

(C) pipeline or utility crossings;
 (4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed \$50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

Amend the title so as to read: "A Bill To Establish the Cache La Poudre River Corridor".

THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 5428

Mr. LOTT (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Commemorative Coin Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—COMMEMORATIVE COIN PROGRAMS

Sec. 101. Commemorative coin programs.

Sec. 102. Design.

Sec. 103. Legal tender.

Sec. 104. Sources of bullion.

Sec. 105. Quality of coins.

Sec. 106. Sale of coins.

Sec. 107. General waiver of procurement regulations.

Sec. 108. Financial assurances.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

Sec. 201. National Law Enforcement Officers Memorial Maintenance Fund.

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

Sec. 301. Short title.

Sec. 302. Study.

Sec. 303. Fixed terms for members of the Citizens Commemorative Coin Advisory Committee.

Sec. 304. Mint managerial staffing reform.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) DOLLEY MADISON.—

(A) IN GENERAL.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the fourth President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning January 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after December 31, 1999.

(E) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this paragraph referred to as the "National Trust") to be used—

(i) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(ii) to fund capital restoration projects at Montpelier.

(2) GEORGE WASHINGTON.—

(A) IN GENERAL.—The Secretary shall mint and issue not more than 100,000 \$5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of George Washington, the first President of the United States.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—

(i) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this paragraph beginning May 1, 1999.

(ii) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this paragraph after November 31, 1999.

(E) SURCHARGES.—All sales of coins minted under this paragraph shall include a surcharge of \$35 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this paragraph referred to as the "Association") to be used—

(i) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(ii) to provide financial support for the continuation and expansion of the Association's efforts to educate the American people about the life of George Washington.

(3) BLACK REVOLUTIONARY WAR PATRIOTS.—

(A) IN GENERAL.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) SURCHARGES.—All sales of coins issued under this paragraph shall include a surcharge of \$10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 \$5 coins, each of which shall—

- (i) weigh 8.359 grams;
- (ii) have a diameter of 0.850 inches; and
- (iii) contain 90 percent gold and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$35 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

- (i) weigh 26.73 grams;
- (ii) have a diameter of 1.500 inches; and
- (iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

- (i) weigh 26.73 grams;
- (ii) have a diameter of 1.500 inches; and
- (iii) contain 90 percent silver and 10 percent alloy.

(B) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) SURCHARGES.—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

(7) JACKIE ROBINSON.—

(A) IN GENERAL.—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robin-

son left to society, the Secretary shall mint and issue—

(i) not more than 100,000 \$5 coins, each of which shall—

- (I) weigh 8.359 grams;
- (II) have a diameter of 0.850 inches; and
- (III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 200,000 \$1 coins, each of which shall—

- (I) weigh 26.73 grams;
- (II) have a diameter of 1.500 inches; and
- (III) contain 90 percent silver and 10 percent copper.

(B) DESIGN OF COINS.—The design of the coins minted under this paragraph shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(C) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) ISSUANCE OF COINS.—The Secretary may issue coins minted under this paragraph only during the period beginning on July 1, 1997, and ending on July 1, 1998.

(E) SURCHARGES.—All sales of the coins issued under—

- (i) subparagraph (A)(i) shall include a surcharge of \$35 per coin; and
- (ii) subparagraph (A)(ii) shall include a surcharge of \$10 per coin.

(F) DISTRIBUTION OF SURCHARGES.—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act)—

(i) all surcharges received by the Secretary from the sale of the initial 100,000 coins issued under subparagraph (A)(i), shall be promptly paid by the Secretary to the National Fund for the United States Botanic Garden; and

(ii) all surcharges received by the Secretary from the sale of any coins issued under this paragraph (other than the coins described in clause (i)) shall be promptly paid by the Secretary to the Jackie Robinson Foundation for the purposes of—

(I) enhancing the programs of the Jackie Robinson Foundation in the fields of education and youth leadership skills development; and

(II) increasing the availability of scholarships for economically disadvantaged youths.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

- (1) a designation of the value of the coin;
- (2) an inscription of the year; and
- (3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from

sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

SEC. 106. SALE OF COINS.

(a) SALE PRICE.—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coin;
- (2) the surcharge provided in section 101 with respect to the coin; and
- (3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including

the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) \$200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code..

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

SECTION 301. SHORT TITLE.

This title may be cited as the "50 States Commemorative Coin Program Act".

SEC. 302. STUDY.

(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of 44 U.S.C. 3502.

(b) REPORT.—The Secretary shall submit the study required in (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic

of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committees and the Commission of Fine Arts.

(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5138 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) NUMISMATIC ITEMS.—

(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) SOURCE OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.

SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—

"(A) IN GENERAL.—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

"(B) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) CONTINUATION OF SERVICE.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after

the expiration of the term to which such member was appointed until a successor has been appointed and qualified."

(b) STAGGERED TERMS.—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) STATUS OF MEMBERS.—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

SEC. 304. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Amend the title so as to read: "An Act to establish United States commemorative coin programs, and for other purposes."

THE DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5429

Mr. LOTT (for Mr. HATCH for himself, Mr. BIDEN, and Mr. COVERDELL) proposed an amendment to the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual."