.S.C. 960(b)) are amended
7 by striking “No person sentenced under this paragraph
8 shall be eligible for parole during the term of imprison-
9 ment imposed therein.”.

10 (c) SECTION 419(d) OF THE CONTROLLED SUB-
11 STANCES ACT.—Section 419(d) of the Controlled Sub-
12 stances Act (21 U.S.C. 860(c)), as redesignated by section
13 501(1), is amended by striking “An individual convicted
14 under this section shall not be eligible for parole until the
15 individual has served the mandatory minimum term of im-
16 prisonment as provided by this section.”.

17 (d) SECTION 420(e) OF THE CONTROLLED SUB-
18 STANCES ACT.—Section 420(e) of the Controlled Sub-
19 stances Act (21 U.S.C. 861(a)) is amended by striking
20 “An individual convicted under this section of an offense
21 for which a mandatory minimum term of imprisonment
22 is applicable shall not be eligible for parole under section
23 4202 of title 18 until the individual has served the manda-
24 tory term of imprisonment as enhanced by this section.”.

1 **SEC. 1148. DRUGGED OR DRUNK DRIVING CHILD PROTEC-**
2 **TION.**

3 (a) APPLICATION OF STATE LAW IN AREAS WITHIN
4 FEDERAL JURISDICTION.—Section 13(b) of title 18,
5 United States Code, is amended—

6 (1) by striking “For purposes” and inserting
7 “(1) Subject to paragraph (2) and for purposes”;
8 and

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

11 “(2)(A) In addition to any term of imprison-
12 ment provided for operating a motor vehicle under
13 the influence of a drug or alcohol imposed under the
14 law of a State, territory, possession, or district, the
15 punishment for such an offense under this section
16 shall include an additional term of imprisonment of
17 not more than 1 year, or if serious bodily injury of
18 a minor is caused, 5 years, or if death of a minor
19 is caused, 10 years, and an additional fine of not
20 more than \$1,000, or both, if—

21 “(i) a minor (other than the offender) was
22 present in the motor vehicle when the offense
23 was committed; and

24 “(ii) the law of the State, commonwealth,
25 territory, possession, or district in which the of-
26 fense occurred does not provide an additional

1 term of imprisonment under the circumstances
2 described in clause (i).

3 “(B) For the purposes of subparagraph (A), the
4 term ‘minor’ means a person less than 18 years of
5 age.”.

6 (b) COMMON CARRIERS.—Section 342 of title 18,
7 United States Code, is amended—

8 (1) by inserting “(a)” before “Whoever”; and

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

11 “(b)(1) In addition to any term of imprisonment im-
12 posed for an offense under subsection (a), the punishment
13 for such an offense shall include an additional term of im-
14 prisonment of not more than 1 year, or if serious bodily
15 injury of a minor is caused, 5 years, or if death of a minor
16 is caused, 10 years, and an additional fine of not more
17 than \$1,000, or both, if a minor (other than the offender)
18 was present in the common carrier when the offense was
19 committed.

20 “(2) For the purposes of paragraph (1), the term
21 ‘minor’ means a person less than 18 years of age.”.

1 **SEC. 1149. EVICTION FROM PLACES MAINTAINED FOR MAN-**
2 **UFACTURING, DISTRIBUTING, OR USING CON-**
3 **TROLLED SUBSTANCES.**

4 Section 416 of the Controlled Substances Act (21
5 U.S.C. 856) is amended by adding at the end the following
6 new subsection:

7 “(c) The Attorney General may bring a civil action
8 against any person who violates this section. The action
9 may be brought in any district court of the United States
10 or the United States courts of any territory in which the
11 violation is taking place. The court in which such action
12 is brought shall determine the existence of a violation by
13 a preponderance of the evidence, and shall have the power
14 to assess a civil penalty of up to \$100,000 and to grant
15 such other relief including injunctions and evictions as
16 may be appropriate. Such remedies shall be in addition
17 to any other remedy available under statutory or common
18 law.”.

19 **SEC. 1150. ANABOLIC STEROIDS PENALTIES.**

20 Section 404 of the Controlled Substances Act (21
21 U.S.C. 844) is amended by inserting after subsection (a)
22 the following new subsection:

23 “(b)(1) Whoever, being a physical trainer or adviser
24 to a person, attempts to persuade or induce the person
25 to possess or use anabolic steroids in violation of sub-
26 section (a), shall be fined under title 18, United States

1 Code, imprisoned not more than 2 years (or if the person
2 attempted to be persuaded or induced was less than 18
3 years of age at the time of the offense, 5 years), or both.

4 “(2) As used in this subsection, the term ‘physical
5 trainer or adviser’ means a professional or amateur coach,
6 manager, trainer, instructor, or other such person who
7 provides athletic or physical instruction, training, advice,
8 assistance, or any other such service to any person.”.

9 **SEC. 1151. PROGRAM TO PROVIDE PUBLIC AWARENESS OF**
10 **THE PROVISIONS OF LAW THAT CONDITION**
11 **PORTIONS OF A STATE’S FEDERAL HIGHWAY**
12 **FUNDING ON THE STATE’S ENACTMENT OF**
13 **LEGISLATION REQUIRING THE REVOCATION**
14 **OF THE DRIVER’S LICENSES OF CONVICTED**
15 **DRUG ABUSERS.**

16 The Attorney General, in consultation with the Sec-
17 retary of Transportation, shall implement a program of
18 national awareness of section 333 of Public Law 101–516
19 (104 Stat. 2184) and section 104(a)(3) of title 23, United
20 States Code, which shall notify the Governors and State
21 Representatives of the requirements of those sections.

22 **SEC. 1152. DRUG ABUSE RESISTANCE EDUCATION PRO-**
23 **GRAMS.**

24 Section 5122(c) of the Drug-Free Schools and Com-
25 munities Act of 1986 (20 U.S.C. 3192(c)) is amended by

1 inserting “or local governments with the concurrence of
2 local educational agencies” after “for grants to local edu-
3 cational agencies”.

4 **SEC. 1153. MISUSE OF THE WORDS “DRUG ENFORCEMENT**
5 **ADMINISTRATION” OR THE INITIALS “DEA”.**

6 Section 709 of title 18, United States Code, is
7 amended by inserting the following new paragraph before
8 the paragraph beginning “Shall be punished”:

9 “Whoever, except with the written permission of the
10 Administrator of the Drug Enforcement Administration,
11 knowingly uses the words ‘Drug Enforcement Administra-
12 tion’ or the initials ‘DEA’ or any colorable imitation of
13 such words or initials, in connection with any advertise-
14 ment, circular, book, pamphlet, software or other publica-
15 tion, play, motion picture, broadcast, telecast, or other
16 production, in a manner reasonably calculated to convey
17 the impression that such advertisement, circular, book,
18 pamphlet, software or other publication, play, motion pic-
19 ture, broadcast, telecast, or other production is approved,
20 endorsed, or authorized by the Drug Enforcement Admin-
21 istration,”.

22 **TITLE XII—PUBLIC CORRUPTION**

23 **SEC. 1201. SHORT TITLE.**

24 This title may be cited as the “Anti-Corruption Act
25 of 1993”.

1 **SEC. 1202. PUBLIC CORRUPTION.**

2 (a) OFFENSES.—Chapter 11 of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing new section:

5 **“§ 226. Public corruption**

6 “(a) STATE AND LOCAL GOVERNMENT.—

7 “(1) HONEST SERVICES.—Whoever, in a cir-
8 cumstance described in paragraph (3), deprives or
9 defrauds, or endeavors to deprive or to defraud, by
10 any scheme or artifice, the inhabitants of a State or
11 political subdivision of a State of the honest services
12 of an official or employee of the State or political
13 subdivision shall be fined under this title, imprisoned
14 not more than 10 years, or both.

15 “(2) FAIR AND IMPARTIAL ELECTIONS.—Who-
16 ever, in a circumstance described in paragraph (3),
17 deprives or defrauds, or endeavors to deprive or to
18 defraud, by any scheme or artifice, the inhabitants
19 of a State or political subdivision of a State of a fair
20 and impartially conducted election process in any
21 primary, run-off, special, or general election—

22 “(A) through the procurement, casting, or
23 tabulation of ballots that are materially false,
24 fictitious, or fraudulent or that are invalid,
25 under the laws of the State in which the elec-
26 tion is held;

1 “(B) through paying or offering to pay any
2 person for voting;

3 “(C) through the procurement or submis-
4 sion of voter registrations that contain false
5 material information, or omit material informa-
6 tion; or

7 “(D) through the filing of any report re-
8 quired to be filed under State law regarding an
9 election campaign that contains false material
10 information or omits material information,
11 shall be fined under this title, imprisoned not more
12 than 10 years, or both.

13 “(3) CIRCUMSTANCES IN WHICH OFFENSE OC-
14 CURS.—The circumstances referred to in paragraphs
15 (1) and (2) are that—

16 “(A) for the purpose of executing or con-
17 cealing a scheme or artifice described in para-
18 graph (1) or (2) or attempting to do so, a per-
19 son—

20 “(i) places in any post office or au-
21 thorized depository for mail matter, any
22 matter or thing to be sent or delivered by
23 the Postal Service, or takes or receives
24 therefrom any such matter or thing, or
25 knowingly causes to be delivered by mail

1 according to the direction thereon, or at
2 the place at which it is directed to be deliv-
3 ered by the person to whom it is ad-
4 dressed, any such matter or thing;

5 “(ii) transmits or causes to be trans-
6 mitted by means of wire, radio, or tele-
7 vision communication in interstate or for-
8 eign commerce any writings, signs, signals,
9 pictures, or sounds;

10 “(iii) transports or causes to be trans-
11 ported any person or thing, or induces any
12 person to travel in or to be transported in,
13 interstate or foreign commerce; or

14 “(iv) uses or causes the use of any fa-
15 cility of interstate or foreign commerce;

16 “(B) the scheme or artifice affects or con-
17 stitutes an attempt to affect in any manner or
18 degree, or would if executed or concealed affect,
19 interstate or foreign commerce; or

20 “(C) in the case of an offense described in
21 paragraph (2), an objective of the scheme or ar-
22 tifice is to secure the election of an official who,
23 if elected, would have any authority over the
24 administration of funds derived from an Act of
25 Congress totaling \$10,000 or more during the

1 12-month period immediately preceding or fol-
2 lowing the election or date of the offense.

3 “(b) FEDERAL GOVERNMENT.—Whoever deprives or
4 defrauds, or endeavors to deprive or to defraud, by any
5 scheme or artifice, the inhabitants of the United States
6 of the honest services of a public official or a person who
7 has been selected to be a public official shall be fined
8 under this title, imprisoned not more than 10 years, or
9 both.

10 “(c) OFFENSE BY AN OFFICIAL AGAINST AN EM-
11 PLOYEE OR OFFICIAL.—

12 “(1) CRIMINAL OFFENSE.—Whoever, being an
13 official, public official, or person who has been se-
14 lected to be a public official, directly or indirectly
15 discharges, demotes, suspends, threatens, harasses,
16 or in any manner discriminates against an employee
17 or official of the United States or of a State or polit-
18 ical subdivision of a State, or endeavors to do so, in
19 order to carry out or to conceal a scheme or artifice
20 described in subsection (a) or (b), shall be fined
21 under this title, imprisoned not more than 5 years,
22 or both.

23 “(2) CIVIL ACTION.—(A) Any employee or offi-
24 cial of the United States or of a State or political
25 subdivision of a State who is discharged, demoted,

1 suspended, threatened, harassed, or in any manner
2 discriminated against because of lawful acts done by
3 the employee or official as a result of a violation of
4 this section or because of actions by the employee on
5 behalf of himself or herself or others in furtherance
6 of a prosecution under this section (including inves-
7 tigation for, initiation of, testimony for, or assist-
8 ance in such a prosecution) may bring a civil action
9 and obtain all relief necessary to make the employee
10 or official whole, including—

11 “(i) reinstatement with the same seniority
12 status that the employee or official would have
13 had but for the violation;

14 “(ii) 3 times the amount of backpay;

15 “(iii) interest on the backpay; and

16 “(iv) compensation for any special dam-
17 ages sustained as a result of the violation, in-
18 cluding reasonable litigation costs and reason-
19 able attorney’s fees.

20 “(B) An employee or official shall not be af-
21 forded relief under subparagraph (A) if the employee
22 or official participated in the violation of this section
23 with respect to which relief is sought.

24 “(C)(i) A civil action or proceeding authorized
25 by this paragraph shall be stayed by a court upon

1 certification of an attorney for the Government that
2 prosecution of the action or proceeding may ad-
3 versely affect the interests of the Government in a
4 pending criminal investigation or proceeding.

5 “(ii) The attorney for the Government shall
6 promptly notify the court when a stay may be lifted
7 without such adverse effects.

8 “(d) DEFINITIONS.—In this section—

9 “‘official’ includes—

10 “(A) any person employed by, exercising
11 any authority derived from, or holding any posi-
12 tion in the government of a State or any sub-
13 division of the executive, legislative, judicial, or
14 other branch of government thereof, including a
15 department, independent establishment, com-
16 mission, administration, authority, board, and
17 bureau, and a corporation or other legal entity
18 established and subject to control by a govern-
19 ment or governments for the execution of a gov-
20 ernmental or intergovernmental program;

21 “(B) any person acting or pretending to
22 act under color of official authority; and

23 “(C) any person who has been nominated,
24 appointed, or selected to be an official or who

1 has been officially informed that he or she will
2 be so nominated, appointed, or selected.

3 “‘person acting or pretending to act under
4 color of official authority’ includes a person who rep-
5 resents that he or she controls, is an agent of, or
6 otherwise acts on behalf of an official, public official,
7 and person who has been selected to be a public offi-
8 cial.

9 “‘public official’ and ‘person who has been se-
10 lected to be a public official’ have the meanings stat-
11 ed in section 201 and also include any person acting
12 or pretending to act under color of official authority.

13 “‘State’ means a State of the United States,
14 the District of Columbia, Puerto Rico, and any other
15 commonwealth, territory, or possession of the United
16 States.

17 “‘uses any facility of interstate or foreign com-
18 merce’ includes the intrastate use of any facility that
19 may also be used in interstate or foreign com-
20 merce.”.

21 (b) TECHNICAL AMENDMENTS.—(1) The chapter
22 analysis for chapter 11 of title 18, United States Code,
23 is amended by adding at the end the following new item:

“226. Public corruption.”.

24 (2) Section 1961(1) of title 18, United States Code,
25 is amended by inserting “section 226 (relating to public

1 corruption),” after “section 224 (relating to sports brib-
2 ery),”.

3 (3) Section 2516(1)(c) of title 18, United States
4 Code, is amended by inserting “section 226 (relating to
5 public corruption),” after “section 224 (bribery in sport-
6 ing contests),”.

7 **SEC. 1203. INTERSTATE COMMERCE.**

8 (a) IN GENERAL.—Section 1343 of title 18, United
9 States Code, is amended—

10 (1) by striking “transmits or causes to be
11 transmitted by means of wire, radio, or television
12 communication in interstate or foreign commerce,
13 any writings, signs, signals, pictures, or sounds” and
14 inserting “uses or causes to be used any facility of
15 interstate or foreign commerce”; and

16 (2) by inserting “or attempting to do so” after
17 “for the purpose of executing such scheme or
18 artifice”.

19 (b) TECHNICAL AMENDMENTS.—(1) The heading of
20 section 1343 of title 18, United States Code, is amended
21 to read as follows:

1 **“§ 1343. Fraud by use of facility of interstate com-**
2 **merce”.**

3 (2) The chapter analysis for chapter 63 of title 18,
4 United States Code, is amended by amending the item re-
5 lating to section 1343 to read as follows:

“1343. Fraud by use of facility of interstate commerce.”.

6 **SEC. 1204. NARCOTICS-RELATED PUBLIC CORRUPTION.**

7 (a) OFFENSES.—Chapter 11 of title 18, United
8 States Code, is amended by inserting after section 219 the
9 following new section:

10 **“§ 220. Narcotics and public corruption**

11 “(a) OFFENSE BY PUBLIC OFFICIAL.—A public offi-
12 cial who, in a circumstance described in subsection (c),
13 directly or indirectly, corruptly demands, seeks, receives,
14 accepts, or agrees to receive or accept anything of value
15 personally or for any other person in return for—

16 “(1) being influenced in the performance or
17 nonperformance of any official act; or

18 “(2) being influenced to commit or to aid in
19 committing, or to collude in, or to allow or make op-
20 portunity for the commission of any offense against
21 the United States or any State,

22 shall be guilty of a class B felony.

23 “(b) OFFENSE BY PERSON OTHER THAN A PUBLIC
24 OFFICIAL.—A person who, in a circumstance described in
25 subsection (c), directly or indirectly, corruptly gives, of-

1 fers, or promises anything of value to any public official,
2 or offers or promises any public official to give anything
3 of value to any other person, with intent—

4 “(1) to influence any official act;

5 “(2) to influence the public official to commit
6 or aid in committing, or to collude in, or to allow or
7 make opportunity for the commission of any offense
8 against the United States or any State; or

9 “(3) to influence the public official to do or to
10 omit to do any act in violation of the official’s lawful
11 duty,

12 shall be guilty of a class B felony.

13 “(c) CIRCUMSTANCES IN WHICH OFFENSE OC-
14 CURS.—The circumstances referred to in subsections (a)
15 and (b) are that the offense involves, is part of, or is in-
16 tended to further or to conceal the illegal possession, im-
17 portation, manufacture, transportation, or distribution of
18 any controlled substance or controlled substance analogue.

19 “(d) DEFINITIONS.—As used in this section—

20 “(1) the terms ‘controlled substance’ and ‘con-
21 trolled substance analogue’ have the meanings stated
22 in section 102 of the Controlled Substances Act (21
23 U.S.C. 802);

24 “(2) the term ‘official act’ means any decision,
25 action, or conduct regarding any question, matter,

1 proceeding, cause, suit, investigation, or prosecution
2 which may at any time be pending, or which may be
3 brought before any public official, in such official's
4 official capacity, or in such official's place of trust
5 or profit; and

6 “(3) the term ‘public official’ means—

7 “(A) an officer or employee or person act-
8 ing for or on behalf of the United States, or
9 any department, agency, or branch of Govern-
10 ment thereof in any official function, under or
11 by authority of any such department, agency, or
12 branch of Government;

13 “(B) a juror;

14 “(C) an officer or employee or person act-
15 ing for or on behalf of the government of any
16 State, territory, or possession of the United
17 States (including the District of Columbia), or
18 any political subdivision thereof, in any official
19 function, under or by the authority of any such
20 State, territory, possession, or political subdivi-
21 sion; and

22 “(D) any person who has been nominated
23 or appointed to a position described in subpara-
24 graph (A), (B), or (C), or has been officially in-

1 formed that he or she will be so nominated or
2 appointed.”.

3 (b) TECHNICAL AMENDMENTS.—(1) Section 1961(1)
4 of title 18, United States Code, is amended by inserting
5 “section 220 (relating to narcotics and public corrup-
6 tion),” after “Section 201 (relating to bribery),”.

7 (2) Section 2516(1)(c) of title 18, United States
8 Code, is amended by inserting “section 220 (relating to
9 narcotics and public corruption),” after “section 201
10 (bribery of public officials and witnesses),”.

11 (3) The chapter analysis for chapter 11 of title 18,
12 United States Code, is amended by inserting after the
13 item for section 219 the following new item:

“220. Narcotics and public corruption.”.

14 **TITLE XIII—GENERAL**
15 **PROVISIONS**
16 **Subtitle A—Violent Crimes**

17 **SEC. 1301. ADDITION OF ATTEMPTED ROBBERY, KIDNAP-**
18 **PING, SMUGGLING, AND PROPERTY DAMAGE**
19 **OFFENSES TO ELIMINATE INCONSISTENCIES**
20 **AND GAPS IN COVERAGE.**

21 (a) ROBBERY AND BURGLARY.—(1) Section 2111 of
22 title 18, United States Code, is amended by inserting “or
23 attempts to take” after “takes”.

24 (2) Section 2112 of title 18, United States Code, is
25 amended by inserting “or attempts to rob” after “robs”.

1 (3) Section 2114 of title 18, United States Code, is
2 amended by inserting “or attempts to rob” after “robs”.

3 (b) KIDNAPPING.—Section 1201(d) of title 18, Unit-
4 ed States Code, is amended by striking “Whoever at-
5 tempts to violate subsection (a)(4) or (a)(5)” and insert-
6 ing “Whoever attempts to violate subsection (a)”.

7 (c) SMUGGLING.—Section 545 of title 18, United
8 States Code, is amended by inserting “or attempts to
9 smuggle or clandestinely introduce” after “smuggles, or
10 clandestinely introduces”.

11 (d) MALICIOUS MISCHIEF.—(1) Section 1361 of title
12 18, United States Code, is amended—

13 (A) by inserting “or attempts to commit any of
14 the foregoing offenses” before “shall be punished”,
15 and

16 (B) by inserting “or attempted damage” after
17 “damage” each place it appears.

18 (2) Section 1362 of title 18, United States Code, is
19 amended by inserting “or attempts willfully or maliciously
20 to injure or destroy” after “willfully or maliciously injures
21 or destroys”.

22 (3) Section 1366 of title 18, United States Code, is
23 amended—

24 (A) by inserting “or attempts to damage” after
25 “damages” each place it appears;

1 (B) by inserting “or attempts to cause” after
2 “causes”; and

3 (C) by inserting “or would if the attempted of-
4 fense had been completed have exceeded” after “ex-
5 ceeds” each place it appears.

6 **SEC. 1302. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.**

7 (a) CERTAIN OFFICERS AND EMPLOYEES.—Section
8 111 of title 18, United States Code, is amended—

9 (1) in subsection (a) by inserting “, where the
10 acts in violation of this section constitute only simple
11 assault, be fined under this title, imprisoned not
12 more than 1 year, or both, and in all other cases,”
13 after “shall”; and

14 (2) in subsection (b) by inserting “or inflicts
15 bodily injury” after “weapon”.

16 (b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND
17 INTERNATIONALLY PROTECTED PERSONS.—Section
18 112(a) of title 18, United States Code, is amended—

19 (1) by striking “not more than \$5,000” and in-
20 serting “under this title”;

21 (2) by inserting “, or inflicts bodily injury,”
22 after “weapon”; and

23 (3) by striking “not more than \$10,000” and
24 inserting “under this title”.

1 (c) MARITIME AND TERRITORIAL JURISDICTION.—

2 Section 113 of title 18, United States Code, is amended—

3 (1) in subsection (c)—

4 (A) by striking “of not more than \$1,000”
5 and inserting “under this title”; and

6 (B) by striking “five” and inserting “10”;
7 and

8 (2) in subsection (e)—

9 (A) by striking “of not more than \$300”
10 and inserting “under this title”; and

11 (B) by striking “three” and inserting “6”.

12 (d) CONGRESS, CABINET, OR SUPREME COURT.—

13 Section 351(e) of title 18, United States Code, is amend-
14 ed—

15 (1) by striking “not more than \$5,000,” and in-
16 sserting “under this title,”;

17 (2) by inserting “the assault involved the use of
18 a dangerous weapon, or” after “if”;

19 (3) by striking “not more than \$10,000” and
20 inserting “under this title”; and

21 (4) by striking “for”.

22 (e) PRESIDENT AND PRESIDENT’S STAFF.—Section
23 1751(e) of title 18, United States Code, is amended—

24 (1) by striking “not more than \$10,000,” each
25 place it appears and inserting “under this title,”;

1 (2) by striking “not more than \$5,000,” and in-
2 serting “under this title,”; and

3 (3) by inserting “the assault involved the use of
4 a dangerous weapon, or” after “if”.

5 **SEC. 1303. INCREASED MAXIMUM PENALTY FOR MAN-**
6 **SLAUGHTER.**

7 Section 1112 of title 18, United States Code, is
8 amended—

9 (1) in subsection (b)—

10 (A) by inserting “fined under this title or”
11 after “shall be” in the second undesignated
12 paragraph; and

13 (B) by inserting “, or both” after “years”;

14 (2) by striking “not more than \$1,000” and in-
15 serting “under this title”; and

16 (3) by striking “three” and inserting “6”.

17 **SEC. 1304. INCREASED PENALTY FOR TRAVEL ACT VIOLA-**
18 **TIONS.**

19 Section 1952(a) of title 18, United States Code, is
20 amended by striking “and thereafter performs or attempts
21 to perform any of the acts specified in subparagraphs (1),
22 (2), and (3), shall be fined not more than \$10,000 or im-
23 prisoned for not more than five years, or both” and insert-
24 ing “and thereafter performs or attempts to perform—

1 “(A) an act described in paragraph (1) or (3)
2 shall be fined under this title, imprisoned not more
3 than 5 years, or both; or

4 “(B) an act described in paragraph (2) shall be
5 fined under this title, imprisoned for not more than
6 20 years, or both, and if death results shall be im-
7 prisoned for any term of years or for life.”.

8 **SEC. 1305. INCREASED PENALTY FOR CONSPIRACY TO COM-**
9 **MIT MURDER FOR HIRE.**

10 Section 1958(a) of title 18, United States Code, is
11 amended by inserting “or who conspires to do so” before
12 “shall be fined” the first place it appears.

13 **Subtitle B—Civil Rights Offenses**

14 **SEC. 1311. INCREASED MAXIMUM PENALTIES FOR CIVIL**
15 **RIGHTS VIOLATIONS.**

16 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
17 title 18, United States Code, is amended—

18 (1) by striking “not more than \$10,000” and
19 inserting “under this title”;

20 (2) 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” after “results”; and

1 (3) by inserting “and may be fined under this
2 title, or both” before the period.

3 (b) DEPRIVATION OF RIGHTS.—Section 242 of title
4 18, United States Code, is amended—

5 (1) by striking “not more than \$1,000” and in-
6 serting “under this title”;

7 (2) by inserting “from the acts committed in
8 violation of this section or if such acts include the
9 use, attempted use, or threatened use of a dangerous
10 weapon, explosives, or fire,” after “bodily injury re-
11 sults”;

12 (3) by inserting “from the acts committed in
13 violation of this section or if such acts include kid-
14 napping or an attempt to kidnap, aggravated sexual
15 abuse, or an attempt to commit aggravated sexual
16 abuse, or an attempt to kill,” after “death results”;
17 and

18 (4) by inserting “and may be fined under this
19 title, or both” before the period.

20 (c) FEDERALLY PROTECTED ACTIVITIES.—The first
21 sentence of section 245(b) of title 18, United States Code,
22 is amended in the matter following paragraph (5)—

23 (1) by striking “not more than \$1,000” and
24 inserting “under this title”;

1 (2) by inserting “from the acts committed in
2 violation of this section or if such acts include the
3 use, attempted use, or threatened use of a dangerous
4 weapon, explosives, or fire” after “bodily injury
5 results;

6 (3) by striking “not more than \$10,000” and
7 inserting “under this title”;

8 (4) 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 and

14 (5) by inserting “and may be fined under this
15 title, or both” before the period.

16 (d) DAMAGE TO RELIGIOUS PROPERTY.—Section
17 247 of title 18, United States Code, is amended—

18 (1) in subsection (c)(1) by inserting “from acts
19 committed in violation of this section or if such acts
20 include kidnapping or an attempt to kidnap, aggra-
21 vated sexual abuse or an attempt to commit aggra-
22 vated sexual abuse, or an attempt to kill” after
23 “death results”;

24 (2) in subsection (c)(2)—

25 (A) by striking “serious”; and

1 (B) by inserting “from the acts committed
2 in violation of this section or if such acts in-
3 clude the use, attempted use, or threatened use
4 of a dangerous weapon, explosives, or fire”
5 after “bodily injury results”; and

6 (3) by amending subsection (e) to read as fol-
7 lows:

8 “(e) As used in this section, the term ‘religious prop-
9 erty’ means any church, synagogue, mosque, religious
10 cemetery, or other religious property.”.

11 (e) FAIR HOUSING ACT.—Section 901 of the Fair
12 Housing Act (42 U.S.C. 3631) is amended—

13 (1) by striking “not more than \$1,000,” and in-
14 serting “under title 18, United States Code,”;

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 striking “not more than \$10,000,” and
21 inserting “under title 18, United States Code,”;

22 (4) by inserting “from the acts committed in
23 violation of this section or if such acts include kid-
24 napping or an attempt to kidnap, aggravated sexual

1 abuse or an attempt to commit aggravated sexual
2 abuse, or an attempt to kill” after “death results”;

3 (5) by striking “subject to imprisonment” and
4 inserting “fined under title 18, United States Code,
5 or imprisoned”; and

6 (6) by inserting “, or both” after “life”.

7 **Subtitle C—White Collar and**
8 **Property Crimes**

9 **SEC. 1321. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.**

10 Section 2114 of title 18, United States Code, is
11 amended—

12 (1) by striking “Whoever” and inserting “(a)
13 ROBBERY.—Whoever”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(b) RECEIPT OF PROCEEDS.—Whoever receives,
17 possesses, conceals, or disposes of any money or other
18 property that has been obtained in violation of this section,
19 knowing the same to have been unlawfully obtained, shall
20 be imprisoned not more than 10 years, fined under this
21 title, or both.”.

22 **SEC. 1322. RECEIPT OF PROCEEDS OF EXTORTION OR**
23 **KIDNAPPING.**

24 (a) EXTORTION.—Chapter 41 of title 18, United
25 States Code, is amended—

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

3 **“§ 880. Receipt of proceeds of extortion**

4 “Whoever receives, possesses, conceals, or disposes of
5 any money or other property that was obtained from the
6 commission of any offense under this chapter that is pun-
7 ishable by imprisonment for more than 1 year, knowing
8 the same to have been unlawfully obtained, shall be im-
9 prisoned not more than 3 years, fined under this title, or
10 both.”; and

11 (2) in the chapter analysis, by adding at the
12 end the following new item:

“880. Receipt of proceeds of extortion.”.

13 (b) KIDNAPPING.—Section 1202 of title 18, United
14 States Code, is amended—

15 (1) by striking “Whoever” and inserting “(a)
16 VIOLATION OF SECTION 1201.—Whoever”;

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

19 “(b) VIOLATION OF STATE LAW.—Whoever trans-
20 ports, transmits, or transfers in interstate or foreign com-
21 merce any proceeds of a kidnapping punishable under
22 State law by imprisonment for more than 1 year, or re-
23 ceives, possesses, conceals, or disposes of any such pro-
24 ceeds after they have crossed a State or United States
25 boundary, knowing the proceeds to have been unlawfully

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

3 “(c) DEFINITION.—For purposes of this section, the
4 term ‘State’ has the meaning stated in section 245(d).”.

5 **SEC. 1323. CONFORMING ADDITION TO OBSTRUCTION OF**
6 **CIVIL INVESTIGATIVE DEMAND STATUTE.**

7 Section 1505 of title 18, United States Code, is
8 amended by inserting “section 1968 of this title, section
9 3733 of title 31, United States Code, or” before “the Anti-
10 trust Civil Process Act”.

11 **SEC. 1324. CONFORMING ADDITION OF PREDICATE OF-**
12 **FENSES TO FINANCIAL INSTITUTIONS RE-**
13 **WARDS STATUTE.**

14 Section 3059A of title 18, United States Code, is
15 amended—

- 16 (1) by inserting “225,” after “215”;
- 17 (2) by striking “or” before “1344”; and
- 18 (3) by inserting “, or 1517” after “1344”.

19 **SEC. 1325. DEFINITION OF SAVINGS AND LOAN ASSOCIA-**
20 **TION IN BANK ROBBERY STATUTE.**

21 Section 2113 of title 18, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(h) As used in this section, the term ‘savings and
25 loan association’ means—

1 “(1) any Federal saving association or State
2 savings association (as defined in section 3(b) of the
3 Federal Deposit Insurance Act (12 U.S.C. 1813(b)))
4 having accounts insured by the Federal Deposit In-
5 surance Corporation; and

6 “(2) any corporation described in section
7 3(b)(1)(C) of the Federal Deposit Insurance Act (12
8 U.S.C. 1813(b)(1)(C)) that is operating under the
9 laws of the United States.”.

10 **SEC. 1326. CONFORMING DEFINITION OF “1 YEAR PERIOD”**

11 **IN 18 U.S.C. 1516.**

12 Section 1516(b) of title 18, United States Code, is
13 amended—

14 (1) by inserting “(i)” before “the term”; and

15 (2) by inserting before the period the following:

16 “, and (ii) the term ‘in any 1 year period’ has the
17 meaning given to the term ‘in any one-year period’
18 in section 666.”.

19 **SEC. 1327. FINANCIAL INSTITUTIONS FRAUD.**

20 (a) FEDERAL DEPOSIT INSURANCE ACT.—Section
21 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act
22 (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking
23 “or 1956” and inserting “1517, 1956, or 1957”.

1 (b) FEDERAL CREDIT UNION ACT.—Section 205(d)
2 of the Federal Credit Union Act (12 U.S.C. 1785(d)) is
3 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, Unit-
8 ed 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 (c) CRIME CONTROL ACT OF 1990.—Section 2546 of
14 the Crime Control Act of 1990 (28 U.S.C. 522 note; 104
15 Stat. 4885) is amended by adding at the end the following
16 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 **SEC. 1328. WIRETAPS.**

2 Section 2511(1) of title 18, United States Code, is
3 amended—

4 (1) by striking “or” at the end of paragraph
5 (c);

6 (2) by adding “or” at the end of paragraph (d);
7 and

8 (3) by inserting after paragraph (d) the follow-
9 ing new paragraph:

10 “(e) intentionally uses, discloses, or endeavors
11 to disclose, to any other person the contents of any
12 wire, oral, or electronic communication, intercepted
13 by means authorized by sections 2511(2)(A)(ii),
14 2511 (b) and (c), 2511(e), 2516, and 2518, knowing
15 or having reason to know that the information was
16 obtained through the interception of such a commu-
17 nication in connection with a criminal investigation,
18 having obtained or received the information in con-
19 nection with a criminal investigation, with intent to
20 improperly obstruct, impede, or interfere with a duly
21 authorized criminal investigation.”.

22 **SEC. 1329. KNOWLEDGE REQUIREMENT FOR STOLEN OR**
23 **COUNTERFEIT PROPERTY.**

24 (a) OFFENSE.—Chapter 1 of title 18, United States
25 Code, is amended by adding at the end the following new
26 section:

1 **“§21. Stolen or counterfeit nature of property for**
2 **certain crimes defined**

3 “(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—
4 Wherever in this title it is an element of an offense that
5 any property was embezzled, robbed, stolen, converted,
6 taken, altered, counterfeited, falsely made, forged, or oblit-
7 erated and that the defendant knew that the property was
8 of such character, the element may be established by proof
9 that the defendant, after or as a result of an official rep-
10 resentation as to the nature of the property, believed the
11 property to be embezzled, robbed, stolen, converted, taken,
12 altered, counterfeited, falsely made, forged, or obliterated.

13 “(b) DEFINITION.—For purposes of this section, the
14 term ‘official representation’ means a representation made
15 by a Federal law enforcement officer (as defined in section
16 115) or by another person at the direction or with the
17 approval of such an officer.”.

18 (b) TECHNICAL AMENDMENT.—The chapter analysis
19 for chapter 1 of title 18, United States Code, is amended
20 by adding at the end thereof the following new item:

“21. Stolen or counterfeit nature of property for certain crimes defined.”.

21 **SEC. 1330. MAIL FRAUD.**

22 Section 1341 of title 18, United States Code, is
23 amended—

24 (1) by inserting “or deposits or causes to be de-
25 posited any matter or thing whatever to be sent or

1 delivered by any private or commercial interstate
2 carrier,” after “Postal Service,”; and

3 (2) by inserting “or such carrier” after “causes
4 to be delivered by mail”.

5 **SEC. 1331. FRAUD AND RELATED ACTIVITY IN CONNECTION**
6 **WITH ACCESS DEVICES.**

7 Section 1029 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “or” at the end of para-
11 graph (3); and

12 (B) by inserting after paragraph (4) the
13 following new paragraphs:

14 “(5) knowingly, and with intent to defraud, ef-
15 fects transactions, with 1 or more access devices is-
16 sued to another person, to receive anything of value
17 aggregating \$1,000 or more during any 1-year pe-
18 riod;

19 “(6) without the authorization of the issuer of
20 the access device, knowingly and with intent to de-
21 fraud solicits a person for the purpose of—

22 “(A) offering an access device; or

23 “(B) selling information regarding or an
24 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, 1 or more evidences or records of
6 transactions made by an access device;”;

7 (2) in subsection (c)(1) by striking “(a)(2) or
8 (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;
9 and

10 (3) in subsection (e)—

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

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

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

17 “(7) the term ‘credit card system member’
18 means a financial institution or other entity that is
19 a member of a credit card system, including an en-
20 tity, whether affiliated with or identical to the credit
21 card issuer, that is the sole member of a credit card
22 system.”.

1 **SEC. 1332. INCREASED PENALTIES FOR TRAFFICKING IN**
2 **COUNTERFEIT GOODS AND SERVICES.**

3 (a) IN GENERAL.—Section 2320(a) of title 18,
4 United States Code, is amended—

5 (1) in the first sentence—

6 (A) by striking “\$250,000 or imprisoned
7 not more than five years” and inserting
8 “\$2,000,000, imprisoned not more than 10
9 years”; and

10 (B) by striking “not more than
11 \$1,000,000” and inserting “not more than
12 \$5,000,000”; and

13 (2) in the second sentence—

14 (A) by striking “\$1,000,000 or imprisoned
15 not more than fifteen years” and inserting
16 “\$5,000,000, imprisoned not more than 20
17 years”; and

18 (B) by striking “not more than
19 \$5,000,000” and inserting “not more than
20 \$15,000,000”.

21 (b) LAUNDERING MONETARY INSTRUMENTS.—Sec-
22 tion 1956(c)(7)(D) of title 18, United States Code, is
23 amended by striking “or section 2319 (relating to copy-
24 right infringement),” and inserting “section 2319 (relat-
25 ing to copyright infringement), or section 2320 (relating
26 to trafficking in counterfeit goods and services).”.

1 **SEC. 1333. COMPUTER ABUSE AMENDMENTS ACT OF 1993.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Computer Abuse Amendments Act of 1993”.

4 (b) PROHIBITION.—Section 1030(a)(5) of title 18,
5 United States Code, is amended to read as follows:

6 “(5)(A) through means of or in a manner af-
7 fecting a computer used in interstate commerce or
8 communications, knowingly causes the transmission
9 of a program, information, code, or command to a
10 computer or computer system if—

11 “(i) the person causing the transmission
12 intends that such transmission will—

13 “(I) damage, or cause damage to, a
14 computer, computer system, network, in-
15 formation, data, or program; or

16 “(II) withhold or deny, or cause the
17 withholding or denial, of the use of a com-
18 puter, computer services, system or net-
19 work, information, data or program; and

20 “(ii) the transmission of the harmful com-
21 ponent of the program, information, code, or
22 command—

23 “(I) occurred without the knowledge
24 and authorization of the persons or entities
25 who own or are responsible for the com-

1 puter system receiving the program, infor-
2 mation, code, or command; and

3 “(II)(aa) causes loss or damage to 1
4 or more other persons of value aggregating
5 \$1,000 or more during any 1-year period;
6 or

7 “(bb) modifies or impairs, or poten-
8 tially modifies or impairs, the medical ex-
9 amination, medical diagnosis, medical
10 treatment, or medical care of one or more
11 individuals; or

12 “(B) through means of or in a manner affecting
13 a computer used in interstate commerce or commu-
14 nication, knowingly causes the transmission of a pro-
15 gram, information, code, or command to a computer
16 or computer system—

17 “(i) with reckless disregard of a substan-
18 tial and unjustifiable risk that the transmission
19 will—

20 “(I) damage, or cause damage to, a
21 computer, computer system, network, in-
22 formation, data or program; or

23 “(II) withhold or deny or cause the
24 withholding or denial of the use of a com-

1 puter, computer services, system, network,
2 information, data or program; and

3 “(ii) if the transmission of the harmful
4 component of the program, information, code,
5 or 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 1
12 or more other persons of a value aggregat-
13 ing \$1,000 or more during any 1-year pe-
14 riod; 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 (c) PENALTY.—Section 1030(c) of title 18, United
21 States Code is amended—

22 (1) in paragraph (2)(B) by striking “and” after
23 the semicolon;

24 (2) in paragraph (3)(A) by inserting “(A)”
25 after “(a)(5)”; and

1 (3) in paragraph (3)(B) by striking the period
2 at the end and inserting “; and”; and

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

5 “(4) a fine under this title, imprisonment for
6 not more than 1 year, or both, in the case of an of-
7 fense under subsection (a)(5)(B).”.

8 (d) CIVIL ACTION.—Section 1030 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing new subsection:

11 “(g) A person who suffers damage or loss by reason
12 of a violation of the section, other than a violation of sub-
13 section (a)(5)(B), may maintain a civil action against the
14 violator to obtain compensatory damages and injunctive
15 relief or other equitable relief. Damages for violations of
16 any subsection other than subsection (a)(5)(A)(ii)(II)(bb)
17 or (a)(5)(B)(ii)(II)(bb) are limited to economic damages.
18 No action may be brought under this subsection unless
19 the action is begun within 2 years of the date of the act
20 complained of or the date of the discovery of the
21 damage.”.

22 (e) REPORTING REQUIREMENTS.—Section 1030 of
23 title 18 United States Code, as amended by subsection (d),
24 is amended by adding at the end the following new sub-
25 section:

1 “(h) The Attorney General shall report to the Con-
2 gress annually, during the first 3 years following the date
3 of the enactment of this subsection, concerning prosecu-
4 tions under subsection (a)(5).”.

5 (f) DEFINITION.—Section 1030(e)(1) of title 18
6 United States Code, is amended by striking “, but such
7 term does not include an automated typewriter or type-
8 setter, a portable hand held calculator, or other similar
9 device”.

10 (g) PROHIBITION.—Section 1030(a)(3) of title 18
11 United States Code, is amended by inserting “adversely”
12 before “affects the use of the Government’s operation of
13 such computer”.

14 **SEC. 1334. NOTIFICATION OF LAW ENFORCEMENT OFFI-**
15 **CERS OF DISCOVERIES OF CONTROLLED SUB-**
16 **STANCES OR LARGE AMOUNTS OF CASH IN**
17 **WEAPONS SCREENING.**

18 Section 315 of the Federal Aviation Act of 1958 (49
19 U.S.C. App. 1356) is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

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

24 “(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR
25 CASH IN EXCESS OF \$10,000.—Not later than 90 days

1 after the date of enactment of this subsection, the Admin-
2 istrator shall issue regulations requiring employees and
3 agents described in subsection (a) to report to appropriate
4 Federal and State law enforcement officers any incident
5 in which the employee or agent, in the course of conduct-
6 ing screening procedures pursuant to subsection (a), dis-
7 covers—

8 “(1) a controlled substance the possession of
9 which may be a violation of Federal or State law; or

10 “(2) an amount of cash in excess of \$10,000
11 the possession of which may be a violation of Fed-
12 eral or State law.”.

13 **Subtitle D—Other Provisions**

14 **SEC. 1361. OPTIONAL VENUE FOR ESPIONAGE AND RELAT-** 15 **ED OFFENSES.**

16 (a) IN GENERAL.—Chapter 211 of title 18, United
17 States Code, is amended by inserting after section 3238
18 the following new section:

19 **“§ 3239. Optional venue for espionage and related** 20 **offenses**

21 “The trial for any offense involving a violation, begun
22 or committed upon the high seas or elsewhere out of the
23 jurisdiction of any particular State or district, of—

24 “(1) section 793, 794, 798, or section
25 1030(a)(1) of this title;

1 “(2) section 601 of the National Security Act of
2 1947 (50 U.S.C. 421); or

3 “(3) section 4 (b) or (c) of the Subversive Ac-
4 tivities Control Act of 1950 (50 U.S.C. 783 (b) and
5 (c)),

6 may be in the District of Columbia or in any other district
7 authorized by law.”.

8 (b) TECHNICAL AMENDMENT.—The chapter analysis
9 for chapter 211 of title 18, United States Code, is amend-
10 ed by inserting after the item relating to section 3238 the
11 following new item:

 “3239. Optional venue for espionage and related offense.”.

12 **SEC. 1362. REQUIRED REPORTING BY CRIMINAL COURT**
13 **CLERKS.**

14 (a) IN GENERAL.—Each clerk of a Federal or State
15 criminal court shall report to the Internal Revenue Serv-
16 ice, in a form and manner as prescribed by the Secretary
17 of the Treasury, the name and taxpayer identification
18 number of—

19 (1) any individual charged with any criminal of-
20 fense who posts cash bail, or on whose behalf cash
21 bail is posted, in an amount exceeding \$10,000; and

22 (2) any individual or entity (other than a li-
23 censed bail bonding individual or entity) posting
24 such cash bail for or on behalf of such individual.

1 (b) CRIMINAL OFFENSES.—For purposes of this sec-
2 tion—

3 (1) the term “criminal offense” means—

4 (A) any Federal criminal offense involving
5 a controlled substance;

6 (B) racketeering;

7 (C) money laundering; and

8 (D) any violation of State criminal law in-
9 volving offenses substantially similar to the of-
10 fenses described in the preceding paragraphs;

11 (2) the term “money laundering” means an of-
12 fense under section 1956 or 1957 of title 18, United
13 States Code; and

14 (3) the term “racketeering” means an offense
15 under section 1951, 1952, or 1955 of title 18, Unit-
16 ed States Code.

17 (c) COPY TO PROSECUTORS.—Each clerk shall sub-
18 mit a copy of each report of cash bail described in sub-
19 section (a) to—

20 (1) the office of the United States Attorney;
21 and

22 (2) the office of the local prosecuting attorney,
23 for the jurisdiction in which the defendant resides (and
24 the jurisdiction in which the criminal offense occurred, if
25 different).

1 (d) REGULATIONS.—The Secretary of the Treasury
2 shall promulgate such regulations as are necessary to im-
3 plement this section within 90 days after the date of en-
4 actment of this Act.

5 (e) EFFECTIVE DATE.—This section shall become ef-
6 fective on the date that is 60 days after the date of the
7 promulgation of regulations under subsection (d).

8 **SEC. 1363. AUDIT REQUIREMENT FOR STATE AND LOCAL**
9 **LAW ENFORCEMENT AGENCIES RECEIVING**
10 **FEDERAL ASSET FORFEITURE FUNDS AND**
11 **REPORT TO CONGRESS ON ADMINISTRATIVE**
12 **EXPENSES.**

13 (a) IN GENERAL.—Section 524(c)(7) of title 28,
14 United States Code, is amended to read as follows:

15 “(7)(A) The Fund shall be subject to annual audit
16 by the Comptroller General.

17 “(B) The Attorney General shall require that any
18 State or local law enforcement agency receiving funds con-
19 duct an annual audit detailing the uses and expenses to
20 which the funds were dedicated and the amount used for
21 each use or expense and report the results of the audit
22 to the Attorney General.”.

23 (b) REPORT TO CONGRESS.—Section 524(c)(6) of
24 title 28, United States Code, is amended—

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

3 (2) by striking the period at the end of sub-
4 paragraph (C) and inserting “, which report should
5 also contain all annual audit reports from State and
6 local law enforcement agencies required to be re-
7 ported to the Attorney General under paragraph
8 (7)(B).”;

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(D) a report for the fiscal year containing a
12 description of the administrative and contracting ex-
13 penses paid from the Fund under paragraph
14 (1)(A).”.

15 **SEC. 1364. DNA IDENTIFICATION.**

16 (a) FUNDING TO IMPROVE THE QUALITY AND AVAIL-
17 ABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT
18 IDENTIFICATION PURPOSES.—

19 (1) DRUG CONTROL AND SYSTEM IMPROVE-
20 MENT GRANT PROGRAM.—Section 501(b) of title I of
21 the Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3751(b)), as amended by section
23 531, is amended—

24 (A) by striking “and” at the end of para-
25 graph (20);

1 (B) by striking the period at the end of
2 paragraph (21) and inserting “; and”; and

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

5 “(22) developing or improving in a forensic lab-
6 oratory a capability to analyze deoxyribonucleic acid
7 (referred to in this title as ‘DNA’) for identification
8 purposes.”.

9 (2) STATE APPLICATIONS.—Section 503(a) of
10 title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3753(a)) is amended
12 by adding at the end the following new paragraph:

13 “(12) If any part of a grant made under this
14 part is to be used to develop or improve a DNA
15 analysis capability in a forensic laboratory, a certifi-
16 cation that—

17 “(A) DNA analyses performed at the lab-
18 oratory will satisfy or exceed then current
19 standards for a quality assurance program for
20 DNA analysis issued by the Director of the
21 Federal Bureau of Investigation under section
22 1388(b) of the Crime Control Act of 1993;

23 “(B) DNA samples obtained by and DNA
24 analyses performed at the laboratory will be
25 made available only—

1 “(i) to criminal justice agencies, for
2 law enforcement identification purposes;

3 “(ii) for criminal defense purposes, to
4 a defendant, who shall have access to sam-
5 ples and analyses performed in connection
6 with the case in which the defendant is
7 charged; and

8 “(iii) to others, if personally identifi-
9 able information is removed, for a popu-
10 lation statistics database, for identification
11 research and protocol development pur-
12 poses, or for quality control purposes; and

13 “(C) the laboratory and each analyst per-
14 forming DNA analyses at the laboratory will
15 undergo, at regular intervals not exceeding 180
16 days, external proficiency testing by a DNA
17 proficiency testing program meeting the stand-
18 ards issued under section 1388(b) of the Crime
19 Control Act of 1993.”.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—For
21 each of the fiscal years 1994, 1995, and 1996 there
22 are authorized to be appropriated such sums as are
23 necessary for grants to the States for DNA analysis.

24 (b) QUALITY ASSURANCE AND PROFICIENCY TEST-
25 ING STANDARDS.—

1 (1) PUBLICATION OF QUALITY ASSURANCE AND
2 PROFICIENCY TESTING STANDARDS.—(A) Not later
3 than 180 days after the date of enactment of this
4 Act, the Director of the Federal Bureau of Inves-
5 tigation shall appoint an advisory board on DNA
6 quality assurance methods. The Director shall ap-
7 point members of the board from among nomina-
8 tions proposed by the head of the National Academy
9 of Sciences and professional societies of crime lab-
10 oratory directors. The advisory board shall include
11 as members scientists from State and local forensic
12 laboratories, molecular geneticists and population ge-
13 neticists not affiliated with a forensic laboratory,
14 and a representative from the National Institute of
15 Standards and Technology. The advisory board shall
16 develop, and if appropriate, periodically revise, rec-
17 ommended standards for quality assurance, includ-
18 ing standards for testing the proficiency of forensic
19 laboratories, and forensic analysts, in conducting
20 analyses of DNA.

21 (B) The Director of the Federal Bureau of In-
22 vestigation, after taking into consideration such rec-
23 ommended standards, shall issue (and revise from
24 time to time) standards for quality assurance, in-
25 cluding standards for testing the proficiency of fo-

1 forensic laboratories, and forensic analysts, in con-
2 ducting analyses of DNA.

3 (C) The standards described in subparagraphs
4 (A) and (B) shall specify criteria for quality assur-
5 ance and proficiency tests to be applied to the var-
6 ious types of DNA analyses used by forensic labora-
7 tories. The standards shall also include a system for
8 grading proficiency testing performance to determine
9 whether a laboratory is performing acceptably.

10 (D) Until such time as the advisory board has
11 made recommendations to the Director of the Fed-
12 eral Bureau of Investigation and the Director has
13 acted upon those recommendations, the quality as-
14 surance guidelines adopted by the technical working
15 group on DNA analysis methods shall be deemed the
16 Director's standards for purposes of this section.

17 (2) ADMINISTRATION OF THE ADVISORY
18 BOARD.—For administrative purposes, the advisory
19 board appointed under paragraph (1) shall be con-
20 sidered to be an advisory board to the Director of
21 the Federal Bureau of Investigation. Section 14 of
22 the Federal Advisory Committee Act (5 U.S.C.
23 App.) shall not apply with respect to the advisory
24 board appointed under subsection (a). The board
25 shall cease to exist on the date that is 5 years after

1 the date on which initial appointments are made to
2 the board, unless the existence of the board is ex-
3 tended by the Director of the Federal Bureau of In-
4 vestigation.

5 (c) INDEX TO FACILITATE LAW ENFORCEMENT EX-
6 CHANGE OF DNA IDENTIFICATION INFORMATION.—

7 (1) IN GENERAL.—The Director of the Federal
8 Bureau of Investigation may establish an index of—

9 (A) DNA identification records of persons
10 convicted of crimes;

11 (B) analyses of DNA samples recovered
12 from crime scenes; and

13 (C) analyses of DNA samples recovered
14 from unidentified human remains.

15 (2) CONTENTS.—The index established under
16 paragraph (1) shall include only information on
17 DNA identification records and DNA analyses that
18 are—

19 (A) based on analyses performed in accord-
20 ance with publicly available standards that sat-
21 isfy or exceed the guidelines for a quality assur-
22 ance program for DNA analysis, issued by the
23 Director of the Federal Bureau of Investigation
24 under section 1364(b) of the Crime Control Act
25 of 1993;

1 (B) prepared by laboratories and DNA an-
2 alysts that undergo, at regular intervals not ex-
3 ceeding 180 days, external proficiency testing
4 by a DNA proficiency testing program meeting
5 the standards issued under section 1364(b) of
6 the Crime Control Act of 1993; and

7 (C) maintained by Federal, State, and
8 local criminal justice agencies pursuant to rules
9 that allow disclosure of stored DNA samples
10 and DNA analyses only—

11 (i) to criminal justice agencies, for law
12 enforcement identification purposes;

13 (ii) for criminal defense purposes, to a
14 defendant, who shall have access to sam-
15 ples and analyses performed in connection
16 with the case in which the defendant is
17 charged; or

18 (iii) to others, if personally identifi-
19 able information is removed, for a popu-
20 lation statistics database, for identification
21 research and protocol development pur-
22 poses, or for quality control purposes.

23 (3) FAILURE TO MEET REQUIREMENTS.—The
24 exchange of records authorized by this subsection is
25 subject to cancellation if the quality control and pri-

1 vacy requirements described in paragraph (2) are
2 not met.

3 (d) FEDERAL BUREAU OF INVESTIGATION.—

4 (1) PROFICIENCY TESTING REQUIREMENTS.—

5 (A) Personnel at the Federal Bureau of Investiga-
6 tion who perform DNA analyses shall undergo, at
7 regular intervals not exceeding 180 days, external
8 proficiency testing by a DNA proficiency testing pro-
9 gram meeting the standards issued under subsection
10 (b). Not later than 1 year after the date of enact-
11 ment of this Act, the Director of the Federal Bureau
12 of Investigation shall arrange for periodic blind ex-
13 ternal tests to determine the proficiency of DNA
14 analysis performed at the Federal Bureau of Inves-
15 tigation laboratory. As used in this subparagraph,
16 the term “blind external test” means a test that is
17 presented to the laboratory through a second agency
18 and appears to the analysts to involve routine evi-
19 dence.

20 (B) For each of the 5 years following the date
21 of enactment of this Act, the Director of the Federal
22 Bureau of Investigation shall submit to the Commit-
23 tee on the Judiciary of the House of Representatives
24 and the Committee on the Judiciary of the Senate

1 an annual report on the results of each of the tests
2 described in subparagraph (A).

3 (2) PRIVACY PROTECTION STANDARDS.—(A)
4 Except as provided in subparagraph (B), the results
5 of DNA tests performed for a Federal law enforce-
6 ment agency for law enforcement purposes may be
7 disclosed only—

8 (i) to criminal justice agencies for law en-
9 forcement identification purposes; or

10 (ii) 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 the defendant is charged.

14 (B) If personally identifiable information is re-
15 moved, test results may be disclosed for a population
16 statistics database, for identification research and
17 protocol development purposes, or for quality control
18 purposes.

19 (3) CRIMINAL PENALTIES.—(A) Whoever—

20 (i) by virtue of employment or official posi-
21 tion, has possession of, or access to, individually
22 identifiable DNA information indexed in a
23 database created or maintained by any Federal
24 law enforcement agency; and

1 (ii) willfully discloses such information in
2 any manner to any person or agency not enti-
3 tled to receive it,
4 shall be fined not more than \$100,000.

5 (B) Whoever, without authorization, willfully
6 obtains DNA samples or individually identifiable
7 DNA information indexed in a database created or
8 maintained by any Federal law enforcement agency
9 shall be fined not more than \$100,000.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Federal Bureau
12 of Investigation \$2,000,000 for each of fiscal years 1994,
13 1995, and 1996 to carry out subsections (b), (c), and (d).

14 **SEC. 1365. SAFE SCHOOLS.**

15 (a) IN GENERAL.—Title I of the Omnibus Crime
16 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
17 et seq.), as amended by section 1062(a), is amended—

- 18 (1) by redesignating part S as part T;
19 (2) by redesignating section 1901 as section
20 2001; and
21 (3) by inserting after part R the following new
22 part:

1 **“PART S—SAFE SCHOOLS ASSISTANCE**

2 **“SEC. 1901. 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 in urban, suburban, and rural areas for the purpose of
7 providing assistance to such agencies most directly af-
8 fected by crime and violence.

9 “(b) MODEL PROJECT.—The Director, in consulta-
10 tion with the Secretary of Education, shall develop a writ-
11 ten safe schools model in a timely fashion and make such
12 model available to any local educational agency that re-
13 quests such information.

14 **“SEC. 1902. 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. 1903. 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.—An application under sub-
11 section (a) shall include—

12 “(1) a request for funds for the purposes de-
13 scribed in section 1902;

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 the schools served by
25 such local educational agency.

1 “(c) COMPREHENSIVE PLAN.—An application under
2 subsection (a) shall include a comprehensive plan that
3 shall contain—

4 “(1) a description of the crime problems within
5 the schools targeted for assistance;

6 “(2) a description of the projects to be devel-
7 oped;

8 “(3) a description of the resources available in
9 the community to implement the plan together with
10 a description of the gaps in the plan that cannot be
11 filled with existing resources;

12 “(4) an explanation of how the requested grant
13 will be used to fill gaps; and

14 “(5) a description of the system the applicant
15 will establish to prevent and reduce crime problems.

16 **“SEC. 1904. ALLOCATION OF FUNDS; LIMITATIONS ON**
17 **GRANTS.**

18 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-
19 rector shall use not more than 5 percent of the funds avail-
20 able under this part for the purposes of administration
21 and technical assistance.

22 “(b) RENEWAL OF GRANTS.—A grant under this
23 part may be renewed for up to 2 additional years after
24 the first fiscal year during which the recipient receives its

1 initial grant under this part, subject to the availability of
2 funds, if—

3 “(1) the Director determines that the funds
4 made available to the recipient during the previous
5 year were used in a manner required under the ap-
6 proved application; and

7 “(2) the Director determines that an additional
8 grant is necessary to implement the crime prevention
9 program described in the comprehensive plan as re-
10 quired by section 1903(c).

11 “(c) RURAL AREAS.—The Director shall use not less
12 than 15 percent of the funds available under this part for
13 grants to local educational agencies in rural areas.

14 **“SEC. 1905. AWARD OF GRANTS.**

15 “(a) SELECTION OF RECIPIENTS.—The Director, in
16 consultation with the Secretary of Education, shall con-
17 sider the following factors in awarding grants to local edu-
18 cational agencies:

19 “(1) CRIME PROBLEM.—The nature and scope
20 of the crime problem in the targeted schools.

21 “(2) NEED AND ABILITY.—Demonstrated need
22 and evidence of the ability to provide the services de-
23 scribed in the plan required under section 1903(c).

1 “(3) POPULATION.—The number of students to
2 be served by the plan required under section
3 1903(c).

4 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
5 shall achieve an equitable geographic distribution of grant
6 awards.

7 **“SEC. 1906. REPORTS.**

8 “(a) REPORT TO DIRECTOR.—Local educational
9 agencies that receive funds under this part shall submit
10 to the Director a report not later than March 1 of each
11 year that describes progress achieved in carrying out the
12 plan required under section 1803(c).

13 “(b) REPORT TO CONGRESS.—The Director shall
14 submit to the Congress a report by October 1 of each year
15 in which grants are made available under this part, which
16 report shall contain—

17 “(1) a detailed statement regarding grant
18 awards and activities of grant recipients;

19 “(2) a compilation of statistical information
20 submitted by applicants under section 1903(b)(4);
21 and

22 “(3) an evaluation of programs established
23 under this part.

24 **“SEC. 1907. DEFINITIONS.**

25 “For the purpose of this part:

1 “(1) The term ‘Director’ means the Director of
2 the Bureau of Justice Assistance.

3 “(2) The term ‘local educational agency’ means
4 a public board of education or other public authority
5 legally constituted within a State for either adminis-
6 trative control or direction of, or to perform a serv-
7 ice function for, public elementary and secondary
8 schools in a city, county, township, school district, or
9 other political subdivision of a State, or such com-
10 bination of school districts of counties as are recog-
11 nized in a State as an administrative agency for its
12 public elementary and secondary schools. Such term
13 includes any other public institution or agency hav-
14 ing administrative control and direction of a public
15 elementary or secondary school.”.

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 1062(b), is amended by striking the matter relating
20 to part V and inserting the following:

“PART S—SAFE SCHOOLS ASSISTANCE

“Sec. 1901. Grant authorization.

“Sec. 1902. Use of funds.

“Sec. 1903. Applications.

“Sec. 1904. Allocation of funds; limitations on grants.

“Sec. 1905. Award of grants.

“Sec. 1906. Reports.

“Sec. 1907. Definitions.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3793(a)), as amended by section
4 1062(c), is amended—

5 (1) in paragraph (3) by striking “and R” and
6 inserting “R, and S”; and

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

9 “(13) There are authorized to be appropriated
10 \$100,000,000 for fiscal year 1994 to carry out projects
11 under part S.”.

12 **TITLE XIV—TECHNICAL** 13 **CORRECTIONS**

14 **SEC. 1401. AMENDMENTS RELATING TO FEDERAL FINAN-** 15 **CIAL ASSISTANCE FOR LAW ENFORCEMENT.**

16 (a) TESTING OF CERTAIN SEX OFFENDERS FOR
17 HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of
18 title I of the Omnibus Crime Control and Safe Streets Act
19 of 1968 (42 U.S.C. 3756) is amended—

20 (1) in subsection (a) by striking “Of” and in-
21 serting “Subject to subsection (f), of”;

22 (2) in subsection (c) by striking “subsections
23 (b) and (c)” and inserting “subsection (b)”;

24 (3) in subsection (e) by striking “or (e)” and
25 inserting “or (f)”;

1 (4) in subsection (f)(1)—

2 (A) in subparagraph (A)—

3 (i) by striking “, taking into consider-
4 ation subsection (e) but”; and

5 (ii) by striking “this subsection,” and
6 inserting “this subsection”; and

7 (B) in subparagraph (B) by striking
8 “amount” and inserting “funds”.

9 (b) CORRECTIONAL OPTIONS GRANTS.—(1) Section
10 515(b) of title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

12 (A) by striking “subsection (a)(1) and (2)” and
13 inserting “subsection (a) (1) and (2)”; and

14 (B) in paragraph (2) by striking “States” and
15 inserting “public agencies”.

16 (2) Section 516 of title I of the Omnibus Crime Con-
17 trol and Safe Streets Act of 1968 (42 U.S.C. 3762b) is
18 amended—

19 (A) in subsection (a) by striking “for section”
20 each place it appears and inserting “shall be used to
21 make grants under section”; and

22 (B) in subsection (b) by striking “section
23 515(a)(1) or (a)(3)” and inserting “section 515(a)
24 (1) or (3)”.

1 (3) Section 1001(a)(5) of title I of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3793(a)(5)), as amended by section 1002, is amended by
4 inserting “(other than chapter B of subpart 2)” after
5 “and E”.

6 (c) DENIAL OR TERMINATION OF GRANT.—Section
7 802(b) of title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by
9 striking “M,,” and inserting “M,”.

10 (d) DEFINITIONS.—Section 901(a)(21) of title I of
11 the Crime Control and Safe Streets Act of 1968 (42
12 U.S.C. 3791(21)) is amended by adding a semicolon at
13 the end.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
15 1001(a) of title I of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

17 (1) in paragraph (3) by striking “and N” and
18 inserting “N, and O”;

19 (2) by redesignating paragraph (6), relating to
20 part N of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968, as paragraph (8) and re-
22 moving it to follow paragraph (7), relating to part
23 M of that title I; and

24 (3) by redesignating paragraph (7), relating to
25 part O of that title, as paragraph (9).

1 (f) PUBLIC SAFETY OFFICERS DISABILITY BENE-
2 FITS.—Title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 is amended—

4 (1) in section 1201 (42 U.S.C. 3796)—

5 (A) in subsection (a) by striking “sub-
6 section (g)” and inserting “subsection (h),”;

7 and

8 (B) in subsection (b)—

9 (i) by striking “subsection (g)” and
10 inserting “subsection (h)”;

11 (ii) by striking “personal”; and

12 (iii) in the first proviso by striking
13 “section” and inserting “subsection”; and

14 (2) in section 1204(3) (42 U.S.C. 3796b(3)) by
15 striking “who was responding to a fire, rescue or po-
16 lice emergency”.

17 (g) HEADINGS.—(1) The heading for part M of title
18 I of the Omnibus Crime Control and Safe Streets Act of
19 1968 (42 U.S.C. 3797) is amended to read as follows:

20 **“PART M—REGIONAL INFORMATION SHARING**
21 **SYSTEMS”.**

22 (2) The heading for part O of title I of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
24 3796bb) is amended to read as follows:

1 **“PART O—RURAL DRUG ENFORCEMENT”.**

2 (h) TABLE OF CONTENTS.—The table of contents of
3 title I of the Omnibus Crime Control and Safe Streets Act
4 of 1968 is amended—

5 (1) in the item relating to section 501 by strik-
6 ing “Drug Control and System Improvement Grant”
7 and inserting “drug control and system improvement
8 grant”;

9 (2) in the item relating to section 1403 by
10 striking “Application” and inserting “Applications”;
11 and

12 (3) in the items relating to part O by redesign-
13 ating sections 1401 and 1402 as sections 1501 and
14 1502, respectively.

15 (i) OTHER TECHNICAL AMENDMENTS.—Title I of the
16 Omnibus Crime Control and Safe Streets Act of 1968 is
17 amended—

18 (1) in section 202(c)(2)(E) (42 U.S.C.
19 3722(c)(2)(E)) by striking “crime,,” and inserting
20 “crime,”;

21 (2) in section 302(c)(19) (42 U.S.C. 3732(c))
22 by striking the period at the end and inserting a
23 semicolon;

24 (3) in section 602(a)(1) (42 U.S.C.
25 3769a(a)(1)) by striking “chapter 315” and insert-
26 ing “chapter 319”;

1 (4) in section 603(a)(6) (42 U.S.C.
2 3769b(a)(6)) by striking “605” and inserting
3 “606”;

4 (5) in section 605 (42 U.S.C. 3769c) by strik-
5 ing “this section” and inserting “this part”;

6 (6) in section 606(b) (42 U.S.C. 3769d(b)) by
7 striking “and Statistics” and inserting “Statistics”;

8 (7) in section 801(b) (42 U.S.C. 3782(b))—

9 (A) by striking “parts D,” and inserting
10 “parts”;

11 (B) by striking “part D” each place it ap-
12 pears and inserting “subpart 1 of part E”;

13 (C) by striking “403(a)” and inserting
14 “501”; and

15 (D) by striking “403” and inserting
16 “503”;

17 (8) in the first sentence of section 802(b) (42
18 U.S.C. 3783(b)) by striking “part D,” and inserting
19 “subpart 1 of part E or under part”;

20 (9) in the second sentence of section 804(b) (42
21 U.S.C. 3785(b)) by striking “Prevention or” and in-
22 sserting “Prevention, or”;

23 (10) in section 808 (42 U.S.C. 3789) by strik-
24 ing “408, 1308,” and inserting “507”;

1 (11) in section 809(c)(2)(H) (42 U.S.C.
2 3789d(c)(2)(H)) by striking “805” and inserting
3 “804”;

4 (12) in section 811(e) (42 U.S.C. 3789f(e)) by
5 striking “Law Enforcement Assistance Administra-
6 tion” and inserting “Bureau of Justice Assistance”;

7 (13) in section 901(a)(3) (42 U.S.C.
8 3791(a)(3)) by striking “and,” and inserting “,
9 and”;

10 (14) in section 1001(c) (42 U.S.C. 3793(c)) by
11 striking “parts” and inserting “part”.

12 (j) CONFORMING AMENDMENT TO OTHER LAW.—
13 Section 4351(b) of title 18, United States Code, is amend-
14 ed by striking “Administrator of the Law Enforcement
15 Assistance Administration” and inserting “Director of the
16 Bureau of Justice Assistance”.

17 **SEC. 1402. GENERAL TITLE 18 CORRECTIONS.**

18 (a) SECTION 1031.—Section 1031 of title 18, United
19 States Code, is amended—

20 (1) by redesignating subsection (g), as added by
21 Public Law 101–123, as subsection (h) and remov-
22 ing it to the end of the section; and

23 (2) in subsection (h), as redesignated by para-
24 graph (1), by striking “a government” and inserting
25 “a Government”.

1 (b) SECTION 208.—Section 208(c)(1) of title 18,
2 United States Code, is amended by striking “Banks” and
3 inserting “banks”.

4 (c) SECTION 1007.—The heading for section 1007 of
5 title 18, United States Code, is amended by striking
6 “Transactions” and inserting “transactions”.

7 (d) SECTION 1014.—Section 1014 of title 18, United
8 States Code, is amended by striking the comma that fol-
9 lows a comma.

10 (e) ELIMINATION OF OBSOLETE CROSS REF-
11 ERENCE.—Section 3293(1) of title 18, United States
12 Code, is amended by striking “1008,”.

13 (f) PART I PART ANALYSIS.—The item relating to
14 chapter 33 in the part analysis for part I of title 18, Unit-
15 ed States Code, is amended by striking “701” and insert-
16 ing “700”.

17 **SEC. 1403. CORRECTIONS OF ERRONEOUS CROSS REF-**
18 **ERENCES AND MISDESIGNATIONS.**

19 (a) CONTRABAND IN PRISON.—Section 1791(b) of
20 title 18, United States Code, is amended by striking “(c)”
21 each place it appears and inserting “(d)”.

22 (b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of
23 title 18, United States Code, is amended by striking “sec-
24 tion 1822 of the Mail Order Drug Paraphernalia Control
25 Act (100 Stat. 3207–51; 21 U.S.C. 857)” and inserting

1 “section 422 of the Controlled Substances Act (21 U.S.C.
2 863)”.

3 (c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—
4 Section 2703(d) of title 18, United States Code, is amend-
5 ed by striking “section 3126(2)(A)” and inserting “section
6 3127(2)(A)”.

7 (d) PROGRAMS RECEIVING FEDERAL FUNDS.—Sec-
8 tion 666(d) of title 18, United States Code, is amended—

9 (1) by redesignating the second paragraph (4)
10 as paragraph (5);

11 (2) by striking “and” at the end of paragraph
12 (3); and

13 (3) by striking the period at the end of para-
14 graph (4) and inserting “; and”.

15 (e) OFFENDERS WITH MENTAL DISEASE OR DE-
16 FECT.—Section 4247(h) of title 18, United States Code,
17 is amended by striking “subsection (e) of section 4241,
18 4243, 4244, 4245, or 4246,” and inserting “section
19 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),”.

20 (f) CONTINUING CRIMINAL ENTERPRISES.—Section
21 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C.
22 848(b)(2)(A)) is amended by striking “subsection (d)(1)”
23 and inserting “subsection (c)(1)”.

24 (g) SENTENCING COMMISSION.—Section 994(h) of
25 title 28, United States Code, is amended by striking “sec-

1 tion 1 of the Act of September 15, 1980 (21 U.S.C.
2 955a)” each place it appears and inserting “the Maritime
3 Drug Law Enforcement Act (46 U.S.C. App. 1901 et
4 seq.)”.

5 (h) FIREARMS.—Section 924(e)(2)(A)(i) of title 18,
6 United States Code, is amended by striking “the first sec-
7 tion or section 3 of Public Law 96–350 (21 U.S.C. 955a
8 et seq.)” and inserting “the Maritime Drug Law Enforce-
9 ment Act (46 U.S.C. App. 1901 et seq.)”.

10 (i) ERRONEOUS CITATION IN CRIME CONTROL ACT
11 OF 1990.—Section 2596(d) of the Crime Control Act of
12 1990 (104 Stat. 4908) is amended, effective as of the date
13 of enactment of that Act, by striking “951(c)(1)” and in-
14 serting “951(c)(2)”.

15 **SEC. 1404. OBSOLETE PROVISIONS IN TITLE 18.**

16 Title 18, United States Code, is amended—

17 (1) in section 212 by striking “or of any Na-
18 tional Agricultural Credit Corporation,” and by
19 striking “or National Agricultural Credit Corpora-
20 tions,”;

21 (2) in section 213 by striking “or examiner of
22 National Agricultural Credit Corporations”;

23 (3) in section 709 by striking the seventh and
24 thirteenth paragraphs;

1 (4) in section 711 by striking the second para-
2 graph;

3 (5) by striking section 754 and amending the
4 chapter analysis for chapter 35 by striking the item
5 relating to section 754;

6 (6) in sections 657 and 1006 by striking “Re-
7 construction Finance Corporation,” and by striking
8 “Farmers’ Home Corporation,”;

9 (7) in section 658 by striking “Farmers’ Home
10 Corporation,”;

11 (8) in section 1013 by striking “, or by any Na-
12 tional Agricultural Credit Corporation”;

13 (9) in section 1160 by striking “white person”
14 and inserting “non-Indian”;

15 (10) in section 1698 by striking the second
16 paragraph;

17 (11) by striking sections 1904 and 1908 and
18 amending the chapter analysis for chapter 93 by
19 striking the items relating to those sections;

20 (12) in section 1909 by inserting “or” before
21 “farm credit examiner” and by striking “or an ex-
22 aminer of National Agricultural Credit Corpora-
23 tions,”;

24 (13) by striking sections 2157 and 2391 and
25 amending the chapter analyses for chapters 105 and

1 115, respectively, by striking the items relating to
2 those sections;

3 (14) in section 2257 by striking subsections (f)
4 and (g) that were enacted by Public Law 100–690
5 (102 Stat. 4488);

6 (15) in section 3113 by striking the third para-
7 graph; and

8 (16) in section 3281 by striking “except for of-
9 fenses barred by the provisions of law existing on
10 August 4, 1939”.

11 **SEC. 1405. CORRECTION OF DRAFTING ERROR IN THE FOR-**
12 **EIGN CORRUPT PRACTICES ACT.**

13 Section 104(a)(3) of the Foreign Corrupt Practices
14 Act of 1977 (15 U.S.C. 78dd–2(a)(3)) is amended by
15 striking “issuer” and inserting “domestic concern”.

16 **SEC. 1406. ELIMINATION OF REDUNDANT PENALTY.**

17 Section 1864(c) of title 18, United States Code, is
18 amended by striking “(b) (3), (4), or (5)” and inserting
19 “(b)(5)”.

20 **SEC. 1407. CORRECTIONS OF MISSPELLINGS AND GRAM-**
21 **MATICAL ERRORS.**

22 Title 18, United States Code, is amended—

23 (1) in section 513(c)(4) by striking “association
24 or persons” and inserting “association of persons”;

1 (2) in section 1956(e) by striking
2 “Environmental” and inserting “Environmental”;

3 (3) in section 3125—

4 (A) in subsection (a)(2) by striking the
5 quotation marks; and

6 (B) in subsection (d) by striking “provider
7 for” and inserting “provider of”; and

8 (4) in section 3731, in the second undesignated
9 paragraph, by striking “order of a district courts”
10 and inserting “order of a district court”.

11 **TITLE XV—FEDERAL LAW**
12 **ENFORCEMENT AGENCIES**

13 **SEC. 1501. SHORT TITLE.**

14 This title may be cited as the “Federal Law Enforce-
15 ment Act of 1993”.

16 **SEC. 1502. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
17 **ERAL LAW ENFORCEMENT AGENCIES.**

18 There is authorized to be appropriated \$333,500,000
19 for fiscal year 1994 (which shall be in addition to any
20 other appropriations) to be allocated as follows:

21 (1) For the Drug Enforcement Administration,
22 \$100,500,000, which shall include—

23 (A) not to exceed \$45,000,000 to hire,
24 equip, and train not less than 350 agents and
25 necessary support personnel to expand DEA in-

1 vestigations and operations against drug traf-
2 ficking organizations in rural areas; and

3 (B) not to exceed \$25,000,000 to expand
4 DEA State and Local Task Forces, including
5 payment of State and local overtime, equip-
6 ment, and personnel costs.

7 (2) For the Federal Bureau of Investigation,
8 \$98,000,000, for the hiring of additional agents and
9 support personnel, which shall include not more than
10 \$35,000,000 for the purpose of hiring, equipping,
11 and training not less than 250 agents and necessary
12 support personnel to expand investigations and oper-
13 ations by the Federal Bureau of Investigation in
14 rural areas.

15 (3) For the Immigration and Naturalization
16 Service, \$45,000,000, to be further allocated as fol-
17 lows:

18 (A) \$25,000,000 to hire, train, and equip
19 no fewer than 500 full-time equivalent Border
20 Patrol officer positions.

21 (B) \$20,000,000 to hire, train, and equip
22 no fewer than 400 full-time equivalent INS
23 criminal investigators dedicated to drug traf-
24 ficking by illegal aliens and to deportations of
25 criminal aliens.

1 (4) For the United States attorneys,
2 \$45,000,000 to hire and train not less than 350 ad-
3 ditional prosecutors and support personnel dedicated
4 to the prosecution of drug trafficking and related of-
5 fenses.

6 (5) For the United States Marshals Service,
7 \$10,000,000.

8 (6) For the Bureau of Alcohol, Tobacco, and
9 Firearms, \$15,000,000 to hire, equip, and train not
10 less than 100 special agents and support personnel
11 to investigate firearms violations committed by drug
12 trafficking organizations, particularly violent gangs.

13 (7) For the United States courts, \$20,000,000
14 for additional magistrates, probation officers, other
15 personnel, and equipment to address the case-load
16 generated by the additional investigative and pros-
17 ecutorial resources provided in this title.

18 **TITLE XVI—FEDERAL PRISONS**

19 **SEC. 1601. AUTHORIZATION OF APPROPRIATIONS FOR NEW** 20 **PRISON CONSTRUCTION.**

21 There is authorized to be appropriated for fiscal year
22 1993 to the buildings and facilities account, Federal Pris-
23 on System, Department of Justice, \$500,000,000 for the
24 planning of, acquisition of sites for, and the construction
25 of new penal and correctional facilities, such appropria-

1 tions to be in addition to any appropriations provided in
2 regular appropriations Acts or continuing resolutions for
3 that fiscal year.

4 **TITLE XVII—PRE-TRIAL**
5 **INTERROGATION**

6 SEC. 1701. It is the sense of the Congress that the
7 Attorney General shall instruct all United States Attor-
8 neys, and implement policies consistent therewith, that
9 confessions obtained in conformity with section 3501 of
10 title 18, United States Code will be offered into evidence.

11 **TITLE XVIII—FUNDING**

12 **SEC. 1801. FUNDING OF SPENDING THROUGH RESCISSIONS.**

13 (a) FISCAL YEAR 1993.—Of the funds made avail-
14 able in appropriations Acts for fiscal year 1993 for each
15 of the following accounts, there is hereby rescinded 16 per-
16 cent of the amount that remains unobligated on the date
17 of the enactment of this Act:

18 (1) “United States Fish and Wildlife Service—
19 Construction”.

20 (2) “National Park Service—Construction”.

21 (3) “Bureau of Indian Affairs—Construction”.

22 (4) “Federal Bureau of Investigation—Salaries
23 and Expenses”.

24 (5) “Federal Prison System—Buildings and
25 Facilities”.

1 (6) “General Services Administration—Federal
2 Buildings Fund”.

3 (7) “General Services Administration—Infor-
4 mation Technology Fund”.

5 (8) “Payments to Copyright Owners”.

6 (9) “Agency for International Development—
7 Economic Support Fund”.

8 (10) “Agricultural Marketing Service—Funds
9 for Strengthening Markets, Income, and Supply
10 (Section 32)”.

11 (11) “Department of Energy —SPR Petroleum
12 Account”.

13 (12) “United States Enrichment Corporation
14 Fund”.

15 (13) “General Services Administration” (other
16 than the accounts specified in paragraphs (6) and
17 (7)).

18 (14) “Office of Personnel Management—Sala-
19 ries and Expenses”.

20 (15) “American Battle Monuments Commis-
21 sion—Salaries and Expenses”.

22 (16) “Interstate Commerce Commission—Sala-
23 ries and Expenses”.

24 (17) “Coast Guard—Research, Development,
25 Test, and Evaluation”.

1 (18) “Pennsylvania Avenue Development Cor-
2 poration—Public Development”.

3 (19) “Pennsylvania Avenue Development Cor-
4 poration—Land Acquisition and Development
5 Fund”.

6 (20) “Smithsonian Institution—Repair and
7 Restoration of Buildings”.

8 (21) “Smithsonian Institution—Construction”.

9 (22) “Bureau of Land Management”.

10 (23) “Occupational Safety and Health Adminis-
11 tration—Salaries and Expenses”.

12 (24) “Bureau of Labor Statistics—Salaries and
13 Expenses”.

14 (25) “United States Travel and Tourism Ad-
15 ministration—Salaries and Expenses”.

16 (26) “Bureau of the Census”.

17 (27) “Maritime Administration”.

18 (28) “International Trade Administration—Op-
19 erations and Administration”.

20 (29) “National Institute of Standards and
21 Technology”.

22 (30) “Appalachian Regional Commission”.

23 (31) “Tennessee Valley Authority—Tennessee
24 Valley Authority Fund”.

25 (32) “Export Administration”.

1 (33) “National Archives and Records Adminis-
2 tration”.

3 (34) “Bureau of Alcohol, Tobacco and Fire-
4 arms”.

5 (35) “Department of Energy—Fossil Energy
6 Research and Development”.

7 (36) “Office of Surface Mining Reclamation
8 and Enforcement—Abandoned Mine Reclamation
9 Fund”.

10 (37) “Department of Justice—Legal Activi-
11 ties”.

12 (38) “Department of Housing and Urban De-
13 velopment—Management and Administration”.

14 (39) “Corps of Engineers-Civil—Construction,
15 General”.

16 (40) “Bureau of Reclamation—Construction
17 Program”.

18 (41) “Department of Energy—General Science
19 and Research Activities”.

20 (42) “Legal Services Corporation”.

21 (43) “United States Information Agency”.

22 (44) “Forest Service—Forest Research”.

23 (45) “Forest Service—National Forest Sys-
24 tem”.

1 (46) “National Aeronautics and Space Adminis-
2 tration—Construction of Facilities”.

3 (47) “United States Customs Service”.

4 (b) FISCAL YEAR 1992.—Of the funds made avail-
5 able in appropriations Acts for fiscal year 1992 for each
6 of the accounts specified in paragraphs (1) through (11)
7 of subsection (a), there is hereby rescinded 16 percent of
8 the amount that remains unobligated on the date of the
9 enactment of this Act.

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