

## SENATE—Wednesday, November 24, 1993

(Legislative day of Tuesday, November 23, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Because that, when they knew God, they glorified Him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened.—Romans 1:21.*

Sovereign God, may this insight from the Apostle Paul take hold of us. Help us understand that, in a very basic way, thanklessness is Godlessness. We have so much for which to be thankful in our Nation—such luxurious bounty in every way, uncommon to most of the world. Most of us have more than we need of everything, while there are millions who never have enough of anything they need.

Gracious Father in Heaven, teach us gratitude, and give us compassion toward the many who suffer: the refugee, the homeless, the hungry, the poor in the inner city and in rural areas, the elderly who are frightened to go out in the street, the fearful who must live in our inner cities.

Help us never to take for granted the blessings we enjoy so bountifully. Forgive us for our ingratitude, and grant us compassionate concern for the needy all around us.

We pray this in Jesus name who loved the whole world. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the one thing I can say with certainty is this will be the last day in which the Senate will be in session this week. It is also my hope that this will be the last day on which the Senate will be in session this year, but I do not know that yet and will not know that at least for a few minutes as we attempt to bring to a conclusion the discussions in which we have been engaged for some weeks now on disposition of the so-called Brady bill.

I will shortly meet with the Republican leader and it is our mutual hope,

which we have discussed in a prior conversation this morning, that we can either reach an agreement shortly or agree that we cannot reach an agreement shortly. So, in either event, I do not expect this to be a lengthy session this morning. My hope is, of course, that we can reach an agreement, agree to the conference report, obviate the necessity of the Senate returning next week to attempt to end the filibuster on the conference report, and complete action for the year.

For the benefit of my colleagues, many of whom have called me to determine the substantive status of the negotiations, let me describe them as follows, and at the risk of redundancy, repeat some information of which several Senators are already aware.

In 1991 the House acted on the original Brady bill, which was simply a waiting period for the purchase of handguns. I was then asked my view on the matter and whether I would bring it up in the Senate and I responded by stating my opposition to that bill. I expressed my belief that, while well-intentioned, the bill as originally drafted would not accomplish that which the sponsors of it intended and that I would and did commit myself to working to improve it, to making it into what I felt would be effective legislation—modest to be sure, because no measure of this type is, by itself or even in combination with others, going to stop violence in our society. But our hope is that it can at least reduce the rate of increase in violent, gun-related crimes, and perhaps reduce them somewhat.

At that time the Brady bill provided just for a waiting period. The National Rifle Association bill, which had been introduced in the House of Representatives and considered there, provided for a national instant check system which would, once on line, permit instantaneous checks of the type now commonly made for credit cards and other transactions. I felt that bill as drafted was inadequate as well because, while it called for an instant check system, it contained no meaningful incentives to achieve an instant check system. It provided no substantial resources to States to computerize and upgrade their records, nor did it provide any incentive for States to make them available to a central national system which is, of course, the prerequisite to an effective national instant check system.

So I then undertook and began a series of meetings, both with the Bradys

and their supporters and the National Rifle Association and their supporters in the Senate, to work out a compromise which I suggested include both measures, since they are in fact sequential in nature; that we should have a waiting period and while that waiting period was in effect we should work toward and create incentives toward establishing a national instant check system. And when that became effective the waiting period would be eliminated or sunsetted.

We then brought that bill to the floor and there were further negotiations between myself, Senator DOLE, Senator METZENBAUM, Senator KOHL, and others. And we achieved a compromise which included further improvements and that bill passed the Senate with 67 votes; 67 to 32—more than 2 to 1 the Senate endorsed that bill.

That bill included a waiting period. It included incentives to go to a national instant check system. And it included a set of standards by which the determination could be made that the State records had reached a level of thoroughness and effectiveness that the changeover from the waiting period to the instant check system could occur. That is to say, it established criteria to judge when the waiting period would be terminated and the instant check system was sufficiently effective to permit that termination to occur. That has come to be known as standards in this discussion.

Now, recently the House has passed a measure which was based upon the Senate's 1991 bill. This is no longer the original Brady concept of just a waiting period. This now includes a waiting period and a instant check system. The Senate did the same. But both Houses added a new element, which had not been included in the 1991 bill, and that is a specific date for terminating the waiting period unrelated to the status of the instant check system, a specific sunset measure. The House bill was 5 years; the Senate bill was 4 years with the authority given to the Attorney General, the completely unfettered and unlimited authority to the Attorney General, to add another year if she chooses to do so.

So there was not really much difference between the House provision of 5 years and the Senate provision of 4 plus 1, but some thought that was significant enough and, therefore, the bill passed the Senate with 63 votes.

Understand, Mr. President, the combination of a specific period of time when the waiting period would end and

the standards meant that the standards could only now operate to trigger off the waiting period prior to 5 years because it is going to end in 5 years anyway. So the only effect the standards would have would be to determine whether or not the waiting period would trigger off and the instant check system was sufficiently up and running in a period less than 5 years, because if we got to 5 years and the standards had not been met, the waiting period would trigger off anyway. So the sunset provision actually was an added layer of protection for those who oppose the waiting period and who are concerned about how long the waiting period would remain in effect.

Now, we brought up the conference report and we had a long discussion here yesterday—Senator DOLE and I and others—on what happened at the conference. I said yesterday, and repeat, that I was quite surprised that the conferees did not reach an agreement that would be acceptable to all or most of the Members of the Senate. I fully expected that we would pass it by voice vote Monday evening and leave for the year. But for a variety of reasons, some of which I will now detail, some of our colleagues on the Republican side did not like the conference report and, therefore, said that they would persist in their filibuster to prevent the Senate from voting on the measure, even though a majority of House Members favor it and a majority of Senators favor it and an overwhelming majority of Americans favor it, a majority of Americans who own guns favor it, and even a majority of members of the National Rifle Association favor it.

So we have been discussing now for the last 2 days, which is the culmination of the previous 2 weeks—which seems like 2 years—these negotiations to try to bring this to a conclusion.

First, it should be clear that the conference report cannot be changed. We either have to accept or reject the conference report in its current form, and then in an effort to accommodate our colleagues, what was suggested is that the Senate pass separately a freestanding bill embodying other measures which our colleagues would like to see included as part of a compromise. That would then go to the House of Representatives which would take it up next year. So the conference report would be agreed to, these additional measures would be included in a separate bill which would go to the House and be taken up next year with some assurance from the House leadership that they would support this and try to get it passed.

We are, therefore, down to a discussion of what should be included in this separate freestanding bill. The first request was that a provision authored by Senator CRAIG regarding publicly available records of persons with men-

tal illness be included. That was included in the Senate-passed bill, deleted, along with other provisions, in the conference. We think that provision makes sense. It is consistent with the intent of this law, and we have indicated we are prepared to support that and have been willing to support that all along.

A second request was that we go back to the Senate language on the sunset provision; that is to say, instead of the straight 5 years, which was in the House bill and which was adopted by the conference, that we take the Senate language which says the waiting period will end in 4 years, unless the Attorney General adds a fifth year. We have indicated that we are prepared to accept that. That was in the Senate bill. It was negotiated here, and we think that makes sense. As I noted earlier, it is really a distinction without a difference.

Having agreed to that, we then were asked, well, the 1991 bill had standards in them, as I had defined them earlier. The Senate-passed bill has standards and so our colleagues now want standards in this bill, even though, as I indicated, when we negotiated the standards in 1991 and included them in the bill, that was in the absence of a specific sunset provision.

In effect, one could argue, and I will be prepared to argue very vigorously, that the adoption of a sunset provision eliminates the need for any standards because the standards were an attempt to determine when the State records would be in a condition that would be sufficiently effective to have a national instant check system and, thereby, eliminate the waiting period. Now we have added on top of that the additional layer of a specific sunset provision. So notwithstanding the condition of the records, the waiting period will be eliminated.

We agreed to that. We said, "All right, you want standards, we'll put standards in." But what we said was we will put in the standards that were in the 1991 bill. Those are the standards that were negotiated in good faith on both sides and passed with the votes of 67 Senators. Rather than get into a whole new negotiation on the arcane details of what standards ought to be here or there, why not take standards which we negotiated among ourselves and for which 67 Senators have already voted?

As I said, even though one could argue, and I would be prepared to argue vigorously, that the adoption of the sunset provision eliminates the need for any standards, but our colleagues want the sunset and the standards. So in an effort to go the extra mile to demonstrate our desire and willingness to bring this to a conclusion and get the bill passed to make clear that we do not want anything other than final action on this, we have indicated we

are agreeable to adopting standards and we are agreeable to adopting the standards which 67 Senators have already voted for. So there cannot be much question about the agreeability or the appropriateness of those standards.

Mr. President, that is where we are. I hope that we can get an agreement on this; that we can bring it to a conclusion shortly; that we can agree to the conference report so that it will become law shortly; and that we can, in the Senate, pass this additional law which will include the provisions regarding mental health requested by Senator CRAIG, which will include the Senate-passed provisions regarding a sunset provision, 4 years plus 1, and which will include the standards which were drafted and adopted by a vote of 67 Senators in 1991.

I think this demonstrates a genuine, good faith and sincere desire to get this done, get it behind us, to end this filibuster, to let the Senate vote on the measure. I hope very much that we will be able to do that and that I can then announce to Senators that it will not be necessary to come back next week.

If we cannot, if for any reason our Republican colleagues are unable to proceed in this way and want to continue the filibuster, then we have no alternative—no alternative—but to return, as under the previous order, next Tuesday where we will have a vote to try to end the filibuster. As everyone knows by now, a majority is not enough in the Senate to end a filibuster. Although there have been 57 votes to end this filibuster on two previous occasions, there have to be 60 votes. We hope that 60 Senators will be here to vote to end the filibuster and we can agree to the conference report. If we cannot do so, we will have another vote to end the filibuster on Wednesday. If we cannot end the filibuster then, as far as I am concerned, we have done all we can do and we will quit for the year and the Brady bill will be dead for the year.

I have tried to give as complete, without being repetitious, an analysis as possible of the current situation, and it is my very strong hope that shortly we could complete action on the measure in a way which will permit us all to leave and not to have to return. But I expect to be able to make an announcement shortly one way or the other.

Mr. President, I thank my colleagues for all of their patience. I have received a lot of telephone calls from Senators in the last 36 hours giving me advice on what to do or not to do with respect to this vote and the schedule, and I have indicated to them I hope to have an answer shortly this morning.

Mr. HATFIELD addressed the Chair. The PRESIDENT pro tempore. The Senator from Oregon, [Mr. HATFIELD], is recognized on the Republican leader's time.

Mr. HATFIELD. Mr. President, I wish to commend the Democratic leader, the majority leader of the Senate, for outlining this situation in which we find ourselves.

I wish to say, in talking to the minority leader, I am as equally convinced that the minority leader, as the majority leader has so eloquently stated this morning, wants to see this matter resolved in a very efficient, expeditious way. Therefore, with our leadership, I believe, fundamentally committed to a resolution of this issue, I am very optimistic we should be able to reach that kind of an agreement without the necessity of calling the Senators back next week. I have canceled my plans, so I am going to be here. It is not a matter of personal convenience for me. Nevertheless, I do think that it is a matter of really communicating to the public the seriousness of this issue in a fashion understandable outside of the beltway.

Now, Mr. President, we understand these procedures, but when you are reduced to trying to explain to the public a procedure of the Congress as against a final action on a subject, you are really in deep trouble because procedure is not a substitute for action in the general public's mind. I agree with the leader. The overwhelming public, I believe, supports the Brady bill. I am a cosponsor of the Brady bill. There were four Republicans who were cosponsors of the Brady bill this year. When we came to the vote on the cloture, on which we failed by 3 to get the 60 votes required, there were 7 Republicans who voted for that cloture, including myself. When we came to the final passage of the bill, there were 15 Republicans, including myself, who voted for the Brady bill.

Mr. MITCHELL. If I might interject, my colleague from Maine voted for it as well. I am sure he would want that noted.

Mr. HATFIELD. And the Senator's colleague from Maine, yes. There were 28 original cosponsors from the Democratic side matching our 4. On cloture, there were 50 Democrats voting for cloture with the 7 Republicans and on final passage there were 48 Democrats and 15 Republicans.

So the public understands that not only is there a bipartisan support for this bill—maybe not in equal proportions but certainly constituting a bipartisan support base—but then they see where the House passed the bill by a 238 to 189 margin. They see the Senate having passed this by a 63 to 36 margin, the House passing the conference report by 238 to 187, and they say, "What does it take to get a bill? What does it take to get this law?" The President has indicated he will sign the law as soon as we act upon it.

So here is the House, the Senate, and the President all agreeing by these margins of votes that we want the Brady bill.

Now, we have to get into these fine points about conference reports that have added and subtracted and where we are at this moment.

Let me say I admire people like the Senator from Maine and the Senator from Kansas who are willing to take on the thankless, difficult task of trying to corral both sides of these aisles to try to get something done. I would not have their job for the world. I am not speaking for anybody but myself, but I admire their tenacity and their patience. I would give them the job of the year award for patience.

But I do not think the general public will understand what is really happening. In my view, when you have a public base of support, you have the leadership saying we want to resolve this and you have these votes and it is a bipartisan effort, it becomes almost impossible to tell the public why we did not get a Brady bill.

Now, we can get into these arguments on sunsets, and I think the majority leader already said this is a very, very major distinction—I am being very sarcastic—that one says 5 years and the other says 4 years and 12 months.

Now, by any arithmetic, you are going to get the same 5-year period. You just give it a little different twist. Go out and try to explain that to my constituents in Oregon or any other place and/or these other matters about a freestanding bill.

Now, if we could agree to pass this conference report as has been passed by the House and now pending before the Senate, and then we can postpone to next year certain components that this side of the aisle wanted particularly or Members of the other side—because there are both Democrats and Republicans who stand on both sides of this issue—than we are going to pass a bill in these closing days in which there are only one, two, three of us in the Senate Chamber now, and I do not know how many other Senators are still in the city. But, we can do it on a voice vote, very legitimately, very legally, and the House could do the same thing to act upon next session.

I think we have to be very frank with each other. That is a way to help resolve the current issue. It makes really no major commitment except to engage in the process next Congress. It does not say we have to pass it in the House or the Senate. It just says we will take it up in the normal legislative procedure so that these issues will still be live issues in the new session, the second session of this Congress—a very ordinary practice, nothing terribly unusual about it.

Therefore, the bill that would be taken up in the next session of this Congress is not locked into concrete. We are going to have the Senate work its will, the House work its will, and, I would venture—even maybe a wager at

this moment—that whatever we put together as the separate, freestanding bill for next session is going to be changed by both Houses, or a good possibility of it being changed in the normal procedures of those two Chambers operating in the new session. We cannot bind that session.

Mr. MITCHELL. Mr. President, will the Senator yield for just a moment? If I might, I stated and my intention is that the Senate would pass that freestanding measure now, before we do the conference report.

Mr. HATFIELD. Yes.

Mr. MITCHELL. So we will have completed action on the freestanding measure and sent it to the House before we do the conference report.

Mr. HATFIELD. Let me get clarification further, if I could. We would pass it. Does that mean the House has guaranteed it would pass it and the President would sign it?

Mr. MITCHELL. My understanding is that there would be a commitment from the House leadership to take it up and to support it next year.

Mr. HATFIELD. Next year.

Mr. MITCHELL. When they come back in January.

Mr. HATFIELD. I am glad to get the clarification.

Mr. MITCHELL. The Senate would pass it; the House would not.

Mr. HATFIELD. I do not think my point has been shifted or changed. The fact that one House passes it; namely, the Senate, in no way makes it law until the other House acts upon it and, of course, until the President signs it.

So even if we act upon it this year in this session, there is still that second part of the procedure that has to be acted upon next year by the House. And I will still wager that would not be in the same form, perhaps, as we passed it in the Senate. We have not done that on this issue from the very beginning. We have each had differing perspectives.

My point is simply that we are not making any final determination now except in the Senate's action as far as that becoming law because the House is postponing action until next session.

So again we are into these fine points of procedure, that we—I even—get confused, and have to have clarification as to the procedure. You can imagine what is going to happen out in the villages, cities, and communities of our Nation in trying to go explain why we did not pass a Brady bill.

Mr. President, let me make one further observation. We have all seen change. Change is inevitable. There is some good change, and there is some bad change.

Let me take one mechanism: The single-issue groups that have formed on so many controversial and other issues, and the single-issue groups with their constitutional rights to so congregate and to assert themselves politically. I

in no way demean their constitutional right to do so. But there is an interesting mentality that develops in these single-issue groups that I think have a tendency to rip our political fabric asunder, making the pluralism of our country less viable, making compromise less possible because they are out here.

They are representing their causes, and they have a legitimate constitutional right to do. But they also have a 100-percent mentality, winner take all. And if a vote is cast on a certain issue in which they have a concern, no matter if 99 other votes are cast that they agree with, you are wrong on that issue, you are wrong 100 percent.

As a consequence those are what I call the extremes. But that is not where good legislation comes. We move to the center. We move these conflicting and these pluralistic viewpoints, and these diversities that we have. And we pressure into a compromise to accommodate and to stay closer to the center than to the extremes.

You have people out here in the lobby that do not want any legislation. I came here in 1967 when we were outlawing machineguns, bazookas, and rockets. My colleague, who is probably one of the great constitutional lawyers that ever sat in this body, the late Senator Wayne Morse, argued that the constitutional right was being violated to outlaw bazookas, machineguns, and rockets.

That is from one perspective.

I was with a group the other night, including people from the Western States where we are looked upon as being the area of the gun advocates of the world or the United States. Yet, there were those who said, "As far as I am concerned, I would outlaw all guns." You have people who very sincerely believe that if you outlawed all guns somehow our crime problem would be solved, or at least we could see great diminution of our crime problem. So you have groups that have those, what I call, extreme positions on this. Constitutionally they have a right to do so.

But we know that in the legislative process as we try to meld all of the perspectives and all of the shades of gray, the truth is not found in black and white every time. The truth may be found more appropriately and more frequently in the shades of gray. That is what the legislative process is all about.

So I just wanted to take the floor at this particular moment to give support and encouragement to leaders who I know want to resolve this issue; that those who are here in this city at this moment will be willing to cooperate, be willing to help make that voice vote on this conference report, and to create that separate standing legislation that will be required to resolve it—make it a reality and not then have to call back all Senators.

Let me just add one point on that matter of coming back that I mentioned yesterday. We have on our side no complete head count. We have heard certain persons named as possibilities of shifting from an anticlosure vote that was taken where we lost by three votes to possibly voting for cloture. Some of those people have been contacted, and they say, "No. We have no plan to change our position."

I would hope that therefore we would not set back the Brady vote. Let us take the worst-case scenario, that leadership could not accomplish this today, and hopefully they could do it maybe Monday or whatever date. Let us say then we went through that unanimous-consent procedure that was agreed to yesterday, that we call the Members back into session next Tuesday for two votes. Let us say we get only 55 votes for cloture instead of 57, or even 56 instead of 57.

Mr. President, we still have not passed the conference report at that point, and we have not achieved cloture. Frankly, in my view, if I were in that position—as a leader of this Senate in terms of majority or minority leader—I would call those people who wanted to filibuster back today and say the floor is yours, and you can stay right through Thanksgiving and you talk. You talk all you want to. But we are going to stay in session right through Thanksgiving. Challenge those people to make good on the word that they are going to threaten filibuster.

I do not think there are many. And I think we risk perhaps losing votes because one of the Republican votes is out of the country right now, and I do not know the plans, whether that Member could be back by Tuesday. You could say, well, that is one less. So that is 56 votes, even if everybody else comes back. If everybody else votes the same way they voted the last time, and nobody can tell me at this point, I have not heard anyone—I have asked the question of both the leaders on the Democratic side and the Republican side, who are the candidates for changing on the cloture vote? I just do not think that we have gained on behalf of the Brady bill.

I would hate to talk to Sarah and Jim Brady and say, in effect, well, we lost a vote or we lost two votes in our second try on cloture.

I would much rather see us really shed ourselves as much as possible of any of the peripheral or the extreme positions. I think we have a marvelous mechanism here that the majority and minority leaders have outlined of passing the conference report as it is now, and having a signing ceremony—the Brady bill wins the approval of the Congress.

Then, take those legitimate issues that concern many of our Members on both sides of the aisle, put them into this freestanding bill, move that

through this Senate, and then let the House take it up in the next session.

So what are we down to? We are down to the simple proposition of what should be in that separate freestanding piece of legislation. Surely, we can resolve that, which has no guarantee of ever becoming law until the House acts, and the President signs it. That takes place in 1994, not in 1993.

So I want to encourage our leadership, and say I am here to do business, and to be helpful. I will be the messenger. I will be the water carrier. I will be any role necessary to get this resolved sooner than later.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I want to make clear that I have gone into such detail on the background and the current status of this matter because I have literally been deluged with calls and requests for information from our colleagues and from the press, both yesterday and this morning, wanting to know exactly what the status is. Therefore, I felt rather than trying to answer this question several dozen times separately, that it would be most useful to make the statement here which lays it out so that everyone can understand the situation.

Second, let me say that I appreciate very much the constructive comments of the Senator from Oregon. As always, his advice receives thoughtful and careful consideration. I will say to the Senator that I have considered the suggestion of keeping the Senate in through Thanksgiving, and have decided against it. I appreciate the Senator's view on that. I am sure my decision does not come as a surprise to him.

Mr. President, it has been my intention to simply have the Senate recess subject to the call of the Chair. I am advised that the Republican leader wishes to make a statement.

So, therefore, I will yield at this time to the distinguished Republican leader.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I have listened with great interest to both my friend, the majority leader, and my colleague from Oregon. There are still negotiations going on. I am not certain what will happen. But I think there is—even on this side, even though some may oppose the legislation—a majority of Members who would now like to get the issue behind them for a number of reasons. In the first place, many have already made plans next week, as the Senator from Oregon has, and these include people who voted for cloture, against cloture, or whatever.

I think there is a feeling that we are so close. Again, last evening, without getting into the details—because I do not want to confuse the press—there

are so many different negotiations going on. But I thought we were within an eyelash of working out an agreement where we would pass the conference report, pass the separate bill in the Senate. I even spoke to the Speaker—and I know the Speaker probably spoke to the majority leader—to have the Speaker indicate, and Chairman BROOKS and Congressman SCHUMER, that they would take up the Senate-passed bill early in January, if not the first day, some time early on, and have a vote on it. But we did not quite make it. I still do not know why.

It seems to me it was not a bad resolution. We thought it was pretty much like the concurrent resolution we had suggested, but this would have to wait until we got back here in January for completion. This way the conference report could be passed, and they could sign the bill.

The bill says it is not to be effective until 90 days after enactment. We agreed if we could not work out anything else and we had to wait until the House came back, we could shorten that period to 30 days. So there would not be any lost time for this bill to take effect. So if we had to wait 60 days for the conference report to get to the President, subtract the 60 days from the 90 days and you would have 30 days before enactment. You would not lose 1 day as far as making this bill effective.

I say to the majority leader—and I think my colleague from Oregon knows this—there are people opposed to this bill, and they are not all on this side of the aisle. There are Members on that side of the aisle who have been voting against cloture and will continue to do so, as will Members on this side of the aisle. So there is bipartisan support and bipartisan opposition, as in many, many cases. There are special interests involved on both sides of this issue, both sides of this issue. Some do not want any bill. Some do not want any change at all. They say: You cannot change a thing; you cannot do this, or you cannot do that. Even though, in some of these areas—like there are so many different waiting periods in this bill. I agree with the Senator from Oregon, 4 years plus 12 months is 5 years. But that is not the critical figure in this bill. It is 24 months before you start the instant check. Why is that so important? And they have the instant check in many States, Virginia and Delaware being two examples.

We have 18 million names now computerized at the NCIC. Some are convicted felons, some have been adjudicated, and others should not have any gun—handgun, long gun, whatever gun. We believe the sooner we have the instant check—and we have been working on it since 1986—the better it is going to be for Americans who want to be protected.

So we think it is a good addition to the Brady bill. In fact, as the majority

leader pointed out, it came together because of efforts—and his staff called it to his attention—a few years ago, where somebody wants this and somebody wants that, and they both make sense; put them together and they still make sense.

I do not know why we cannot resolve it without bringing our colleagues back here next week. As the majority leader has stated, I have had a few calls, and there are not many happy voices on the other end. Nobody wants to rush back, not because they do not want to work, but they have made other plans in their States for very important meetings on health care and other issues, and they feel it is important to spend some time with their constituents.

We are going to try to make a decision one way or the other, because I know the majority leader wants to conclude business today fairly quickly. Now we are working on still another proposal which we intend to give the majority leader fairly soon.

I have been advised that we are trying to find even another compromise. I did talk to the President yesterday, and he indicated he was willing to compromise, and I think that is true of most Democrats. If it is all politics, then we cannot work it out. We will have to come back next Tuesday and see what happens next Tuesday. If not, if we cannot get cloture, we can try to get it Wednesday, and if we cannot get cloture, then it all goes over to next year. Maybe for some, that will be a victory. Maybe for some on this side, it will be a victory. Maybe for some on that side, it will be a victory. I think there is a broad middle here, as indicated by the Senator from Oregon, of conservatives, moderates, whatever, who would like to resolve this issue.

On the other hand, we understand there is a political issue involved. When 85 percent or 80 percent of the people say they support something, I can see why Democrats might not want it to happen too quickly, to let it drag on over the holidays and maybe we can settle it next year. In any event, we are going to try to make one additional offer to the majority leader soon. We need to contact one person who is not yet available. We need to contact an expert at the FBI. He is in firearms training right now at Quantico, but we are getting him on the phone. As soon as that information is available, I will get back to the majority leader. We will check it out, and I will get back to the majority leader.

Mr. HATFIELD. Will the leader yield for a question?

Mr. DOLE. Yes.

Mr. HATFIELD. As I have discussed this matter with the leader and others, I would like to just underscore a certain point the leader made. That is that for the Brady bill to be operative and to be effective and to perform what was intended and is intended, the

whole instant check system—and your position on that is to speed up the implementation of the bill, assuming we are going to pass it at some point—is to speed up that operative character that has to be there before the Brady bill is really effective; is that correct?

Mr. DOLE. That is the view of some of us. Others do not share that view.

Mr. HATFIELD. I understand. But my leader is in that position of wanting to have this procedure speeded up for the implementation of the instant check once the Brady bill is effective or signed into law. I wanted to make that clear because even though it is not perhaps representative of all of the persons on either side of the aisle, that is our leader's position?

Mr. DOLE. That is correct. The Senator was citing some figures and the RECORD reflects, I think, that there are a majority on our side who oppose the bill. It took a considerable amount of persuasion to get them to even let us proceed because they feel very strongly about it. I do not quarrel with their position. Like any other issue, some Members on each side feel strongly about it.

I do believe we could get the cooperation of everyone on our side to let us proceed in a manner recommended by the Republican leader. So we are going to give it one more shot, and I will be in contact with the majority leader.

Mr. MITCHELL. Mr. President, I will, of course, as always, be pleased to receive and consider and give great weight to any suggestion made by the Republican leader. I point out, of course, that if we are to receive another offer, this is one in a series. This negotiation has been going on for weeks, virtually around the clock on some days. There have been several separate interlocking negotiations—dozens, perhaps hundreds of offers and counteroffers—and my hope is that we can bring it to a conclusion.

I have worked on this matter with the Republican leader for 2½ years now, and we have worked in perfectly good faith. But as he himself has acknowledged, many of his colleagues on that side of the aisle do not want this bill at all, and endless negotiations and endless offers and counteroffers is one mechanism for not having a bill.

One of the reasons we are where we are now is that we have not been able to bring these negotiations to a conclusion and that obviously suits the purpose of those who do not want a bill. I know the Republican leader is acting in good faith. He wants a bill. He voted for one in 1991, which he and I negotiated. My hope is that we can bring it to a conclusion.

Second, I categorically reject any suggestion or implication that it is we Democrats who are delaying this measure in an effort to seek political gain. The opposite is the truth. We want to pass this bill. I think the efforts that

we have expended, even the extraordinary decision to recall the Senate and further including the repeated offers we have made and willingness to accept proposals from the other side are all strong and indeed overwhelming evidence of the fact that the last thing in the world we want is to have this measure go on beyond today or beyond next week or beyond any period of time.

We want to pass a bill. That is our objective, and we have been trying very hard to do that but we want it to be from the standpoint of those who favor a waiting period. We have had a lot of negotiations, Mr. President, and there have been people involved making suggestions who made it clear they are not going to support the bill no matter what the outcome of the negotiation.

So, I look forward to receiving this suggestion. I hope we can bring it to a conclusion. I do not know the details of it obviously and will not until I see it and I am sure we will give it good faith and careful consideration. I reiterate, I think it is important to bring it to a conclusion and I hope permit us to pass the bill.

The PRESIDENT pro tempore. The minority leader.

Mr. DOLE. Mr. President, I want to keep the record balanced. I think there are some on each side who will not want to change anything. This is something they have a leverage and do not change anything, do not give anything.

We thought we were, as I said, within an eyelash last evening—and I was here. Then we were told by a Member we had 5 minutes to make up our mind because he had to catch a plane. I do not have any quarrel with that.

I could not make up my mind in 5 minutes after we thought we had virtually had an agreement 10 minutes before that where we would go ahead and pass a conference report, pass a separate bill, get letters from certain people, they would pick it up in the House.

I am now advised—I am going to check it up myself—the FBI expert we wanted to talk to is not permitted to talk to us now that there is a gag order on the FBI. Someone is doing something to prevent us from getting information which would permit us to make, we think, a valid offer to the other side.

So maybe there is no politics here but something is happening at the FBI because we are now being told this man cannot talk to us. I am going to check it out myself.

I hope that is not the case. It would seem to me to be unprecedented if we cannot consult with the experts at the Federal Bureau of Investigation.

Mr. MITCHELL. Mr. President, obviously I know nothing about this. This is the first I have heard of it. I do not know anything about anybody saying 5 minutes and I have got to catch a plane. That is all complete news to me.

I can only say we will check it out. I personally will check on this alleged gag rule of an FBI agent.

I will just repeat again what we have been going through this morning and for 2 weeks, day and night, with offer and counteroffer, offer and counteroffer, and so on. We want to bring this to a conclusion. We have been trying very hard. We have been forthcoming. A request is made and we agree to the request. Another request is made. We agree to that. Another request is made. We agree to that. There are still more requests, more discussions, and more negotiations.

I hope we can end it soon, and I will say this. We will end it soon one way or another. This is going to be over. Either we will have agreement or we will not, and we ought to know that very soon.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am among only eight Republicans who have stood steadfast in support of the Brady bill. I have done so for many years. Therefore, I have not been a part of the group negotiating. Like my distinguished colleague from Oregon, Senator HATFIELD, I have been on the sidelines.

I commend my colleague from Oregon for his comments on behalf of the leadership. I wish to join him.

I have now had the privilege of serving 15 years with the distinguished Senator from Maine and our distinguished Republican leader, Senator DOLE. This body has tremendous confidence and respect for both of these leaders. While I do not know all the details respecting this controversy, I somehow intuitively feel both are proceeding in good faith to represent the respective interests in their two parties and are trying to reach an equitable reconciliation. I commend both.

It has been particularly difficult for Senator DOLE. Believe me, there is no Senator who has a stronger knowledge in the Senate on the effects of guns than our distinguished Republican leader, a World War II hero. Having voted for the Brady bill some 2 years ago, it must be very difficult for him today. I hope as his name is bandied across this Nation one way or another associated with this problem, there is an understanding of the unique problems that face leaders as they try and reconcile strong differences. Oftentimes they have to take positions that are not totally consistent with their own personal long-range goals. That is one burden of leadership they both accept.

I have voted for the Brady bill before. I have known both Jim and Sarah Brady, as all of us have for these many years. I knew Jim long before he was White House Press Secretary and indeed knew his lovely wife. I am proud that they are constituents of mine in the Commonwealth of Virginia.

I wish our leadership well. I know they are taking into consideration the fact that many of our colleagues are traveling afar today on official business.

I might just take this opportunity to speak on behalf of the Senator from Rhode Island, Senator CHAFEE. I spoke with him yesterday. He was anxious to stay here throughout this controversy, as have I, but he left yesterday to go to Guadalcanal. Senator CHAFEE is the only Member of this body who went ashore at Guadalcanal as part of that large force of U.S. Marines that fought that historic battle, a battle that was really the beginning of the turning of the tide in the Pacific war. He was then but 17 years old. He was a rifleman. He later came back and went to Officers' Candidate School. He then volunteered and returned to the Pacific for second tour of combat in Okinawa. He also served in Korea as a rifle company commander. He is a distinguished colleague in this body, and accepts his military and other public service with great humility.

That is just an example of plans that many of our colleagues are working on.

At the direction of Chairman NUNN, I am joining Senator LEVIN to depart in a few days to go to Somalia, to Mogadishu, to perform on behalf of the Armed Services Committee a special investigation of the tragic loss of our American servicemen.

I think there are very good reasons for the absence of many Members on official business. Therefore, it is my fervent hope the leadership will be able to bridge this gap.

I see our distinguished colleague from Vermont [Mr. LEAHY] on the floor here. I will yield to him.

I would like to continue my remarks as if in morning business on two other subjects later.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. LEAHY] is recognized for 10 minutes.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Virginia for yielding on this subject.

I agree with everything he said. I actually concur. This is the case: We have a lot of Senators who are planning on leaving on official business.

I already discussed with the distinguished Senator from Virginia his own trip to Mogadishu. He and Senator LEVIN are going there.

I commend them for doing that. It is a dangerous and arduous trip. Both he and Senator LEVIN are Senators well respected by all Members of this body, and their firsthand experience will be helpful to every one of us.

As I told him the other evening, I hope they will be very careful on the trip. He and Senator LEVIN are doing an onerous duty for all of us going there. It is a matter of some great personal inconvenience, and I might say danger.

As a former marine, Senator WARNER is used to that, but I still hope he will keep his head down when in that area.

I am obviously one of those who plan to be elsewhere.

I think this is probably the only time I have ever addressed the Senate in a sports jacket and sports shirt. I thought I would be cleaning out my desk today and heading off, but I wanted to stay and see this issue finished, too.

Unlike the Senator from Virginia, I am not one who voted for Brady. I felt that it was, at best, symbolic. I voted for a number of other proposals in crime control and gun control. I thought the Brady bill was more symbolic than otherwise.

Having said that, it has become a powerful symbol. It is obvious that the people of this country want us to vote on it and go forward, and I feel we should. I think both those who are for and those who are against Brady ought to reconcile. Now is the time to bring this debate to a halt. Whether you are for it or against it, bring it to a halt—the overwhelming majority of the Senate and the House, vote for it and pass it.

I might say that the negotiations have come very close, but we are almost, in a way, talking about differences without distinction and distinctions without differences.

I am reminded of some of the debates that went on in the Middle Ages. I think of some of the ecclesiastical scholars in Rome and Avignon who got into great debates, philosophical and theological debates.

We now look back at them and we wonder why. I am sure they were enthusiastic, concerned, thrilled by these debates and that sometimes people were considered heretical if they did not agree with one position or another. But we look back on it and it was basically balancing angels on the head of a pin. That is where the differences are now.

Let us bring it to a halt. Let us get it out of the way. Let the Senate and the House work their will. They have. Let us stop what will appear to many to be gridlock.

I commend the distinguished Senator from Kansas and the distinguished Senator from Maine. They, more than anybody, have tried to bring reason to this and tried to bring this to a conclusion.

I do not think any of us in the Senate, whether we supported Brady or opposed Brady, really have any sense of satisfaction from seeing this continue on and on and on.

It is not a matter of personal inconvenience. Senators have been here in the last couple of months until 1 and 2 o'clock in the morning. We have been here on Saturdays. We have flown back on Sunday afternoons to be here. We have given up evening after evening with our families, week after week.

This it is not a matter of personal inconvenience. There is not a Senator who is not willing, if necessary, to do the country's business, to cancel any plans they have to come back here.

But we have reached beyond that point. We have reached beyond the point of whether this bill, as some who opposed the bill feel, is totally symbolic or whether, as those who support it feel, it will be a major crime control measure. Either way, all of us know in our hearts it is time to stop this. It is time to end the issue and to vote on it. It will be passed. It is going to be passed this month or it is going to be passed in January. What difference does it make if it is going to be passed? Pass it and send it on to the President of the United States.

Mr. President, I was going to suggest the absence of a quorum, but I see my distinguished friend from Virginia is still on the floor and has other issues he wants to discuss.

But I would note for my colleagues that when they have finished speaking the majority leader has asked me to put in a quorum call.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. I thank my distinguished colleague. We have enjoyed a personal friendship for many years here together. His sentiments on behalf of all of us who travel in the Senate on official business are much appreciated. He has done extensive travel on his own to various places of the world, and it is not always the fancy watering holes that are so often visited.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with Senators permitted to speak therein for not to exceed 10 minutes.

#### THE AIRCRAFT CARRIER "JOHN C. STENNIS"

Mr. WARNER. Mr. President, I rise to speak about our former colleague John Stennis. He was President pro tempore, as indeed the Presiding Officer now is, the senior Senator from West Virginia, who also has the highest regard for Senator Stennis.

We had the opportunity to name an aircraft carrier in his honor. As a matter of fact, the legislation for the naming of that carrier—while I had a hand in recommending it, along with many others—passed the Appropriations Committee over which the Presiding Officer is the chairman. It is one of the few times that this body has specifically acted to name a ship in honor of one of its Members.

John Stennis served for many years on the Senate Armed Services Committee and on the Senate Appropriations

Committee. All of us have cherished memories for that great Senator.

On this occasion, the Vice President of the United States, which I thought was most fitting, came down and delivered a message on behalf of himself and President Clinton. Vice President GORE, of course, served on the Armed Services Committee with Senator Stennis for some several years prior to becoming Vice President of the United States.

We also were joined on this occasion by my colleague from Mississippi, Senator THAD COCHRAN. Senator COCHRAN, in many ways, has humbly assumed the mantle of graciousness and dignity that John Stennis carried forth in this Chamber for so many years.

Senator COCHRAN spoke most eloquently about Senator Stennis and his contributions to America's body of laws and how he unselfishly served not only his State but the Nation in a true bipartisan fashion, particularly as it relates to national defense.

Senator ROBB, my colleague from Virginia, and I also had the privilege of speaking at this particular occasion.

Mr. President, I ask unanimous consent to have printed in the RECORD today the statements of several—including the Vice President of the United States—who spoke at the launching of the *John C. Stennis* in Newport News, VA a short time ago.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

#### STATEMENT OF SENATOR JOHN WARNER

Mr. President, on Veterans Day, November 11, 1993, I had the honor and privilege of participating in an event which was of great personal significance to me—the christening of our newest aircraft carrier, the U.S.S. *John M. Stennis*.

Vice President Al Gore delivered the keynote address at that event, and I would like to take this opportunity to share his eloquent and moving remarks with my colleagues. Recognizing John Stennis' half century of service to his country, the Vice President pointed out that the carrier's namesake was devoted to the welfare of America's armed forces members in peace and in war.

Also present at this very moving tribute to a great man was my friend and colleague, the Senator from Mississippi, Senator Cochran. Representing the Stennis family, he stated that "no finer tribute could be paid to its namesake than for a ship to sail safely on the seas, as a force for peace and stability in a troubled world, a symbol of strength, honor and rectitude." I would also like to share the full remarks of the Senator from Mississippi with my colleagues today.

Mr. President, it was my privilege to encourage the naming of the U.S.S. *Stennis* in honor of a man for whom I have the greatest admiration, respect and affection. He was, and is, a giant among men whose record of achievement speaks for itself. I can think of no more fitting tribute to John Stennis and this. As I stated during the ceremony, "A carrier, to me, is a symbol of America's commitment to deter oppression. It's an island of freedom proudly bearing the stamp, 'Made in the United States of America.'"

## REMARKS OF SENATOR THAD COCHRAN

Thank you, Mr. Phillips. This is a very good day to be a Mississippian. We are all proud to have been represented in the United States Senate by John Cornelius Stennis.

As he is honored today in this special way, we feel honored, too.

When he was elected to the Senate on November 4, 1947, one newspaper editor in our state wrote:

"Mississippi has made a wise choice. It has elected a thoughtful, purposeful, and high-minded man to the United States Senate. He is not afraid of hard work and his ability to form lasting friendships will stand him in good stead in Washington. In his election, the State has well earned the plaudits of the Nation."

This proved to be a prophetic assessment of the newest Senator. When he retired from the Senate 41 years and 2 months later, the accolades and tributes from his colleagues were persuasive evidence of the respect he had earned during his illustrious Senate career.

Senator Robert Byrd of West Virginia said, "His career has been marked by integrity, honesty, character, devotion, and leadership."

Senator Pete Domenici of New Mexico said, " \* \* \* He is a very special man, who came to serve when America needed a special man \* \* \* Senator Stennis, we may miss you, but we will never forget you."

Senator Fritz Hollings of South Carolina said, " \* \* \* as a role model and as an inspiration, John Stennis is very special to us. Especially in recent years, we have admired his courage and his tenacity. He will always be a man of the Senate—an institution that has been ennobled and elevated by his presence."

Senator Bob Dole of Kansas said, "Senator Stennis is one of a kind. And one of the characteristics that sets him apart in his vision of duty and responsibility. 'I want to plow a straight furrow,' Senator Stennis once said, 'right down to the end of my row.' There is no question that John Stennis has achieved that goal—and much, much more."

Those of us from Mississippi know from our unique, close relationship with him, that these observations of his fellow Senators describe Senator Stennis well. As his Senate colleague for ten years it was a great honor to work at his side, to learn from him, and to have the benefit of his friendship and his example.

It is particularly appropriate that this ship be named for Senator Stennis. A member of the Senate Armed Services Committee for 36 years, and Chairman for twelve, he was also Chairman of the Defense Subcommittee of the Senate Appropriations Committee, and Chairman of the full committee. With this combination of assignments and his leadership ability, Senator John Stennis was more responsible than anyone for the United States Navy's nuclear carrier fleet. In 1982, he was the key to the funding for the CVN-72, U.S.S. *Abraham Lincoln*, and CVN-73, U.S.S. *George Washington*. And in 1987, he was the driving force behind Congress providing funds for two more of these superb ships, CVN-74, *John C. Stennis*, and CVN-75, *United States*.

When our Defense Appropriations Subcommittee approved funding for CVN's 74 and 75, we cast a unanimous vote to urge that this ship be named for Senator Stennis. As subcommittee Chairman, however, he would not entertain the motion. His modesty and his influence prevailed until the legislation reached the floor, and on December 11, 1987, the Senate unanimously passed the resolution which brought us here today.

I am confident that it will be an honor and an inspiration to those who will serve on this ship to be guided by the ideals and the tradition of John C. Stennis.

No finer tribute could be paid to its namesake than for this ship to sail safely on the seas, as a force for peace and stability in a troubled world, a symbol of strength, honor and rectitude. He would be very proud.

## REMARKS BY VICE PRESIDENT AL GORE

Thank you, Secretary Dalton. That was a gracious introduction.

And on behalf of President Clinton, thank you for your leadership since being confirmed in July.

Senator Robb, Senator Cochran, Congressmen Bateman, Scott Sisisky, Admiral Kelso, Mr. Mead, Mr. Phillips, Mrs. Womble, family and friends of Senator John Stennis, and fellow veterans.

Good afternoon.

One of the first recorded descriptions of the launching of an American naval vessel was that of the frigate *Raleigh*, in May, 1776.

One account said of the *Raleigh*, "She is esteemed by all those who are judges that have seen her, to be one of the completest ships ever built in America. The unwearied diligence and care of the three Master builders \* \* \* and the good order and industry of the Carpenters, deserve particular notice."

Today we christen the Navy's seventh Nimitz Class nuclear carrier. We don't build ships out of wood anymore. But this warship has a lot in common with the *Raleigh*.

She too is one of the "completest" ships ever built in America. All the people who worked on her deserve equal praise as the Masterbuilders and carpenters who labored in Colonial America.

And like the *Raleigh*, she is designed to provide maritime superiority and meet our national security interests into the next century.

It's appropriate, too, that we name her after one of the Masterbuilders of America's national security strategy: Senator John Stennis. I wish he could be here today. And it's a real pleasure for me to share this day with his daughter, Margaret Stennis Womble.

John Stennis took office in the Senate a few months before I was born. He served with my father. He served with me. And he always commanded tremendous respect for his fairness, integrity and expertise. He worked diligently and tenaciously to forge a bipartisan consensus during the difficult years in which he served. He championed a number of significant weapons systems, including—of course—the Nimitz Class Aircraft Carrier.

He understood clearly that robust military power is essential to support diplomacy.

The U.S.S. *Stennis* will be mobile, agile, precise and flexible. It'll be well suited to operate in regions of the world where the United States continues to have vital strategic and economic interests.

Like her namesake, she will support democracy through active American involvement, just as other aircraft carriers do today, whether on station in the Adriatic where they are helping enforce the no-fly in Bosnia—to the Horn of Africa where they support U.S. and U.N. forces deployed in Somalia, and in the Western Pacific as well.

Now, in addition to his leadership in military issues, John Stennis was an outspoken champion of the millions of Americans who serve or have served in our armed forces.

This is the day we honor America's veterans. And so in addition to honoring John Stennis we must also honor those who have

defended America and her Allies. Many of them lost their lives to preserve freedom and democracy. We need to remember those who have served—and recognize the sacrifices of those who serve today.

Most of you in this audience share with me a first hand understanding of the challenges and uncertainties of life in the armed services.

Sailors and marines are deployed today throughout the world on 174 of our warships. They are participating in 14 bilateral defense exercises. Soldiers and airmen are on watch world-wide from Korea to Latin America, Europe and the Middle East. These professionals stand their watch to ensure that no rival power arises to threaten the United States or our vital allies.

They make an enormous contribution. They help nurture democracy. They tip the scales of history in favor of free peoples around the world.

Clearly, there are uncertainties and anxieties as we rightsize our armed forces for the next century. But President Clinton and I are determined that our power projection forces—exemplified by this magnificent ship and her experienced crew—will be second to none.

They'll be the best trained forces in the world. The best equipped forces in the world, the most combat-ready military forces in the world.

The President is committed to a defense budget that balances the need for economic revitalization at home and our need to protect America's vital interest, expand democracy and encourage free markets abroad.

In the short term, the national security of the United States is protected by military power. In the long run, though, it also requires economic power.

For this reason, economic security is an essential underpinning of President Clinton's national security strategy.

Much of what's right about America's economic prowess is exemplified by the technological sophistication of Newport News shipbuilding.

It's a national asset. Each time you've delivered one of the twenty-six aircraft carriers built here you've made yourselves more of a national asset. Each time you deliver a Nimitz Class aircraft carrier ahead of schedule—as you do each time—you show us that in our effort to make government work better we should look to you for examples.

Now that the Cold War is over, the shipbuilding industry faces a new challenge. American shipbuilders must transfer their technical skills from the military to the commercial market.

The Clinton Administration will help. After all, expanding the commercial capabilities of U.S. shipyards helps maintain the defense industrial base, strengthen American exports and ensure a steady stream of high technology jobs for American workers.

On October 1, the President delivered a five point plan to Congress designed to do just that. It includes an initiative to ensure a level international playing field in the shipbuilding industry. It aims to improve the international competitiveness of American shipyards. It eliminates unnecessary government regulation. It helps with loan guarantees and international marketing.

The President's plan will supply important assistance for this talented work force here at Newport News—and in other shipyards around the country.

And now it is time for that part of this ceremony whose origins are almost as old as recorded history—certainly as old as the ancient Greeks, who launched ships by drinking wine to honor the gods and poured water on the new vessel to bless it.

The English used to use a large loving cup filled with wine. After it was gone they would throw it overboard and whoever retrieved it, kept it.

I think its interesting that after a while this got too expensive and they would use a net to catch the cup and reuse it—an early recycling program. The first description we have of an American christening is that of *Constitution*—Old Ironsides. Her sponsor stood on the weather deck at the bow and as she moved into the water, broke a bottle of fine old madeira over the heel of the bowsprit.

It's good to look back at these traditions because they remind us that while there is much in our ships that are new, our tradition and ideals remain as constant as the stars.

Mrs. Womble, President Clinton asked me to give you this letter addressed to your father. It expresses the President's appreciation for your father's near half century of service in the United States Senate.

When the U.S.S. *John C. Stennis* joins the Fleet in several years, Captain Klosterman and his crew will know their ship's namesake was devoted to them and their welfare in peace and war.

And they will know that just as Americans did with those who served on the old *Raleigh* or *Constitution* so long ago, we will always honor their sacrifice, their patriotism and their bravery.

#### APPRECIATION TO ALL

Mr. WARNER. Mr. President, I also would like to take this opportunity to express my appreciation to the many persons who make possible the daily operations of the U.S. Senate. They range all the way from the telephone operators to Capitol Hill police, food service employees, and, of course, most significantly those who are present in the Chamber with us serving in a variety of very important functions on a daily basis every time the Senate convenes and, indeed, during those periods when it is not in session, they are making preparations for the next session.

I express my appreciation to all. I thank the Sergeant at Arms employees who respond to numerous requests at all times of the day and night. Also, the Secretary of the Senate's office which oversees the operation of the vital administrative departments in the Senate. There are innumerable individuals who are here and present and serving loyally year after year in order that we can carry forth with our responsibilities as legislators.

I would like to single out—I have taken a particular interest in them, as a member of the Rules Committee for some many years—those who provide for the beautification of the gardens and the trees that surround this, the most beautiful Capitol in the entire world. It is done under the supervision of the Architect of the Capitol, Mr. White, who has served with great distinction for so many years.

Every time I drive up to Capitol Hill I am inspired by the magnificence of the architecture of this great structure that stands for the symbol of freedom, not only in this country but throughout the world.

I thank those who toil and labor, be it on the gardens or in the Halls, to make possible this institution, not only for those who come here as Senators or Members of Congress but for the millions of visitors who come and enjoy their Capitol each year, and indeed many from abroad who come to enjoy it and share it with us and return home, hopefully, with a greater inspiration for freedom.

Last, I thank those quiet masters of syntax, rhetoric, and grammar who meet the challenge of preparing this daily RECORD.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon is recognized for not to exceed 10 minutes.

#### THE WILL OF THE SENATE

Mr. HATFIELD. Mr. President, I do not intend to take 10 minutes.

I first want to thank the Senator from Virginia for both of his comments, one relating to the former Secretary of the Navy, Senator CHAFEE—and I would also take note that Senator WARNER also is a former Secretary of the Navy—explaining why Senator CHAFEE would be going to Guadalcanal.

I only mentioned that because I, too, was in Guadalcanal at a later time, somewhat less than a month or two after Senator CHAFEE had landed in Guadalcanal. So it elicits very interesting memories on my part. Also his comments about Senator Stennis, our long-time, beloved colleague. It was my privilege, as well as that of the Senator from West Virginia, the President pro tempore of the Senate, in the chair for the moment, to serve with him on the Senate Appropriations Committee. Early on in my Senate career I saw the Senator from Mississippi as certainly one of the role models that I wanted to study and wanted to emulate.

I want to return to just one final comment on the Brady bill, as I trust our leadership is now moving to at least make one more valiant effort to try to resolve this issue. Again, I want to focus on the importance of our leadership in the institution of the Senate. We oftentimes make reference to this aisle as the dividing line between Democrats on one side and Republicans on the other side. I have noticed the chairman of the Appropriations Committee, the President pro tempore of the Senate, oftentimes, when making a point, will move into the aisle. I have studied the Senator from West Virginia over the years, as a role model. I think oftentimes that is very important symbolism—to indicate that what I am saying, what I am representing, really does not just apply to one side of the aisle or the other because great legislation takes both sides to move in some kind of compromise and accord.

But let me also say that as we think of the leadership role in the Senate, I am convinced that criticisms of the Senator from Kansas, the Republican minority leader, Senator DOLE regarding what may be interpreted or reported as technicalities that have less desire to resolve and accomplish a purpose than to delay are without merit. Because I believe that the so-called technicalities as they have been referred to are very fundamental issues and principles that the Republican leader has represented from our side of the aisle.

Just a while ago we pointed out one of those. That was on this instant check. There are those on both sides of the aisle who are not supportive of this. The Republican leader is. He indicated that just a few moments ago in the small colloquy that we had. Therefore, I do not believe we should in any way indicate that the leader on either side is using procedure either to delay resolving this issue or to become an obstacle to its ultimate resolution.

I know the Republican leader. I have worked with the Republican leader. And I have had the privilege of working with the Democratic leader. The President pro tempore is very aware that in the first part of this session on the so-called jobs bill we engaged in much discussion back and forth, back and forth across the aisle, attempting to work out some kind of a compromise, some kind of a resolution of that. And I have had other experiences with the Democratic leader, the Senator from Maine, and I know that his positions and his statements are certainly made in an effort to be representative of his side and at the same time of the entire institution of the Senate to resolve the issues.

So I do not think there is any less than good faith on both sides of our leadership. But let me also say when you get out beyond the beltway the average person, in my view and my experience only—I am stating now my own perspective—does not see this center aisle. They may even not be aware of this center aisle. I have brought visitors here on the floor, as I am sure all of my colleagues have, and pointed out, "Here is the Democratic leader and here is the Republican leader and here are the Republicans." They say, "Oh, you sit on different sides of the Chamber?" Sort of a new bit of information. It is not necessarily trivia at all but just something they are not aware of. What they are looking at is the institution of the Senate. They are not looking at D's and R's.

Let me say, if we do not pass this Brady bill, in my view, the public will criticize the Congress, not the Democrats or the Republicans more than the other, nor the House more than the Senate, nor the Senate more than the House. They will just say, "That is the Congress."

Let me say in any opinion poll I have seen, we do not have that many points

of approval to waste. In this particular instance it will be even more difficult. And at the risk of being a bit redundant, when they see the vast margins by which both Chambers on a bipartisan basis passed the bill and then passed the report on the House side, which is now pending on the Senate side, they are going to have less ability or desire to try to pinpoint blame. They will just create the whole criticism and make "the Congress" the target of their disfavor, in my view.

Mr. LEAHY. Will the Senator yield for a question?

Will the Senator not agree with me that it is probably safe to say the majority of our colleagues, whether they are for or against the Brady bill, would agree with the Senator from Oregon that the time has come?

Mr. HATFIELD. Yes.

Mr. LEAHY. The time has come to say, "Enough." Senators have had their chance to say why they are for or against it. Senators have had their chance to go on record either for or against it.

Mr. HATFIELD. Yes.

Mr. LEAHY. And, for the good of the institution, but also out of a sense of responsibility to the American people, it is time to complete this once and for all.

The Senator and I have been on opposite sides of this particular issue. But I think we can agree, and I think we can say most of our colleagues, Republicans and Democrats alike, agree that it is time to end this. It is time to complete this legislation and head home.

Mr. HATFIELD. Mr. President, I thank the Senator from Vermont, my good colleague and fellow Member of the Appropriations Committee. All three Members on the floor at this moment have worked with each other in many roles, but particularly on the Appropriations Committee.

I point out again the very point the Senator from Vermont makes. He is from the Democratic side of the aisle. I am from the Republican side of the aisle. The Senator from Vermont, a Democrat, voted against the Brady bill. I, a Republican from Oregon, voted for the Brady bill. Yet we feel at this moment that the institution, the will of the institution, must prevail. The majority of the people of this institution, by a vote of 63 to 36, said they wanted the Brady bill. The Senator from Vermont was on the losing side. I was on the winning side. But together we say "the institution" should prevail at this moment.

I see the Senator, my good friend from West Virginia, the President pro tempore of the Senate, who has written this fabulous history of the Senate. One of those persons he most admired, as I have most admired, was Senator Richard Russell of Georgia. I was fortunate to be here—just my first 2 years—when the Senator from Georgia was

still here. I have so many fond memories.

In those days, unlike today, freshman Senators listened for a period of time before they chose to speak. Then when they did, they put some effort into what we call our "maiden speech" on the floor of the Senate. As a junior Senator from the far West, I came to the floor on a particular day to make my maiden speech. The Senator from Georgia, Senator Russell, was not in good health at that time. He often found it difficult to expend the energy required.

Yet, I remember seeing him start out this center aisle to leave the floor from having committed a bill, or whatever it was; he saw me rise to ask for recognition; that Senator from Georgia, Senator Russell, turned right around, came back and sat down. I believe he sat in the seat the Senator from West Virginia now occupies, and sat there as if enthralled by what I was saying to give me his full attention. I think he was the only Member on the floor at that time.

I do not recite that except to illustrate the point that he had a sense of the institution. He was opposed to every civil rights bill that came along, as I recall, and he fought those civil rights bills with all the rules of the Senate at his command. But when the cloture was put down, his statement was: "I have had my day. I have had my full rights as a Senator. Now the Senate must work its will."

I know few people, since Senator Russell—and the Senator from West Virginia is one of them—who has the understanding of the duality, if I can simplify it, the duality of our roles that we are to represent the people of our State, but we also have the national perspective and the national interests, as our Founding Fathers intended the Senate to represent. Therefore, in that sense, we have to come to the point of letting the Senate work its will as an institution on behalf of a national interest, as against perhaps our own parochial or our individual State interests.

I think we have come to that place because, in my view, the ultimate harm or hurt or criticism is going to fall on the institution rather than the individual Senators who may be ferreted out by interest groups on both sides of this issue, perhaps in the next elections. But immediately it is going to be the institution that passed a bill 63 to 36 on one side and 238 to 189 on the other side, and yet it did not become law. That to me is hurtful to the institution.

I think it is illustrated again by the presence of the Senator from Vermont [Mr. LEAHY] saying the institution at this moment should prevail in its will.

I only make that point, because as far as our leadership is concerned—both sides—and as far as the institu-

tion is concerned, besides my own personal view of supporting the Brady bill, I hope to see a quick resolution to this.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of no quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, and Members of the Senate, we are very near to a conclusion of this matter one way or the other. We are now awaiting a response from our colleagues with respect to the last proposal. I expect that to occur shortly, and I will then have an announcement to make.

Accordingly, I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:40 a.m., recessed subject to the call of the Chair; whereupon, at 1:39 p.m., the Senate reassembled when called to order by the President of the Senate [Mr. GORE].

The VICE PRESIDENT. The majority leader.

#### BRADY HANDGUN VIOLENCE PREVENTION ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator DOLE's bill, which he shall have until 4 p.m. today to introduce, making amendments to the Brady bill, be placed directly on the calendar; that the majority leader, after consultation with the Republican leader, may turn to its consideration at any time; that when the bill is considered, it be under a time limitation of 4 hours equally divided in the usual form; that no amendments or motions be in order to the bill; that the bill be modified with the consent of the two leaders; that at the conclusion or yielding back of time, the Senate, without any intervening action or debate, vote on passage of the bill; that the Senate now proceed to consideration of the conference report to accompany H.R. 1025, the Brady bill; that the conference report be agreed to and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. The Republican leader.

Mr. DOLE. Reserving the right to object, and I shall not object, but I think it might be well before the agreement that we have some exchange on what will happen.

We will have a bill by 4 o'clock. I assume if it is a few minutes after that,

it is not fatal. They are working on it. The legislative counsel faxed it to us. We need to go over it carefully.

Second, I have talked with the Speaker. I understand members of our staff and the majority have had conversations with Congressman SCHUMER. We also had conversations with Congressman BROOKS. And the President indicated he will sign it. The Speaker agreed to consider the bill under a closed rule in the House. It will be dealt with expeditiously. We did not give any time. It will be my hope we do not put a date in it to complete action or disposition of the bill I will introduce before the February recess. I think we can work that out with the leaders.

The agreement also contains a provision that we can modify the amendment with the agreement of the two leaders. Obviously, we are not going to do anything unless there is a technical modification or some mistake in drafting. We do not intend to put the Republican health care bill—which is not a bad idea—in there as an amendment. But in any event, it will be relevant and it will be cleared by the majority leader.

I think, based on that, after we get the agreement, I would like to make a brief statement. But first I congratulate the majority leader and members of his staff and Members on his side of the aisle—Senator METZENBAUM is flying back from Cleveland, I understand—and also my staff and my colleagues on this side, because I could not have done this had I not been able to get consent from everybody on this side of the aisle. I have not talked to everybody, but I talked to key people on this side of the aisle. I can say that there is no objection to the majority leader's request.

The VICE PRESIDENT. Is there objection? Hearing none, the request is granted and the conference report is agreed to.

So the conference report was agreed to.

(The conference report is printed in the House proceedings of the RECORD of November 22, 1993.)

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, I thank the Republican leader for his courtesy and cooperation. We have been negotiating on this issue off and on for 2½ years. I think that while there are many people who will be pleased that it has been enacted, no one is more pleased than we are if for no other reason than the issue is now largely behind us. I thank him for his usual courtesy in discussing the matter. It has been a very lengthy and tedious negotiation.

Second, we have agreed to give the Republican leader until 4 p.m. today to introduce the bill, to which we have already agreed to have it brought up

with no amendments and a vote because we do act in good faith and we know that it is going to be a bill that is consistent with the points that we have been discussing.

So I want to say to those of my colleagues who, having heard this order, raise a question that we have agreed to a very expedited procedure on a bill we have not seen, that although we have not seen the bill, we know essentially what is going to be in it.

Third, I said privately to the Republican leader a moment ago, there are many ironies in this situation, not least of which are the following two: We have just now ended a lengthy filibuster, and the price of ending the filibuster was that we had to agree to bring up a bill and not filibuster it. That is here in the Senate. In the House, the Republicans regularly criticize the Speaker for bringing up bills under a closed rule, and yet here the Republicans have demanded that the bill be brought up under a closed rule.

All of us here, whose words and actions are recorded regularly, meet ourselves coming around the corner. Rarely does it happen that two of them have come around the corner in such close time and proximity. But, frankly, Mr. President, I think this is a reasonable and an appropriate and a fair disposition of the matter. We could not reach agreement in time to get it done any other way, and this assures the Republican leader that a bill incorporating provisions which he feels should be in the Brady bill will be brought up and, without amendment and with a limited time, voted on when we return next year. The House leadership has committed that if the Senate brings it up, they will bring it up under a closed rule and do the same thing there.

I want to make clear to the Republican leader that he has not asked for nor have we given an agreement or a commitment to support the measure. We do not know that yet. Obviously, we want to see it; we want to review it. This has been the subject of very lengthy and, as I said, tedious negotiation. But we are committing ourselves in good faith to having it brought up, debating it, and I expect to do it very early in the session next year. I will, of course, as always, consult with the Republican leader before making a decision on that. So that matter can be dealt with.

In the meantime, the Brady bill has now been passed. I hope that the President will sign it shortly. I want to congratulate all of those who have worked so long and hard to make it possible for the Brady bill to become law, not the least of which, of course, includes Jim and Sarah Brady themselves who have worked tirelessly on this matter for many years; Senator METZENBAUM, who was the original sponsor and author of the bill and who for many years was a lonely voice; Senator KOHL, of Wiscon-

sin, who has committed himself to this subject and worked very hard on it; and Senator DOLE, who, along with myself, has been at the center of the discussions on it for the past 2½ years. So I thank my colleague very much for his cooperation. I am pleased to say that we will not have to come in next week and we can now leave for Thanksgiving and Christmas and then return next year refreshed and ready to roll.

Mr. DOLE. I wonder if the leaders might get a couple extra days off in January.

Again, I want to thank the majority leader. I also had a good visit this morning with my good friend, the chairman of the Judiciary Committee, Senator BIDEN. We have had our little tiff here, but we understand each other. We are both grown. He indicated a willingness to help the process. He did not say he could vote for the bill, but we have given a draft to a member of his staff, who has been very helpful to us. She understands better than probably the principals, as does Anita.

In any event, we have been working on this for a long time together. It seems to me that we have reached the conclusion that most of our colleagues, even though they may oppose the bill, I think most of my colleagues—I can speak on this side. I just talked with Senator CRAIG, who I think is a very responsible Member of the Senate and feels very strongly about this measure. He is in Boise, ID. I have just had a conversation with him, and he said, "You can indicate, while I could not vote for the conference report, I certainly support the process." That was very important. I needed that, I might say to the majority leader.

I also talked with Senator Bob SMITH from New Hampshire, who felt very strongly about this. He felt we probably should have filibustered—a real filibuster. He indicated he could not vote for the conference report, but he supported the process.

It seems to me after a long, long, hard fight, Jim Brady has won. I want to congratulate him and congratulate Sarah Brady. We used to work together at the Republican National Committee. I know that this ordeal has been long and hard and frustrating for them. I believe all of us will feel better having this issue behind us. There will be other issues, maybe other gun issues, but at least as far as the Brady bill is concerned, it has now been passed. It will go to the President. There is no question in my mind the President will sign it as quickly as he receives it.

I will also say that I appreciate Speaker FOLEY's willingness to assist us.

The majority leader does point out that there is a time agreement. We hope there is a closed rule. But it is rather an exceptional request because of the circumstances to let the conference report go. We believe we can

strengthen the Brady bill as we have been saying in the Chamber here for a number of days by adding provisions that will be in this bill which will be introduced by 4 o'clock. What they refer to is the 24-month waiting period before you kick in the computers.

We have now since been able to talk with the FBI. We have received some good information from the FBI, the person in charge of the computers. We want to strengthen this bill. That has been our hope from the start. The Brady bill has been a waiting period. Ours has been an instant check. We believe the instant check is working very well in many States. We believe it ought to be expanded. That is what the vote will be on.

We will also suggest that if somebody has been adjudicated mentally incompetent, or somebody has been acquitted in a crime because of criminal insanity, they cannot have weapons. We will give you case after case after case where people who have been adjudicated incompetent, mentally incompetent, criminally insane—in fact, there was, I understand, on "Date Line NBC" just last night where someone who was adjudicated criminally insane and was released after confinement after he had killed one person and shot another person three times, was back on the street, and he could get a gun under the Brady bill.

Fourteen years ago, Michael Levin of Ohio kidnapped Georgine and Julius Kravitz, demanded \$1 million in ransom, forced them into a car and drove them to a prearranged motel room. Julius pleaded for the life of his wife. Kravitz responded by shooting Georgine three times, throwing her out of the car and later murdering Julius.

But Georgine survived her three bullet wounds and testified against him. He pleaded guilty by reason of insanity and the plea was accepted. He is in Cleveland, OH today, a free man, released after over a decade in mental hospitals. But he can erupt at any time. He is in Cleveland. He is walking the streets—a potentially dangerous man, observes State Attorney General Lee Fisher, a supporter, I believe, of the Brady bill. And, while in the hospital insisting he was insane, he repeatedly wrote death threats to his wife. Now she is hiding and he is free.

On November 22, ABC's "Day One" interviewed him and he said, "Thank God for Federal courts"—the court that ultimately released him to the street. "That's why I'm out now."

So these are the things we want to address. We want the media to focus on some of these provisions. Maybe we can do that now objectively with the Brady bill behind us. So we are going to make our case. There is going to be a vote. We are going to do our best, and I think we can prevail.

But again, I thank the majority leader for his patience. I know we both

have other commitments today, and so I yield the floor.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. I wish to conclude this discussion, at least among us, by saying that this is a significant accomplishment. It is an important victory for the American people. It will not, I repeat not, by itself end violence in America. It will not by itself end gun violence in America. No one should denigrate this measure by establishing for it an impossible standard which it must necessarily fail to meet. It is, however, a significant, albeit modest, step forward in what must be a total social effort to bring under control the violence that is an epidemic in America, and especially in American cities.

The assault weapons ban, the additional police on the streets that the crime bill will provide, the more swift prosecution, the more certain punishment, that measure, a whole range of others, can provide some reasonable progress toward attaining our objective of bringing under control the epidemic of violence that plagues American cities and streets all over this country.

I know there are some who oppose this measure and say, "Well, it will not stop violence." Of course, it will not. "Well, it will not end the presence of guns in America." Of course, it will not. No one has ever said or suggested that it will. But it is a significant, even though modest, reasonable step forward in trying to keep weapons out of the hands of those who ought not to have them. That is what this is all about. Convicted felons, persons with mental illness, publicly adjudicated, juveniles, drug addicts, others who ought not to be possessing firearms, this is an effort to keep them out of their hands.

Mr. President, I know there are some who will say and who will be quoted as saying that this will not end crime. Of course, it will not. That it will not end the presence of guns. Of course, it will not. That it will not end violence. Of course, it will not. Let us not diminish the significance of this action by suggesting an unattainable standard. It is a reasonable, positive, sensible, modest step to bringing under control the epidemic of violence in our society.

I congratulated several people. I wish to mention just a couple of others. Senator BIDEN, who is not here today, is the chairman of the Judiciary Committee. I repeat what I have said publicly on many occasions, and I know I may not have agreement on this, but I am expressing my personal opinion as majority leader. Senator BIDEN is the best manager of legislation in the Senate—the best, bar none. It is indisputable, in my judgment, that without Senator BIDEN's leadership, aggressive efforts and persistence we would not have passed the comprehensive crime bill, which we did pass, which all are now

hailing, and we would not have passed this measure. I know there have been disagreements, but my hope is that those are now behind us and we can work together on other measures.

I have already mentioned Senator METZENBAUM.

There are dozens of staff, but I wish to mention especially three who I think did play an important role on our side. I know there have been many on Senator DOLE's side, and he will mention them, I am certain.

At the risk of offending by omission others, I wish to mention three people: Cynthia Hogan of Senator BIDEN's staff was truly a great help in this matter, always knowledgeable, always courteous, always helpful; Joel Johnson of Senator METZENBAUM's staff can be described in the same way; and finally, and to me most important, Anita Jensen of my staff, who is the person most responsible for creating the concept which is now law. That is, as I described earlier, the Brady bill initially was just a waiting period. The NRA initially was just an instant check system. And over that period of discussion of many months in 1991, Anita Jensen first came up with the concept, which she proposed to me, which I then presented and carried forward which has now become law of combining the two—in effect, taking the best of two approaches and putting them into a single package which would do the best job for the country. I think not many Americans know or have heard of Anita Jensen, but they should know of all the people responsible for getting this done, she ranks right at the very top.

The VICE PRESIDENT. The Republican leader.

Mr. DOLE. I do not want to prolong it. I just want to make another point. I certainly agree with what the majority leader just stated. I think it demonstrates again, if you did not have confidence in the two leaders, if we did not trust each other, we would not be here this afternoon. That is the way we have worked since the majority leader has been the majority leader. It is the only way we can operate. We may disagree, but if we did not try to keep moving, nothing would happen.

So again I wish to thank the majority leader. I also want to thank the Senator from Oregon, who was in the Chamber early this morning, who talked to the Bradys earlier this morning, and all of my colleagues who have called in saying let us try to work something out.

I wish to agree with what the majority leader said. This is not going to end crime, not going to end people getting guns. In fact, there are conflicting views whether it is going to have any impact at all. But it is the law now. If we are standing here a year from now or 2 years from now saying it ought to be changed, that is something else. But at least it is passed.

I congratulate, I wish to also say, people on Handgun, Inc., and the NRA. They may be miles apart, but in this particular case there had to be some give and take with these particular groups. And I wish to thank members of the NRA staff for their very objective assistance and help over the past several weeks.

Earlier we put out a hotline and asked people who wanted to be recorded against the conference report, and I particularly mentioned Senator HUTCHISON of Texas, but I will include in the RECORD others who want to be recorded "no" on the conference report. And then I would announce that any other Senators who want to be recorded "no," if it is not possible to get them all today, I will enter into the CONGRESSIONAL RECORD on Tuesday, January 25, 1994, a complete list of those Members who wish to be officially announced in opposition to the conference report.

I ask unanimous consent that the list of Senators be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REPUBLICAN SENATORS WHO VOTED "NO" ON  
THE BRADY BILL CONFERENCE REPORT

Mr. Brown.  
Mr. Burns.  
Mr. Cochran.  
Mr. Craig.  
Mr. Faircloth.  
Mr. Gramm.  
Mr. Hatch.  
Mr. Helms.  
Mrs. Hutchison.  
Mr. Kempthorne.  
Mr. Lott.  
Mr. Pressler.  
Mr. Smith.  
Mr. Stevens.

Mr. DOLE. Mr. President, some have said if you voted, there would be 58 Members in opposition to the conference report. I do not think that would happen. But in any event, they will have a chance to record and to announce their positions.

Mr. HATFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, I want to express not only my appreciation, but—I am sure I speak for all the Members who are home preparing for Thanksgiving, for the holidays—our gratitude to the leaders of our Senate in resolving this issue.

I think the majority leader and the minority leader, Senator MITCHELL of Maine and Senator DOLE of Kansas, deserve the highest of accolades.

Mr. President, this was a very, very, very testy time. This was a very, very difficult issue. I think it has been resolved in a very, very professional parliamentary style because no one can claim 100 percent victory.

But there is an imprint—there is a fingerprint or imprint, whatever you want to call it—on this bill from both

sides. I think that is the essence of good legislative procedure.

When you take this total package of what is going to be taken up in the beginning of the new session, the unresolved issues, that certainly can be said as part of the imprint of those who were opposed to this legislation.

I think passing the Brady bill, of which I am a cosponsor and a strong supporter, is certainly a victory for those of us who have supported this proposition.

But again, I think both sides can see their own imprint. I think that is important.

Mr. President, I am delighted and very happy for the institution as a whole. As I spoke earlier, I think the public supports this kind of action and in my estimation will be delighted, will be happy, and will be proud of the institution of the Senate, of the Congress as a whole, and the House.

Perhaps we will see a few points rise in the popularity polls, or the poll of respect or the poll of favorability, whatever you want to indicate, as far as the judgment of the Congress. I think this kind of action deserves a little blip upward in that stream and in that poll. I am very, very happy about the outcome.

One last point: I did talk to the Bradys, to Sarah Brady, a couple of hours ago. She was most happy, most pleased, that we were in the process of reaching this solution.

So from those who are both supportive and those who are perhaps on the other side, I think we can all take a sigh of relief that it is finished for this Congress, and that we have launched a very important experiment in trying to reduce crime in this country by reducing the weaponry available to irresponsible people.

As the majority leader and the minority leader both said, this is not the panacea, this is not going to be the ultimate solution at all, any more than the crime bill itself, which there will be a handful voting against, not because there were not good parts to it, but because I feel they relied too much on the failed policy of building more jails, having more policemen, and executing more people.

Nevertheless, I think together these restrictions on assault weapons and this particular Brady bill will have a positive effect.

I would like to say that on our side, Senator HATCH, who is the ranking member of the Judiciary Committee, and his chief of staff on this fine bill, Manus Cooney, and others on our side, certainly have contributed to this solution, whether they were supportive or in opposition.

It was an exercise in good legislative process of considering the pros and cons, and now this solution that Senator MITCHELL and Senator DOLE have achieved.

So I am very proud of this day, and to be a Member of the Senate.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POLITICS AND THE JUSTICE  
DEPARTMENT

Mr. DOLE. Mr. President, they say that justice is blind. But as the Clinton administration nears the end of its first year, I am concerned that the blindfold at the Department of Justice may have been removed.

Whenever there is the slightest suggestion of a miscue by a Republican, the Justice Department is ready to sweep in take charge of the situation. But when allegations are directed at a Democrat, then the Justice Department would rather sweep things under the rug.

As the Wall Street Journal argued Monday, despite the Justice Department's continuing interest in allegations of vote fraud in New Jersey, there is no such attention to what the Journal calls "a far more documented case"—Republican allegations of massive vote irregularities in Pennsylvania's second Senate district, which determined control of the State Senate. The Journal says:

U.S. Attorney General Janet Reno, who campaigned for Jim Florio, has investigators combing New Jersey looking for what appears to be phantom payoffs. No interest, though, in the documented political exploitation of Hispanics just across the river in Philadelphia.

Mr. President, I ask unanimous consent that the Wall Street Journal's November 23 editorial "Philly outvotes New Jersey," as well as an accompanying Journal piece by John Fund, be inserted in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1)

Mr. DOLE. But the appearance of politics at the Justice Department does not end there. Remember the travelgate affair, the State Department file search, the Crown Heights civil rights case, and allegations concerning other matters surrounding the present administration.

In July, after the White House issued its so-called travelgate management review, I wrote to Attorney General Reno requesting the appointment of a special counsel to look into the travelgate affair. My letter, citing specific laws that may have been violated,

went unanswered for 2 months. Then I received a response from the Deputy Attorney General. Meanwhile, Congress directed the General Accounting Office to conduct its own investigation of travelgate. On September 30, the GAO issued an interim report, claiming it was having trouble getting access to relevant documents in possession of both the Justice Department and the White House.

When it was learned that State Department staff had allegedly searched the files of Bush administration State Department officials, Senator McCONNELL wrote to the Attorney General requesting the appointment of a special counsel. Attorney General Reno denied that request. The Justice Department has since received a State Department inspector general's report—also requested by Republicans. The Justice Department has had that report for more than 2 weeks, but has made no decision on whether to proceed with a prosecution.

Senate Republicans, bolstered by an overwhelming sense-of-the-Senate vote, also urged a Federal civil rights investigation into the 1991 murder of Yankel Rosenbaum during the rioting in the Crown Heights section of New York. The Justice Department resisted, some speculated, to protect the reelection effort of New York's Democrat mayor. The Justice Department now claims that it has initiated an investigation, but it is my understanding that key witnesses have not yet been contacted.

Make no mistake, the Attorney General has the authority to appoint special counsels. Attorney General Reno's predecessor, William Barr, used that authority in the Inslaw case and the House bank scandal. But the appearance of politics at the Justice Department does not end there. In fact, it may have begun with Attorney General Reno's March Massacre, the simultaneous firing of all 93 U.S. attorneys, in the view of some just to remove Jay Stephens, U.S. attorney for the District of Columbia.

Mr. President, the scales of justice should not be tainted by political decisions, and I hope that is not the case. But many questions are being raised by what appears to be a partisan approach to the pursuit of certain matters before the Department of Justice.

#### EXHIBIT 1

[From the Wall Street Journal, Nov. 23, 1993]

#### PHILLY OUTVOTES JERSEY

For all the outrage vented over Ed Rollins's retracted claims that he discouraged minority voting in New Jersey, there's a far more well-documented case of minority voters being pressured this month into casting improper absentee ballots in neighboring Philadelphia. It's quite an amazing tale, and for national media still lost driving around Newark and Paterson in search of the Rollins lucre, we offer a roadmap to a real story.

The Philadelphia Inquirer has interviewed more than 150 minority voters who claim

they were misled by Democratic workers into voting absentee even though they weren't eligible. Only voters who are ill or traveling on business can legally vote absentee in Pennsylvania.

Late last Thursday, Democrat William Stinson was sworn in only an hour after his disputed Nov. 2 election as a State Senator was certified. His seating gives the Democrats 25 of the 50 State Senators and partisan control, since a Democratic lieutenant governor can break the tie. Republicans charge massive irregularities and are challenging the election. They note that Republican Bruce Marks led by 562 votes among those who voted on Election Day. He lost because 1,391 of the 1,757 absentee ballots went for Democrat Stinson. In one ward, he won 99% of the absentees.

Normally only about 900 absentee ballots are cast in North Philadelphia's Second Senate District, and they usually break evenly. But Democratic workers fanned out through Hispanic neighborhoods telling residents about la nueva forma de votar—the new way to vote.

They carried applications for absentee ballots, had voters fill them out and returned a few days later with the actual ballots. Ana Lopez, a 19th Ward committeewoman, says she was deluged with calls from people asking why they could vote at home. "I told them it was illegal and that they shouldn't do it," she says.

But many voters still cast suspect ballots. Aracelis Velasquez told the Inquirer she felt pressured. "I told them I can't see well and that I needed to get my glasses. They said, 'Don't worry about it, just make an X right here and sign.' I did it." Victor Torres was accosted by a man who insisted he sign a form. He did, but uncertain about what he had signed he went to the polls and voted. Only later did he learn he'd voted twice. Voter Evelyn Adames thought she was signing for a program "where they fix the broken windows and your heating."

Zoraida Rodriguez was told she could vote at home, along with her brother and her common-law husband, both of whom are in jail. "I didn't think it would be right, but he said anybody can fill out anybody's paper, so I did," Ms. Rodriguez told the Inquirer. As for her own ballot, she told the campaign worker that she didn't know who to vote for. "He said, 'Well, vote for this person, because he's the one I work for,' so I did." Election records bear out her story.

Mr. Marks, the Republican candidate, challenged the ballots, but the case was heard by Judge Eugene Maier, whose wife has a patronage appointment with Democratic Mayor Ed Rendell. Mr. Stinson, the Democratic candidate, is a former aide to Mr. Rendell. The State Supreme Court took the case away from Judge Maier, but only after he had ordered virtually all the absentee ballots to be counted. By now, the ballots have been taken out of the envelopes that contain the voters' names, making it difficult to identify any suspect ones.

On Sunday, three voters came forward to say their signatures on absentee ballots were forged. Meanwhile, U.S. Attorney General Janet Reno, who campaigned for Jim Florio, has investigators combing New Jersey looking for what appears to be phantom payoffs (discussed in the nearby feature). No interest, though, in the documented political exploitation of Hispanics just across the river in Philadelphia. The next time the visitors from the Beltway take the train up to New Jersey, they should get off first at Philadelphia's 30th Street Station and ask some questions.

[From the Wall Street Journal, Nov. 23, 1993]

#### THE ROLLINS CLOUD'S SILVER LINING (By John Fund)

\* \* \* \* \*

Voter suppression isn't unknown in politics, but it's rare. In 1960, Texas Democrats delivered too few voting machines to GOP areas. Some Republicans couldn't wait in line, and left. In 1981, the GOP intimidated voters when they hired off-duty police officers to patrol against fraud at New Jersey polling places.

But the under-the-table deals with Democrats that Ed Rollins described strike seasoned observers as implausible. "The idea you win a race by striking deals with adversaries who can turn you in is ludicrous," says Ron Faucheux, editor of Campaigns & Elections magazine and a former Louisiana Democratic legislator.

• Mr. Florio lost in New Jersey because, although the turnout in cities went up, he won a smaller percentage of urban votes. The Bergen Record, the main newspaper in New Jersey's largest county, found that turnout in the state's five largest cities went up 1% over the last gubernatorial election. But voter registration in those cities was down 11% from 1989, so the cities cast fewer votes overall. In Jersey City, registration fell by 9% but turnout in the black Bergen-Lafayette ward was up 4%. Hudson County Executive Robert Janiszewski, a Democrat, reports he had no difficulty hiring 1,500 Election Day workers to ring doorbells, man sound trucks and drive voters to the polls.

What was different was that Mrs. Whitman did well for a Republican in the cities. In 1989, Mr. Florio won 92% in Bergen-Lafayette. This year, he took only 78%. Statewide, exit polls report Mrs. Whitman won 25% of black voters. Jersey City Mayor Bret Schundler, a Republican who won last May with 40% of the black vote, isn't surprised: "I know African-Americans who liked her support for school choice. They also knew unemployment in this area went from 7% to 15% under Florio."

Essex County Democratic Chairman Thomas Giblin says the Florio campaign didn't aggressively register voters. He notes that turnout in Newark rose to 46% from 43%, but that registration dropped to only 90,000 from 107,000 in 1989. He says that continuing to question Mr. Rollins about voter suppression is like "beating a dead horse."

Indeed, Steve DeMico, former executive director of New Jersey's Democratic State Committee, thinks Mrs. Whitman's energetic response to the Rollins crisis may help her build ties to black voters: "This is an opportunity that was created for her and it's one she seized and turned to her own advantage."

Mr. Florio's operatives didn't understand the cities. Mayor James of Newark told the New York Times that the Florio forces used inexperienced "out-of-towners who simply did not connect with the local constituency." Mr. Florio didn't campaign in many cities, signaling that he was taking the black vote for granted. Mrs. Whitman, in contrast, toured public housing projects with Mayor Schundler and former Housing Secretary Jack Kemp.

Further public attention on "street money" will lead to calls for its reform, which would mostly hurt Democrats. Charles Cook, a political analyst who once worked for the Democratic Senatorial Campaign Committee, says "Democrats nationally would rather the Ed Rollins discussion go away entirely, as a complete look at the existence and use of street money wouldn't be welcome."

## MORNING BUSINESS

Mr. Cook says a Clinton campaign official boasted to him that in 1992 the Democrats spent \$900,000 in street money in New Jersey alone. "He said they needed so many small bills that it took them three days to get it from the banks," Mr. Cook says. "He then told how off-duty police officers delivered the cash." Perhaps his Democratic friend was telling a Rollins. But maybe not.

Mr. Cook estimates that for every \$1 the GOP spends in cash to bring out voters, the Democrats spend \$6 to \$8. "I can't believe how sanctimonious some Democrats are about Rollins' comments," he says.

Ken Cornell, a New Jersey native who spent many years as a Democratic committeeman in Pennsylvania, says that Democrats who are demanding that every urban rock be turned over in probing the Rollins claims "don't realize that if you regulate street money you take away the lifeblood of the Democratic Party." He says any look at black churches will find that some ministers openly urge their congregations to vote a certain way, a violation of IRS rules. "Rollins would have done something wrong in paying the ministers, but he would have been simply paying to obey the law by not abusing their nonprofit status," he says.

Political reform is needed, but it's erstwhile reformers who are blocking some of the most needed changes. Already New Jersey's GOP Assembly Speaker Chuck Haytaian has proposed a bill to outlay the use of cash for "street money." All payments to individuals would have to be by check. The Bergen Record reports that Democratic legislators are calling his proposal "rash." Mr. Cornell, the former Democratic committeeman, says urban Democrats "are very concerned about reforms like that."

Indeed, earlier this year the U.S. Senate's campaign reform proposal would have barred candidates from raising "soft money" for outside groups that register voters. It was prompted by former Keating Five Sen. Alan Cranston's funneling of Keating money into questionable registration groups. The provision was dropped by House leaders after the Congressional Black Caucus defended the growing use of soft money. Rep. Mike Synar, a liberal Democrat, fought the House leadership's campaign reform bill because it didn't deal honestly with soft money. On Sunday, his effort to defeat the bill failed 220 to 207.

Mr. Faucheux, the editor of Campaigns & Elections magazine, says he welcomes reform of soft money. "Our current campaign law pretends to be reform but isn't. It benefits incumbents and rich candidates, violates free speech and opens up loopholes and inequities that make a mockery of the process." Mr. Faucheux wants to deregulate campaign finance law and instead have full public disclosure "of every penny that goes into a campaign, and every penny that comes out."

It's appropriate that a probe into Mr. Rollins's comments continue, despite his sworn denials. But the public policy debate would be improved if the inquiry were broadened to also look at street money and absentee ballot manipulation. It would be ironic if in breaking the code of silence that governs the discussion of America's seamier political practices, Ed Rollins ends up being an inadvertent catalyst for some genuine political reforms.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, November 23, 1993, the Federal debt stood at \$4,469,257,508,771.35, meaning that on a per capita basis, every man, woman and child in America owes \$17,399.65 as his or her share of that debt.

## DEFENSE AUTHORIZATION BILL

Mr. LEVIN. Mr. President, I wish to enter into a colloquy with the distinguished chairman of the Armed Services Committee, Senator NUNN.

During consideration of the Defense authorization bill for fiscal year 1994, it was my understanding that an agreed conference language provision would be included in the conference report. The provision simply encourages the Defense Department to help develop a U.S. production base in critical technologies for our defense.

But, because of the hectic final negotiations toward a conference compromise, this provision was inadvertently omitted. I understand that there was no intention to omit this language provision. It was purely an oversight on the part of staff.

The agreed language read as follows:

The committee understands that the Department of Defense has chosen several critical technologies and industries in which to invest Federal funds to avoid dependence upon foreign suppliers of scarce and sophisticated military components. This includes technologies such as active matrix liquid crystal displays (AMLCDs). Indeed, the committee believes that the department can benefit from nurturing domestic sources, especially within emerging or fledgling technologies that have been determined to be critical to our defense industrial base, such as AMLCDs, in which the United States still may have the technological lead. The committee encourages the department, therefore, to use available resources to assist in developing a U.S. production base in these technologies.

Would the chairman of the Armed Services Committee agree that this provision was intended to be included in the conference report, and that it should be considered part of the conference report?

Mr. NUNN. Yes, the Senator from Michigan is correct. This was purely a matter of inadvertent omission. The staff were negotiating so many contentious items at the end of our conference that this one agreed item was not included by accident.

Mr. LEVIN. I thank the distinguished chairman and appreciate his assistance in this matter.

## VIOLENT CRIME CONTROL AND ENFORCEMENT ACT

The text of the bill (H.R. 3355) to amend the Omnibus Crime Control and

Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, as passed by the Senate on November 19, 1993, is as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 3355) entitled "An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety", do pass with the following amendments: Strike out all after the enacting clause and insert:

## SECTION 1. SHORT TITLE.

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

## SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—PUBLIC SAFETY AND POLICING

Sec. 101. Short title.

Sec. 102. Findings and purposes.

Sec. 103. Community policing; "Cops on the Beat".

## TITLE II—DEATH PENALTY

Sec. 201. Short title.

Sec. 202. Constitutional procedures for the imposition of the sentence of death.

Sec. 203. Specific offenses for which death penalty is authorized.

Sec. 204. Applicability to Uniform Code of Military Justice.

Sec. 205. Death penalty for murder by a Federal prisoner.

Sec. 206. Death penalty for civil rights murders.

Sec. 207. Death penalty for the murder of Federal law enforcement officials.

Sec. 208. New offense for the indiscriminate use of weapons to further drug conspiracies.

Sec. 209. Foreign murder of United States nationals.

Sec. 210. Death penalty for rape and child molestation murders.

Sec. 211. Death penalty for sexual exploitation of children.

Sec. 212. Murder by escaped prisoners.

Sec. 213. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.

Sec. 214. Homicides and attempted homicides involving firearms in Federal facilities.

Sec. 215. Murder in course of alien smuggling.

## TITLE III—FIREARMS

## Subtitle A—Restraining Orders

Sec. 301. Persons subject to restraining orders.

## Subtitle B—Licensure

Sec. 311. Firearms licensure and registration to require a photograph and fingerprints.

Sec. 312. Compliance with State and local law as a condition to licensure.

Sec. 313. Action on firearms license application.

Sec. 314. Inspection of firearms licensees' inventory and records.

Sec. 315. Reports of theft or loss of firearms.

Sec. 316. Responses to requests for information.

Sec. 317. Notification of names and addresses of firearms licensees.

## TITLE IV—GUN CRIME PENALTIES

- Sec. 401. Enhanced penalty for use of a semi-automatic firearm during a crime of violence or a drug trafficking crime.
- Sec. 402. Enhanced penalty for second offense of using an explosive to commit a felony.
- Sec. 403. Smuggling firearms in aid of drug trafficking.
- Sec. 404. Theft of firearms and explosives.
- Sec. 405. Revocation of supervised release.
- Sec. 406. Revocation of probation.
- Sec. 407. Increased penalty for knowingly making false, material statement in connection with the acquisition of a firearm from a licensed dealer.
- Sec. 408. Possession of explosives by felons and others.
- Sec. 409. Summary destruction of explosives subject to forfeiture.
- Sec. 410. Elimination of outmoded language relating to parole.
- Sec. 411. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
- Sec. 412. Using a firearm in the commission of counterfeiting or forgery.
- Sec. 413. Enhanced penalties for firearms possession by violent felons and serious drug offenders.
- Sec. 414. Receipt of firearms by nonresident.
- Sec. 415. Firearms and explosives conspiracy.
- Sec. 416. Study of incendiary ammunition; report to Congress.
- Sec. 417. Theft of firearms or explosives from licensee.
- Sec. 418. Disposing of explosives to prohibited persons.
- Sec. 419. Clarification of "burglary" under the armed career criminal statute.
- Sec. 420. Increased penalty for interstate gun trafficking.

## TITLE V—OBSTRUCTION OF JUSTICE

- Sec. 501. Protection of court officers and jurors.
- Sec. 502. Prohibition of retaliatory killings of witnesses, victims and informants.
- Sec. 503. Protection of jurors and witnesses in capital cases.
- Sec. 504. Death penalty for the murder of State officials assisting Federal law enforcement officials.
- Sec. 505. Death penalty for murder of Federal witnesses.

## TITLE VI—GANGS, JUVENILES, DRUGS, AND PROSECUTORS

- Sec. 601. Short title.
- Subtitle A—Criminal Youth Gangs
- Sec. 611. Criminal street gangs offenses.
- Sec. 612. Crimes involving the use of minors as RICO predicates.
- Sec. 613. Serious juvenile drug offenses as Armed Career Criminal Act predicates.
- Sec. 614. Adult prosecution of serious juvenile offenders.
- Sec. 615. Increased penalties for employing children to distribute drugs near schools and playgrounds.
- Sec. 616. Increased penalties for drug trafficking near public housing.
- Sec. 617. Increased penalties for Travel Act crimes involving violence and conspiracy to commit contract killings.
- Sec. 618. Amendments concerning records of crimes committed by juveniles.
- Sec. 619. Addition of anti-gang Byrne Grant funding objective.

## Subtitle B—Gang Prosecution

- Sec. 621. Additional prosecutors.

- Sec. 622. Gang investigation coordination and information collection.
- Sec. 623. Continuation of Federal-State funding formula.
- Sec. 624. Grants for multijurisdictional drug task forces.
- Subtitle C—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974
- Sec. 631. Juvenile drug trafficking and gang prevention grants.
- Sec. 632. Conforming repealer and amendments.
- Sec. 633. Grants for youth development centers.
- Subtitle D—Bindover System for Certain Violent Juveniles

- Sec. 641. Bindover system.
- Subtitle E—Federal Prosecutions
- Sec. 651. Prosecution as adults of violent juvenile offenders.
- Subtitle F—Youth Handgun Safety
- Sec. 661. Findings and declarations.
- Sec. 662. Prohibition of the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.
- Sec. 663. Prohibition of the sale and transfer for consideration of a handgun or handgun ammunition to a juvenile.

## TITLE VII—TERRORISM

## Subtitle A—Maritime Navigation and Fixed Platforms

- Sec. 701. Offenses of violence against maritime navigation or fixed platforms.
- Sec. 702. Technical amendment.
- Sec. 703. Effective dates.

## Subtitle B—General Provisions

- Sec. 711. Weapons of mass destruction.
- Sec. 712. Enhanced penalties for certain offenses.
- Sec. 713. Territorial sea extending to twelve miles included in special maritime and territorial jurisdiction.
- Sec. 714. Assimilated crimes in extended territorial sea.
- Sec. 715. Jurisdiction over crimes against United States nationals on certain foreign ships.
- Sec. 716. Torture.
- Sec. 717. Extension of the statute of limitations for certain terrorism offenses.
- Sec. 718. FBI access to telephone subscriber information.
- Sec. 719. Violence at airports serving international civil aviation.
- Sec. 720. Preventing acts of terrorism against civilian aviation.
- Sec. 721. Counterfeiting United States currency abroad.
- Sec. 722. Economic terrorism task force.
- Sec. 723. Terrorist Death Penalty Act.
- Sec. 724. Sentencing guidelines increase for terrorist crimes.
- Sec. 725. Alien witness cooperation.
- Sec. 726. Providing material support to terrorists.

## TITLE VIII—SEXUAL VIOLENCE AND ABUSE OF CHILDREN, THE ELDERLY, AND INDIVIDUALS WITH DISABILITIES

## Subtitle A—Sexual Abuse

- Sec. 801. Sexual abuse amendments.
- Subtitle B—Protection of Children, the Elderly, and Individuals With Disabilities
- Sec. 811. Short title.
- Sec. 812. Purposes.
- Sec. 813. Definitions.
- Sec. 814. Reporting by the States.
- Sec. 815. Background checks.
- Sec. 816. Funding for improvement of child abuse crime information.

## Subtitle C—Crimes Against Children

- Sec. 821. Short title.

- Sec. 822. Establishment of program.
- Sec. 823. State compliance.

## Subtitle D—Child Pornography

- Sec. 824. Penalties for international trafficking in child pornography.
- Sec. 825. Sense of Congress concerning State legislation regarding child pornography.

## Subtitle E—Rules of Evidence, Practice and Procedure

- Sec. 831. Admissibility of evidence of similar crimes in sex offense cases.

## Subtitle F—Sexually Violent Predators

- Sec. 841. Short title.
- Sec. 842. Findings.
- Sec. 843. Definitions.
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## TITLE IX—CRIME VICTIMS

## Subtitle A—Victims' Rights

- Sec. 901. Victim's right of allocation in sentencing.
- Sec. 902. Mandatory restitution and other provisions.
- Sec. 903. Sense of Congress concerning the right of a victim of a violent crime or sexual abuse to speak at an offender's sentencing hearing and any parole hearing.

## Subtitle B—Crime Victims' Fund

- Sec. 911. Amounts of funds for costs and grants.
- Sec. 912. Relationship of crime victim compensation to certain Federal programs.
- Sec. 913. Administrative costs for crime victim compensation.
- Sec. 914. Use of unspent 1402(d)(2) money.
- Sec. 915. Grants for demonstration projects.
- Sec. 916. Administrative costs for crime victim assistance.
- Sec. 917. Maintenance of effort.

## Subtitle C—Senior Citizens

- Sec. 921. Short title.
- Sec. 922. Findings.
- Sec. 923. Purposes.
- Sec. 924. National assessment and dissemination.
- Sec. 925. Pilot programs.
- Sec. 926. Training assistance, evaluation, and dissemination awards.

- Sec. 927. Report.

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## TITLE X—STATE AND LOCAL LAW ENFORCEMENT

## Subtitle A—DNA Identification

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- Sec. 1002. Funding to improve the quality and availability of DNA analyses for law enforcement identification purposes.
- Sec. 1003. Quality assurance and proficiency testing standards.
- Sec. 1004. Index to facilitate law enforcement exchange of DNA identification information.
- Sec. 1005. Federal Bureau of Investigation.
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## Subtitle B—Department of Justice Community Substance Abuse Prevention

- Sec. 1011. Short title.
- Sec. 1012. Community partnerships.

## Subtitle C—Racial and Ethnic Bias Study Grants

- Sec. 1021. Study grants.
- Subtitle D—Improved Training and Technical Automation

- Sec. 1031. Improved training and technical automation.

## TITLE XI—PROVISIONS RELATING TO POLICE OFFICERS

- Subtitle A—Law Enforcement Family Support
- Sec. 1101. Law enforcement family support.

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- Sec. 2404. Flexibility in application of mandatory minimum sentence provisions in certain circumstances.
- Sec. 2405. Mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a State crime of violence or State drug trafficking crime.
- Sec. 2406. Murder involving firearm.
- Sec. 2407. Mandatory minimum prison sentences for those who sell illegal drugs to minors or who use minors in drug trafficking activities.
- Sec. 2408. Life imprisonment without release for drug felons and violent criminals convicted a third time.
- Sec. 2409. Direction to United States Sentencing Commission regarding sentencing enhancements for hate crimes.
- Sec. 2410. Confirmation of intent of Congress in enacting sections 2252 and 2256 of title 18, United States Code.
- TITLE XXV—SENTENCING AND MAGISTRATES AMENDMENTS**
- Sec. 2501. Authorization of probation for petty offenses in certain cases.
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- Sec. 2601. Computer Abuse Amendments Act of 1993.
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- Sec. 2701. Short title.
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### TITLE I—PUBLIC SAFETY AND POLICING

#### SEC. 101. SHORT TITLE.

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

#### SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) by redesignating part Q as part R;
- (2) by redesignating section 1701 as section 1801; and
- (3) by inserting after part P the following new part:

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

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

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

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

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

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

"(c) TROOPS-TO-COPS PROGRAMS.—(1) Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

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

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

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

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

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

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

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

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

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

"(e) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General shall give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve—

(1) a non-Federal contribution exceeding the 25 percent minimum under subsection (i); and

(2) hiring former members of the Armed Forces to serve as career law enforcement officers under subsection (c).

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

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

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

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

"(h) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.6 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(i) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

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

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

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

#### "SEC. 1702. APPLICATIONS.

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

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

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

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

"(2) demonstrate a specific public safety need;

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

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

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

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

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

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

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

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

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

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

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

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

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

"(3)(A) The State office referred to in subsection (a) shall list the applications for grants under this part in order of their likelihood of

achieving the purposes of the Public Safety Partnership and Community Policing Act of 1993 and shall submit the list along with all grant applications and supporting materials received to the Attorney General.

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

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

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—(1) Notwithstanding subsection (a), if a State chooses not to carry out the functions described in subsection (b), an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"(2) Notwithstanding subsection (a), an applicant that is an Indian tribe or tribal law enforcement agency may submit an application for a grant under this part directly to the Attorney General.

#### "SEC. 1704. RENEWAL OF GRANTS.

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

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

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

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

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to State or local governments or to Indian tribal governments shall not be used to supplant State or local funds, or, in the case of Indian tribes, funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribes, from funds supplied by the Department of the Interior.

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

"(c) NON-FEDERAL COSTS.—State and local units of government may use assets received through the Assets Forfeiture equitable sharing

program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) **HIRING COSTS.**—Annual funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed \$50,000, unless the Attorney General grants a waiver from this limitation.

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

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

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

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

"If the Attorney General determines, as a result of the reviews required by section 1706, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

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

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

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

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

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

**"SEC. 1710. DEFINITIONS.**

"In this part—

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

"'Citizens police academy' means a program by local law enforcement agencies or private non profit organizations in which citizens, especially those who participate in neighborhood watch programs, are given training in police policy and procedure, criminal law, the legal system, crime awareness, personal safety measures, and ways of facilitating communication between the community and local law enforcement in the prevention of crime."

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

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

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

"Sec. 1702. Applications.

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

"Sec. 1704. Renewal of grants.

"Sec. 1705. Limitation on use of funds.

"Sec. 1706. Performance evaluation.

"Sec. 1707. Revocation or suspension of funding.

"Sec. 1708. Access to documents.

"Sec. 1709. General regulatory authority.

"Sec. 1710. Definition.

**"PART R—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 1801. Continuation of rules, authorities, and proceedings."

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

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

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

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

"(i) \$1,035,000,000 for fiscal year 1994;

"(ii) \$1,720,000,000 for fiscal year 1995;

"(iii) \$2,070,000,000 for fiscal year 1996;

"(iv) \$2,270,000,000 for fiscal year 1997; and

"(v) \$1,900,000,000 for fiscal year 1998.

"(B) Of funds available under part Q in any fiscal year, up to 5 percent may be used for technical assistance under section 1701(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs. Of the remaining funds, 60 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(a) or (d), and 40 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(c), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. In view of the extraordinary need for law enforcement in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribes or tribal law enforcement agencies.

"(C) Of the amounts available to be expended for the Violent Crime Reduction Trust Fund, \$75,000,000 is authorized to be expended to constitute an Ounce of Prevention Fund, to be administered as follows and for the following purposes:

"(i) The Ounce of Prevention Fund shall be for the purpose of encouraging and supporting the healthy development and nurturance of children and youth in order to promote successful transition into adulthood and for preventing violent crime through substance abuse treatment and prevention.

"(ii) Activities to be supported by the Ounce of Prevention Fund include—

"(I) after school and summer academic enrichment and recreation conducted in safe and se-

cure settings and coordinated with school curricula and programs, mentoring and tutoring and other activities involving extensive participation of adult role models, activities directed at facilitating familiarity with the labor market and ultimate successful transition into the labor market; and

"(II) substance abuse treatment and prevention program authorized in the Public Health Service Act including outreach programs for at-risk families.

"(iii) Except for substance abuse treatment and prevention programs, the children and youth to be served by Ounce of Prevention programs shall be of ages appropriate for attendance at elementary and secondary schools. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on the lives of such children and youth. The Ounce of Prevention Council created herein shall define more precise statistical and numerical parameters for target areas, numbers of children to be served, and substantially of impact of activities to be undertaken.

"(iv) Applicants may be cities, counties, or other municipalities, school boards, colleges and universities, nonprofit corporations, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, as well as cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. The Ounce of Prevention Council shall set forth guidelines elaborating these provisions.

"(v) The Ounce of Prevention Council shall be chaired by the Attorney General and the Secretaries of Education and Health and Human Services, and shall include the Secretaries of Agriculture, Housing and Urban Development, and Labor, and the Director of the Office of National Drug Control Policy. Such sums as shall be necessary shall be appropriated for staff of the Ounce of Prevention Council, which will be headed by a Director chosen by the Council. The Council shall make grant awards under this program and develop appropriate guidelines for the grant application process.

"(vi) The portion of the costs of a program, project, or activity provided by a grant under the Ounce of Prevention Fund may not exceed 75 percent, unless the Ounce of Prevention Council waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. Grants may be renewed for up to 4 additional years after the first fiscal year during which a recipient receives an initial grant, provided the Council is satisfied that adequate progress is being made toward fulfillment of proposal goals. The provision of section 1705(a) concerning nonappropriation, section 1705(b) concerning limits on administrative costs, section 1706 concerning performance evaluation, and section 1707 concerning revocation or suspension of funding shall apply to the program created by this subparagraph."

## TITLE II—DEATH PENALTY

## SEC. 201. SHORT TITLE.

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

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

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

**"CHAPTER 228—DEATH SENTENCE**

"Sec.

"3591. Sentence of death.

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

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

"3594. Imposition of a sentence of death.

"3595. Review of a sentence of death.

"3596. Implementation of a sentence of death.

"3597. Use of State facilities.

"3598. Special provisions for Indian country.

**"§3591. Sentence of death**

"(a) A defendant who has been found guilty of—

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

"(2) an offense described in section 1751(c), if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

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

"(A) intentionally killed the victim;

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

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

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

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

"(b) a defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(2) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, at-

tempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(3) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation;

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

"(C) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in subsection (b) above, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or dis-

tribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

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

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

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

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

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

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

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

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

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

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

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

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

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

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

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

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

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

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section

32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

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

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

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

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

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

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

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

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

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

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

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more

than one year, committed on different occasions, involving the distribution of a controlled substance.

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

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

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

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

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

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

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

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

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

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

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

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

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

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

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

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

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

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of

the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

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

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

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

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

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

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

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

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

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under

subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

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

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

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

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence.

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

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

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

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

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

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

"(1) the evidence submitted during the trial;

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

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

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

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

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

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

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

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

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death. The court of appeals shall not reverse or vacate a sentence of death on account of any error which can be harmless, including any erroneous special finding of an aggravating factor, where the government establishes beyond a reasonable doubt that the error was harmless.

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

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

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

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

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

**"§3597. Use of State facilities**

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Pris-

ons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, "participation in executions" includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

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

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction."

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

**"228. Death sentence ..... 3591".**  
**SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.**

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

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

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) **CARJACKING.**—Section 2119(3) of title 18, United States Code, is amended by striking the period after "both" and inserting "or sentenced to death."; and by striking "possessing a firearm as defined in section 921 of this title,".

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

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

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

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

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

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

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

"(b) **DEFINITIONS.**—In this section—

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

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

"'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death."

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

"1118. Murder by a Federal prisoner."

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

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

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

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

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

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

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

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

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

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

**"§36. Drive-by shooting**

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

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

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

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

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

"(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim,

fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

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

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

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

"36. Drive-by shooting."

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

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

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

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

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

"(c) **LIMITATIONS ON PROSECUTION.**—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

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

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

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

"1118. Foreign murder of United States nationals."

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

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

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

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

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

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

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

"2245. Sexual abuse resulting in death.

"2246. Definitions for chapter."

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

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

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

#### SEC. 212. MURDER BY ESCAPED PRISONERS.

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

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

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

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

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 109(b)(2), is amended by adding at the end the following new item: "1119. Murder by escaped prisoners."

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

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

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

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

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

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

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

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

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

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

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

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

Section 274(a) of the Immigration and Naturalization Act (8 U.S.C. 1324) is amended by inserting before the period at the end the following: " Provided further, That if during and in relation to an offense described in paragraph (1) the person causes serious bodily injury to, or places in jeopardy the life of, any alien, such person shall be subject to a term of imprisonment of not more than 20 years, and if the death of any alien results, shall be punished by death or imprisoned for any term of years or for life."

### TITLE III—FIREARMS

#### Subtitle A—Restraining Orders

#### SEC. 301. PERSONS SUBJECT TO RESTRAINING ORDERS.

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

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

"(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

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

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) who is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

"(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

(c) Section 926(a) of title 18, United States Code, is amended—

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

(2) by replacing " " with " ; and " at the end of paragraph (2); and

(3) by adding after paragraph (a)(2) the following new paragraph:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in section 922(d)(8) or 922(g)(8)."

(d) Section 924(d)(1) of title 18, United States Code, is amended—

(1) by striking all between "trial," and "firearms" and inserting the following: "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished";

#### Subtitle B—Licensure

#### SEC. 311. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

#### SEC. 312. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSURE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting " ; and "; and

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

"(F) the applicant certifies that—  
 "(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;  
 "(ii) (1) within 30 days after the application is approved the business will comply with the re-

quirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

#### SEC. 313. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

#### SEC. 314. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for insuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

#### SEC. 315. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

#### SEC. 316. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 215, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information."

#### SEC. 317. NOTIFICATION OF NAMES AND ADDRESSES OF FIREARMS LICENSEES.

Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued."

### TITLE IV—GUN CRIME PENALTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by striking the last sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 414. RECEIPT OF FIREARMS BY NON-RESIDENT.**

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

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

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

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

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

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

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

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

"(1) in the case of a conspiracy to commit an offense under subsection (c) of this section, the authorized term of imprisonment shall be any term of years not exceeding 20; and

"(2) if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, the authorized term of imprisonment shall be any term of years or life."

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

"(1) A person who conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy, except that in the case of a conspiracy to commit an offense under subsection (h) of this section, the authorized term of imprisonment shall be any term of years not exceeding 20.

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

(a) **STUDY.**—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**TITLE V—OBSTRUCTION OF JUSTICE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"A person who intentionally kills—

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

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

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

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

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

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

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 112(b), is amended by adding at the end the following new item:

"1120. Killing persons aiding Federal investigations."

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

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

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

**TITLE VI—GANGS, JUVENILES, DRUGS, AND PROSECUTORS**

**SEC. 601. SHORT TITLE.**

This title may be cited as the "Anti-Gang and Youth Protection Act of 1993".

**Subtitle A—Criminal Youth Gangs**

**SEC. 611. CRIMINAL STREET GANGS OFFENSES.**

(a) **OFFENSE.**—Title 18, United States Code, is amended by inserting after chapter 93 the following new chapter:

**"CHAPTER 94—PROHIBITED PARTICIPATION IN CRIMINAL STREET GANGS AND GANG CRIME**

"Sec.

"1930. Crimes in furtherance of gangs.

"1931. Prohibited activity.

"1932. Penalties.

"1933. Joinder.

**"§ 1930. Crimes in furtherance of gangs**

"(a) **FINDINGS.**—The Congress makes the following findings:

"(1) Criminal street gangs have become increasingly prevalent and entrenched in our society in the last several decades. In many areas of the country, these gangs exert considerable control over other members of their community, particularly through the use of violence and drugs. Criminal street gangs have also become more national in scope, extending their influence beyond the urban areas in which they originated.

"(2) The major activities of criminal street gangs are crimes of violence and the distribution and use of illegal drugs. It is through these activities that criminal street gangs directly affect interstate and foreign commerce, even when their particular activities, viewed in isolation, appear to be purely intrastate in character.

"(b) **BASIS FOR CHAPTER.**—On the basis of the findings stated in subsection (a), the Congress determines that the provisions of this chapter are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish criminal law.

**"§ 1931. Prohibited activity**

"(a) **DEFINITIONS.**—In this chapter—

"'criminal street gang' means an organization or group of 5 or more persons, whether formal or

informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with a purpose that any of those persons alone, or in any combination, commit or will commit, 2 or more predicate gang crimes, 1 of which must occur after the date of enactment of this chapter and the last of which occurred within 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime.

"participate in a criminal street gang" means to act in concert with a criminal street gang with intent to commit, or with the intent that any other person associated with the criminal street gang will commit, 1 or more predicate gang crimes.

"predicate gang crime" means—

"(A) any act or threat, or attempted act or threat, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year, involving murder, attempted murder, voluntary manslaughter, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or manufacturing, importing, receiving, concealing, purchasing, selling, possessing, or otherwise dealing in a controlled substance or controlled substance analogue (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) any act punishable by imprisonment for more than 1 year under section 922 or 924 (a)(2), (b), (c), (g), or (h) (relating to receipt, possession, and transfer of firearms), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant); or

"(C) any act punishable under subsection (b)(5).

"State" means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) UNLAWFUL ACTS.—It shall be unlawful—

"(1) to commit, or to attempt to commit, a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang;

"(2) to participate, or attempt to participate, in a criminal street gang, or conspire to do so;

"(3) to command, counsel, persuade, induce, entice, or coerce any individual to participate in a criminal street gang;

"(4) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime, with intent to promote the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(5) to use any communication facility, as defined in section 403(b) of the Controlled Substances Act (21 U.S.C. 843(b)), in causing or facilitating the commission, or attempted commission, of a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang. Each separate use of a communication facility shall be a separate offense under this subsection.

#### "§1932. Penalties

"(a) PENALTIES OF UP TO 20 YEARS OR LIFE IMPRISONMENT.—A person who violates section 1931(b) (1) or (2) shall be punished by imprisonment for not more than 20 years, or by imprisonment for any term of years or for life if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, and if a person commits such a violation after 1 or more prior convictions for such a

predicate gang crime, that is not part of the instant violation, such person shall be sentenced to a term of imprisonment which shall not be less than 10 years and which may be for any term of years exceeding 10 years or for life.

"(b) PENALTIES BETWEEN 5 AND 10 YEARS.—A person who violates section 1931(b) (3) or (4) shall be sentenced to imprisonment for not less than 5 nor more than 10 years, and if a person who was the subject of the act was less than 18 years of age, to imprisonment for 10 years. A term of imprisonment under this subsection shall run consecutively to any other term of imprisonment, including that imposed for any other violation of this chapter.

"(c) PENALTIES OF UP TO 5 YEARS.—A person who violates section 1931(b)(5) shall be punished by imprisonment for not more than 5 years.

"(d) ADDITIONAL PENALTIES.—

"(1) IN GENERAL.—In addition to the other penalties authorized by this section—

"(A) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves murder or conspiracy to commit murder which results in the taking of a life, and who commits, counsels, commands, induces, procures, or causes that murder, shall be punished by death or by imprisonment for life;

"(B) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves attempted murder or conspiracy to commit murder, shall be sentenced to a term of imprisonment which shall not be less than 20 years and which may be for any term of years exceeding 20 years or for life; and

"(C) a person who violates section 1931(b) (1) or (2), and who at the time of the offense occupied a position of organizer or supervisor, or other position of management in that street gang, shall be sentenced to a term of imprisonment which shall not be less than 15 years and which may be for any term of years exceeding 15 years or for life.

"(2) PRESUMPTION.—For purposes of paragraph (1)(C), if it is shown that the defendant counseled, commanded, induced, or procured 5 or more individuals to participate in a street gang, there shall be a rebuttable presumption that the defendant occupied a position of organizer, supervisor, or other position of management in the gang.

"(e) FORFEITURE.—

"(1) IN GENERAL.—A person who violates section 1931(b) (1) or (2) shall, in addition to any other penalty and irrespective of any provision of State law, forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation; and

"(B) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.

"(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Section 413 (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of the Controlled Substances Act (21 U.S.C. 853 (b), (c), and (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p)) shall apply to a forfeiture under this section.

#### "§1933. Joinder

"In a prosecution of an offense under this chapter charging a conspiracy to commit an offense, the trial of all of the alleged conspirators shall be joined in a single district court, and a motion to transfer shall not be granted unless the interest of justice so requires."

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 93 the following new item:

#### "94. Prohibited participation in criminal street gangs and gang crimes 1930".

(c) SENTENCING GUIDELINES INCREASE FOR GANG CRIMES.—(1) The United States Sentencing Commission shall at the earliest opportunity

amend the sentencing guidelines to increase by at least 4 levels the base offense level for any felony committed for the purpose of gaining entrance into, or maintaining or increasing position in, a criminal street gang. For purposes of this subsection, "criminal street gang" means any organization, or group, of 5 or more individuals, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with the intent that any of those individuals alone, or in any combination, commit or will commit, 2 or more acts punishable under State or Federal law by imprisonment for more than 1 year.

(2) The United States Sentencing Commission shall review and, if necessary, amend its sentencing guidelines to provide that activity of a defendant as an organizer or leader of a criminal street gang shall be an aggravating factor in determining a sentence for an offense under chapter 26 of title 18, United States Code.

#### SEC. 612. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

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

(1) by striking "or" before "(E)"; and

(2) by inserting before the semicolon at the end of the paragraph the following: ", or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person below the age of 18 years in the commission of the offense".

#### SEC. 613. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

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

(1) by striking "or" at the end of clause (i);

(2) by striking "and" at the end of clause (ii) and inserting "or"; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph; and".

#### SEC. 614. ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3))," and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963);"; and

(B) by striking "922(p)" and inserting "924(b), (g), or (h)";

(2) in the fourth undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963);"; and

(B) by striking "subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3))" and inserting "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)"; and

(3) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer."

**SEC. 615. INCREASED PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS NEAR SCHOOLS AND PLAYGROUNDS.**

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

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

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

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

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

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official, is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401."

**SEC. 616. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR PUBLIC HOUSING.**

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

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

**SEC. 617. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.**

(a) **TRAVEL ACT PENALTIES.**—Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both," and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life."

(b) **MURDER CONSPIRACY PENALTIES.**—Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

**SEC. 618. AMENDMENTS CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.**

(a) Section 5038 of title 18, United States Code, is amended by striking subsections (d) and (f), redesignating subsection (e) as subsection (d), and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032 of this title, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

(b) Section 3607 of title 18, United States Code, is repealed, and the corresponding item in the chapter analysis for chapter 229 of title 18 is deleted.

(c) Section 401(b)(4) of the Controlled Substances Act (21 U.S.C. 841(b)(4)) is amended by striking "and section 3607 of title 18".

**SEC. 619. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING OBJECTIVE.**

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

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs."

**Subtitle B—Gang Prosecution**

**SEC. 621. ADDITIONAL PROSECUTORS.**

There is authorized to be appropriated \$20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

**SEC. 622. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.**

(a) **COORDINATION.**—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) **DATA COLLECTION.**—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) **REPORT.**—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by January 1, 1995.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 1994.

**SEC. 623. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.**

Section 504(a)(1) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1992" and inserting "1993".

**SEC. 624. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.**

Section 504(f) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by inserting "and gang" after "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug".

**Subtitle C—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974**

**SEC. 631. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.**

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs";

and

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

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) **AUTHORIZATION.**—The Administrator may make grants to States, units of general local government, private not-for-profit anticrime organizations, or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including prevention and enforcement programs to reduce—

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

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

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

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

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

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

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

"(5) To develop and provide parenting classes to parents of at-risk youth, giving parents the skills they need to provide adequate care and supervision of such youth and to counteract the influences leading youth to a life of gangs, crime, and drugs.

"(6) To develop and provide training in methods of nonviolent dispute resolution to youth of junior high school and high school age.

"(7) To reduce and prevent juvenile drug and gang-related activity in rural areas.

"(8) To provide technical assistance and training to personnel and agencies responsible

for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

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

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

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

"(12) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

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

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

#### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 232. There are authorized to be appropriated \$100,000,000 for fiscal year 1994 and such sums as are necessary for fiscal year 1995 to carry out this subpart.

#### "ALLOCATION OF FUNDS

"SEC. 233. The amounts appropriated for this subpart for any fiscal year shall be allocated as follows:

"(1) \$500,000 or 1.0 percent, whichever is greater, shall be allocated to each of the States.

"(2) Such sums as are necessary to carry out section 235.

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

#### "APPLICATION

"SEC. 234. (a) IN GENERAL.—Each State or entity applying for a grant under section 231 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

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

#### "MENTAL HEALTH SCREENING

"SEC. 235. (a) SENSE OF THE CONGRESS.—It is the sense of the Congress that no child should have to be incarcerated in a State youth center or detention facility solely in order to receive mental health treatment.

"(b) IN GENERAL.—Not later than two years after the date of enactment of this subpart, the Attorney General, acting through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, in collaboration with the Secretary of Health and Human Services, acting through the Administrator of Substance Abuse and Mental Health Services Administration, shall, subject to the availability of appropriations—

"(1) study the nature and prevalence of mental illness among youth in the juvenile justice system at several different points in the system, including the arrest stage, the adjudication, and dispositional state, and the commitment stage;

"(2) develop a model system that the States can use to assess, diagnose, and treat the mental health needs of youth who come in contact with the juvenile justice system for mental illness; and

"(3) disseminate the results of the study and the model to each State's Juvenile Justice Advisory Group.

"(c) STUDY.—The study should include analysis of—

"(1) national prevalence of rates of the different clinical categories of mental illness for youth who come in contact with the juvenile justice system;

"(2) the prevalence of multiple mental disorders among youth who have come in contact with the juvenile justice system;

"(3) recommendations to the Committee on the Judiciary of the Senate and the Committees on Education and Labor of the House of Representatives on the appropriateness and need for further Federal action; and

"(4) such other analysis as is appropriate.

"(d) MODEL.—The model should provide—

"(1) guidelines for accurate and timely assessment, diagnosis, and treatment at several different points in the juvenile justice system including the arrest stage, the adjudication and dispositional stage, and the commitment stage;

"(2) a method for fostering collaboration between the mental health agencies, juvenile justice agencies, educational agencies, social services agencies, substance abuse treatment agencies, police, and families;

"(3) a funding mechanism for the model; and

"(4) such other guidelines as are appropriate."

#### SEC. 632. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

#### SEC. 633. GRANTS FOR YOUTH DEVELOPMENT CENTERS.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.), as amended by section 611, is amended by adding at the end the following new subpart:

"Subpart III—Youth Violence Prevention Block Grants

"SEC. 238. (a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall subject to availability of appropriations make grants to States to assist the States in planning, establishing, operating, coordinating, and evaluating programs directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile violence.

"(b) ISSUES TO BE ADDRESSED.—A program funded under subsection (a) shall address issues identified as contributing to youth violence, which may include—

"(1) conflict resolution programs in schools;

"(2) alternatives to school suspension;

"(3) juvenile court diversion programs; and

"(4) other innovative projects.

"(c) ALLOCATION OF FUNDS.—The amount appropriated under this section for a fiscal year shall be allocated among the States by allocating to each State an amount that bears the same proportion to the amount appropriated as the number of residents of the State under the age of 18 years bears to the number of residents of all of the States under the age of 18 years.

"(d) ADMINISTRATION.—Grants made under this section shall be administered by the State office designated under section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

"(e) APPLICATIONS BY PUBLIC AND PRIVATE AGENCIES.—

"(1) IN GENERAL.—A public or private agency desiring to receive a grant or enter into a contract under this subpart shall submit an application at such time, in such manner, and containing such information as the office described in subsection (d) may prescribe.

"(2) CONTENTS.—In accordance with guidelines established by the office described in subsection (d), an application under paragraph (1) shall—

"(A) set forth a program or activity for carrying out 1 or more of the purposes described in subsections (a) and (b) and specifically identify each such purpose that the program or activity is designed to carry out;

"(B) provide that the program or activity will be administered by or under the supervision of the applicant;

"(C) provide for the proper and efficient administration of the program or activity;

"(D) provide for regular evaluation of the program or activity;

"(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(F) describe how the program or activity will be coordinated with programs, activities, and services available locally;

"(G) provide that regular reports on such program or activity shall be sent to the administering office named in subsection (d); and

"(H) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(f) MATCHING FUNDS REQUIREMENTS.—

"(1) FUNDS RECEIVED UNDER THIS SUBPART.—Funds received through a grant under this section may not be expended for more than 75 percent of the cost of any program that is so funded.

"(2) FUNDS FROM OTHER SOURCES.—In providing for the 25 percent share of the cost of a program from other sources, a State—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, private sources, nonprofit sources, other Federal sources, or any combination of these sources.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 1995 and 1996."

#### Subtitle D—Bindover System for Certain Violent Juveniles

#### SEC. 641. BINDOVER SYSTEM.

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

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

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

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

"(23) programs that address the need for effective bindover systems for the prosecution of violent juveniles 13 years of age and older in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;  
 "(B) murder in the second degree;  
 "(C) attempted murder;  
 "(D) armed robbery when armed with a firearm;

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

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

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

#### Subtitle E—Federal Prosecutions

#### SEC. 651. PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(A) Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years old or older on the date of the commission of an offense under section 113 (a), (b), or (c), 1111, 1113, 2111 or 2113 (if the juvenile was in possession of a firearm during the offense), or 2241 (a) or (c) (if the juvenile was in possession of a firearm during the offense) shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

"(B) If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when he or she reaches the age of 16.

"(C) The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out the purposes of this section. For resentencing determinations pursuant to subsection (b), the Commission may promulgate guidelines, if necessary to permit sentencing adjustments which may include adjustments which provide for supervised release, for defendants who have clearly demonstrated (i) an exceptional degree of responsibility for the offense and (ii) a willingness and ability to refrain from further criminal conduct.

#### Subtitle F—Youth Handgun Safety

#### SEC. 661. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

#### SEC. 662. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—  
 "(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled."

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—  
 "(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—  
 "(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(1) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(2) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) the juvenile has the prior written consent in the juvenile's possession at all times

when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;  
 "(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown."

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

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

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

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—  
 "(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both."

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law)."

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

**SEC. 663. PROHIBITION OF THE SALE AND TRANSFER FOR CONSIDERATION OF A HANDGUN OR HANDGUN AMMUNITION TO A JUVENILE.**

(a) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(t)(1) Except as provided in paragraph (3), it shall be unlawful for any person to sell or otherwise transfer for consideration to a person who the seller or transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) For purposes of this subsection—

"(i) the term 'juvenile' means a person who is less than 18 years of age; and

"(ii) the term 'handgun' means—

"(I) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(II) any combination of parts from which a firearm described in subclause (I) can be assembled.

"(3) This subsection shall not apply to a sale or a transfer of a handgun or ammunition if the sale or transfer was made in accordance with State and local law and with the prior consent of the juvenile's parent or legal guardian who is not prohibited by Federal, State, or local law from possessing a firearm."

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

(1) in paragraph (1) by striking out "paragraph (2) or (3) of"; and

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

"(5)(A) Except as provided in subparagraph (B), whoever knowingly violates subsection (t) of section 922 shall be fined not more than \$5,000, imprisoned not more than five years, or both.

"(B) Whoever knowingly violates subsection (t) of section 922 knowing or having reasonable cause to know that the juvenile to whom the handgun or ammunition was sold or otherwise transferred for consideration intended to carry, possess, discharge, or otherwise use such handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both."

**TITLE VII—TERRORISM**

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

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

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

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

"(a) OFFENSES.—

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

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

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

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

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

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

"(F) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

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

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

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

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

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

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

"(A) such activity is committed—

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

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

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

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

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

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

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

"(c) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

"(d) DEFINITIONS.—In this section—

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

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

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

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

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

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

"(a) OFFENSES.—

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

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

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

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

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

"(E) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (D); or

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

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

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

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

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

"(A) that is located on the continental shelf of the United States;

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

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

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

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

"(c) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

"(d) DEFINITIONS.—In this section—

"'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

"'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

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

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

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

#### SEC. 702. TECHNICAL AMENDMENT.

The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.

"2281. Violence against maritime fixed platforms."

#### SEC. 703. EFFECTIVE DATES.

This subtitle and the amendments made by this subtitle shall take effect on the later of—

(1) the date of the enactment of this Act; or  
(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

#### Subtitle B—General Provisions

#### SEC. 711. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in section 2332a of title 18, United States Code, as added by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

#### "§2332a. Use of weapons of mass destruction

"(a) DEFINITIONS.—In this section—

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

"'weapon of mass destruction' means—

"(A) any destructive device (as defined in section 921);

"(B) poison gas;

"(C) any weapon involving a disease organism; or

"(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

"(b) OFFENSE.—A person who uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life."

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following new item:

"2332a. Use of weapons of mass destruction."

#### SEC. 712. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "\$50,000" and inserting "\$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "\$10,000" and inserting "\$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "\$500" and inserting "\$250,000"; and

(2) by striking "one year" and inserting "5 years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "\$2,000" each place it appears and inserting "\$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "\$2,000" and inserting "\$250,000"; and

(2) by striking "three years" and inserting "10 years".

#### SEC. 713. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

#### SEC. 714. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) by inserting after "title" in subsection (a) the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District if it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States."

#### SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States."

#### SEC. 716. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

#### "CHAPTER 113B—TORTURE

"Sec.

"2340. Definitions.

"2340A. Torture.

"2340B. Exclusive remedies.

#### "§2340. Definitions

"In this chapter—

"'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

"'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

#### "§2340A. Torture

"(a) OFFENSES.—A person who outside the United States commits or attempts to commit torture shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

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

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

**"§2340B. Exclusive remedies**

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding."

(b) **TECHNICAL AMENDMENT.**—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

**"113B. Torture ..... 2340."**

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the later of—

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

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**SEC. 717. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.**

(a) **IN GENERAL.**—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

**"§3286. Extension of statute of limitations for certain terrorism offenses**

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed."

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses."

**SEC. 718. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.**

(a) **REQUIRED CERTIFICATION.**—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) **REQUIRED CERTIFICATION.**—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as

defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States."

(b) **REPORT TO JUDICIARY COMMITTEES.**—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate."

**SEC. 719. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.**

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

**"§36. Violence at international airports**

"(a) **OFFENSE.**—A person who unlawfully and intentionally, using any device, substance, or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

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

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

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

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.

"(c) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

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

"36. Violence at international airports."

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the later of—

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

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

**SEC. 720. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.**

(a) **IN GENERAL.**—Chapter 2 of title 18, United States Code, as amended by section 719(a), is amended by adding at the end the following new section:

**"§37. Violations of Federal aviation security regulations**

"A person who willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 315 or 316 of the Air Transportation Security Act of 1974 (49 U.S.C. App. 1356 and 1357), or a successor part, shall be fined under this title, imprisoned for not more than 1 year, or both."

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 719(b), is amended by adding at the end the following new item:

"37. Violations of Federal aviation security regulations."

**SEC. 721. COUNTERFEITING UNITED STATES CURRENCY ABROAD.**

(a) **IN GENERAL.**—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

**"§ 470. Counterfeit acts committed outside the United States**

"A person who, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both."

(b) **TECHNICAL AMENDMENTS.**—

(1) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new item:

"470. Counterfeit acts committed outside the United States."

(2) **PART ANALYSIS.**—The part analysis for part 1 of title 18, United States Code, is amended by amending the item for chapter 25 to read as follows:

**"25. Counterfeiting and forgery ..... 470"**

**SEC. 722. ECONOMIC TERRORISM TASK FORCE.**

(a) **ESTABLISHMENT AND PURPOSE.**—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) **MEMBERSHIP.**—The Economic Terrorism Task Force shall be chaired by the Secretary of

State, or the Secretary's designee, and consist of—

- (1) the Director of Central Intelligence;
- (2) the Director of the Federal Bureau of Investigation;
- (3) the Director of the United States Secret Service;
- (4) the Administrator of the Federal Aviation Administration;
- (5) the Chairman of the Board of Governors of the Federal Reserve;
- (6) the Under Secretary of the Treasury for Finance; and
- (7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) **ADMINISTRATIVE PROVISIONS.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Economic Terrorism Task Force.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

#### SEC. 723. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18, United States Code is amended to read as follows:

"(1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;"

#### SEC. 724. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an appropriate enhancement for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

#### SEC. 725. ALIEN WITNESS COOPERATION.

(a) **ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.**—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

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

"(S) subject to section 214(f), an alien—  
 "(i) who the Attorney General determines—  
 "(I) is in possession of critical reliable information concerning a criminal organization or enterprise, and

"(II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

"(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien."

(b) **CONDITIONS OF ENTRY.**—

(1) **WAIVER OF GROUNDS FOR EXCLUSION.**—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting before paragraph (2) the following new paragraph:

"(1) The Attorney General may, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described

in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A)."

(2) **NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.**—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant—

"(A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require,

"(B) may not be convicted of any criminal offense in the United States after the date of such admission, and

"(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

"(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning—

"(A) the number of such nonimmigrants admitted,

"(B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens,

"(C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and

"(D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant."

(3) **PROHIBITION OF CHANGE OF STATUS.**—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) **ADJUSTMENT TO PERMANENT RESIDENT STATUS.**—

(1) **IN GENERAL.**—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(h)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of that section, and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of that section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General

shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by 1 the number of visas authorized to be issued under section 201(d) and 203(b)(4) for the fiscal year then current."

(2) **EXCLUSIVE MEANS OF ADJUSTMENT.**—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" before "(3)" and "(4)"; and

(B) by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) **EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.**—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))" after "five years".

#### SEC. 726. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) **OFFENSE.**—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

##### "§ 2339A. Providing material support to terrorists

"(a) **DEFINITION.**—In this section, 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

"(b) **OFFENSE.**—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both."

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding the following new item:

"2339A. Providing material support to terrorists."

#### TITLE VIII—SEXUAL VIOLENCE AND ABUSE OF CHILDREN, THE ELDERLY, AND INDIVIDUALS WITH DISABILITIES

##### Subtitle A—Sexual Abuse

#### SEC. 801. SEXUAL ABUSE AMENDMENTS.

(a) **DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.**—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

**Subtitle B—Protection of Children, the Elderly, and Individuals With Disabilities**

**SEC. 811. SHORT TITLE.**

This subtitle may be cited as the "National Child, Elderly, and Individuals with Disabilities Protection Act of 1993".

**SEC. 812. PURPOSES.**

The purposes of this subtitle are—

(1) to establish a national system through which organizations that care for children, the elderly, or individuals with disabilities may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit organizations that care for children, the elderly, or individuals with disabilities to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

**SEC. 813. DEFINITIONS.**

For the purposes of this subtitle—

(1) the term "abuse crime" means a child abuse crime, a crime against the elderly, or a crime against an individual with disabilities.

(2) the term "abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, an abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, an abuse crime;

(3) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(4) the term "background check crime" means an abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, burglary, robbery, embezzlement, larceny, fraud, and a felony offense involving the use or distribution of a controlled substance;

(5) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(6) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(7) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(8) the term "care" means the provision of care, treatment, education, training, instruc-

tion, supervision, or recreation to children, the elderly, or individuals with disabilities;

(9) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(10) the term "elderly" means a person who is sixty-five years old or older.

(11) the term "exploitation" means child pornography and child prostitution;

(12) the term "mental injury" means harm to a person's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(13) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(14) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child, elderly person, or individual with disabilities;

(15) the term "individual with a disability" means an individual with a disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(21)));

(16) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(17) the term "provider" means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a person to whom the qualified entity provides care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a person to whom the qualified entity provides care;

(18) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services;

(19) the term "sex crime" means an act of sexual abuse that is a criminal act;

(20) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(21) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

**SEC. 814. REPORTING BY THE STATES.**

(a) IN GENERAL.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall, subject to the availability of appropriations—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee

on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

#### SEC. 815. BACKGROUND CHECKS.

(a) **IN GENERAL.**—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) **GUIDELINES.**—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) **EQUIVALENT PROCEDURES.**—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) **REGULATIONS.**—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

#### SEC. 816. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) **USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.**—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child, Elderly, and Individuals with Disabilities Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child, Elderly, and Individuals with Disabilities Protection Act of 1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act."

(b) **ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.**—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of \$40,000,000 for fiscal years 1995, 1996, and 1997.

(c) **WITHHOLDING STATE FUNDS.**—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

#### Subtitle C—Crimes Against Children

##### SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

##### SEC. 822. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—

(1) **STATE GUIDELINES.**—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) **DEFINITION.**—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a non-custodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) **REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.**—An approved State registration program established by this section shall contain the following requirements:

(1) **NOTIFICATION.**—If a person who is required to register under this section is released from

prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;  
(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints by a designated State law enforcement agency for child care services providers.

#### SEC. 823. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 10 per-

cent and the unallocated funds shall be reallocated to the States in compliance with this section.

#### Subtitle D—Child Pornography

#### SEC. 824. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

#### “§2258. Production of sexually explicit depictions of a minor for importation into the United States

“(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

“(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

“(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

“(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

“(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.”

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

“2258. Production of sexually explicit depictions of a minor for importation into the United States.”

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking “not more than \$100,000, or” and inserting “under this title.”;

(B) by striking “not more than \$200,000, or” and inserting “under this title.”; and

(C) by striking “not more than \$250,000” and inserting “under this title.”

(c) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking “this section” the second place it appears and inserting “this chapter or chapter 109A”.

(d) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking “this section” and inserting “this chapter or chapter 109A”.

(e) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States Code, are each amended by inserting “, or attempts or conspires to violate,” after “violates” each place it appears.

(f) RICO AMENDMENT.—Section 1961(l) of title 18, United States Code, is amended by striking “2251–2252” and inserting “2251, 2252, and 2258”.

(g) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amend-

(1) by striking “(a) Whoever” and inserting “(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who”; and

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

“(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both.”

#### SEC. 825. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

#### Subtitle E—Rules of Evidence, Practice and Procedure

#### SEC. 831. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

#### “Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

“(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

“(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

“(d) For purposes of this rule and Rule 415, “offense of sexual assault” means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

“(1) any conduct proscribed by chapter 109A of title 18, United States Code;

“(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

“(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

“(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

“(5) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

#### “Rule 414. Evidence of Similar Crimes in Child Molestation Cases

“(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of

another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "child" means a person below the age of fourteen, and "offense of child molestation" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(5).

**"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation**

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these rules.

"(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule."

**Subtitle F—Sexually Violent Predators**

**SEC. 841. SHORT TITLE.**

This subtitle may be cited as the "Sexually Violent Predators Act".

**SEC. 842. FINDINGS.**

Congress finds that—

(1) there exists a small but extremely dangerous group of sexually violent persons who do not have a mental disease or defect;

(2) persons who are sexually violent predators generally have antisocial personality features that—

(A) are not amenable to mental illness treatment modalities in existence on the date of enactment of this Act; and

(B) render the persons likely to engage in sexually violent behavior;

(3) the likelihood that sexually violent predators will repeat acts of predatory sexual violence is high; and

(4) the prognosis for curing sexually violent predators is poor and the treatment needs of the population of the predators are very long-term.

**SEC. 843. DEFINITIONS.**

As used in this subtitle:

(1) **MENTAL ABNORMALITY.**—The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes the person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(2) **PREDATORY.**—The term "predatory", with respect to an act, means an act directed towards a stranger, or a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

(3) **SEXUALLY VIOLENT OFFENSE.**—The term "sexually violent offense" means an act that is a violation of title 18, United States Code or State criminal code that—

(A) involves the use or attempted or threatened use of physical force against the person or property of another person; and

(B) is determined beyond a reasonable doubt to be sexually motivated.

(4) **SEXUALLY VIOLENT PREDATOR.**—The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

**SEC. 844. ESTABLISHMENT OF PROGRAM.**

(a) **IN GENERAL.**—

(1) **STATE GUIDELINES.**—In accordance with this section, the Attorney General shall establish guidelines for State programs to require a sexually violent predator to register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. The Attorney General shall approve each State program that complies with the guidelines.

(2) **STATE COMPLIANCE.**—

(A) **IMPLEMENTATION DATE.**—A State that does not implement a program described in paragraph (1) by the date that is 3 years after the date of enactment of this Act, and maintain the implementation thereafter, shall be ineligible for funds in accordance with subparagraph (B).

(B) **INELIGIBILITY FOR FUNDS.**—

(i) **IN GENERAL.**—A State that does not implement the program as described in subparagraph (A) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(ii) **REALLOCATION OF FUNDS.**—Funds made available under clause (i) shall be reallocated, in accordance with such section, to such States as implement the program as described in subparagraph (A).

(b) **REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.**—

(1) **IN GENERAL.**—An approved State program established in accordance with this section shall contain the requirements described in this section.

(2) **DETERMINATION.**—The determination that a person is a "sexually violent predator" and the determination that a person is no longer a "sexually violent predator" shall be made by the sentencing court after receiving a report by a board of experts on sexual offenses. Each State shall establish a board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) **NOTIFICATION.**—If a person who is required to register under this section is anticipated to be released from prison, paroled, or placed on supervised release, a State prison officer shall, not later than 90 days before the anticipated date of the release or commencement of the parole—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give

the new address to a designated State law enforcement agency in writing not later than 10 days after the change of address;

(C) obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(4) **TRANSFER OF INFORMATION TO STATE AND THE FBI.**—Not later than 3 days after the receipt of the information described in paragraph (2), the officer shall forward the information to a designated State law enforcement agency. As soon as practicable after the receipt of the information by the State law enforcement agency, the agency shall—

(A) enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency that has jurisdiction over the area in which the person expects to reside; and

(B) transmit the information to the Identification Division of the Federal Bureau of Investigation.

(5) **QUARTERLY VERIFICATION.**—

(A) **MAILING TO PERSON.**—Not less than every 90 days after the date of the release or commencement of parole of a person under paragraph (2), the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(B) **RETURN OF VERIFICATION FORM.**—

(i) **IN GENERAL.**—The person shall return, by mail, the verification form to the agency not later than 10 days after the receipt of the form. The verification form shall be signed by the person, and shall state that the person continues to reside at the address last reported to the designated State law enforcement agency.

(ii) **FAILURE TO RETURN.**—If the person fails to mail the verification form to the designated State law enforcement agency by the date that is 10 days after the receipt of the form by the person, the person shall be in violation of this section unless the person proves that the person has not changed the residence address of the person.

(6) **NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESSES.**—Any change of address by a person required to register under this section that is reported to the designated State law enforcement agency shall as soon as practicable be reported to the appropriate law enforcement agency that has jurisdiction over the area in which the person is residing.

(7) **PENALTY.**—A person required to register under a State program established pursuant to this section who knowingly fails to register and keep the registration current shall be subject to criminal penalties in the State. It is the sense of Congress that the penalties should include imprisonment for not less than 180 days.

(8) **TERMINATION OF OBLIGATION TO REGISTER.**—The obligation of a person to register under this section shall terminate on a determination made in accordance with the provision of paragraph (2) of this section that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) **COMMUNITY NOTIFICATION.**—The designated State law enforcement agency may release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section.

(d) **IMMUNITY FOR GOOD FAITH CONDUCT.**—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be

immune from liability for any good faith conduct under this section.

#### TITLE IX—CRIME VICTIMS

##### Subtitle A—Victims' Rights

#### SEC. 901. VICTIMS' RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—  
 "(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code."

#### SEC. 902. MANDATORY RESTITUTION AND OTHER PROVISIONS.

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

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

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

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other ex-

penses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

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

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

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

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

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or

property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

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

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender."

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

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

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

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court."

**SEC. 903. SENSE OF THE CONGRESS CONCERNING THE RIGHT OF A VICTIM OF A VIOLENT CRIME OR SEXUAL ABUSE TO SPEAK AT AN OFFENDER'S SENTENCING HEARING AND ANY PAROLE HEARING.**

It is the sense of the Congress that—

(1) the law of a State should provide for a victim's right of allocation at a sentencing hearing and at any parole hearing if the offender has been convicted of a crime of violence or sexual abuse;

(2) such a victim should have an opportunity equivalent to the opportunity accorded to the offender's counsel to address the sentencing court or parole board and to present information in relation to the sentence imposed or to the early release of the offender; and

(3) if the victim is not able to or chooses not to testify at a sentencing hearing or parole hearing, the victim's parents, legal guardian, or family members should have the right to address the court or board.

**Subtitle B—Crime Victims' Fund**

**SEC. 911. AMOUNTS OF FUNDS FOR COSTS AND GRANTS.**

Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

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

"(C) 1 percent shall be available for grants under section 1404(c); and

"(D) 4.5 percent shall be available for grants as provided in section 1404A."

**SEC. 912. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.**

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program."

**SEC. 913. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.**

(a) **CREATION OF EXCEPTION.**—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) **REQUIREMENTS OF EXCEPTION.**—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant."

**SEC. 914. USE OF UNSPENT 1402(d)(2) MONEY.**

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose"; and

(2) by adding at the end the following:

"The Director, in the Director's discretion, may use amounts made available under section

1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year."

**SEC. 915. GRANTS FOR DEMONSTRATION PROJECTS.**

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

**SEC. 916. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.**

(a) **CREATION OF EXCEPTION.**—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

(b) **REQUIREMENTS OF EXCEPTION.**—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

"(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums."

**SEC. 917. MAINTENANCE OF EFFORT.**

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes."

**Subtitle C—Senior Citizens**

**SEC. 921. SHORT TITLE.**

This subtitle may be cited as the "National Triad Program Act".

**SEC. 922. FINDINGS.**

The Congress finds that—

(1) senior citizens are among the most rapidly growing segments of our society;

(2) currently, senior citizens comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) senior citizens find themselves uniquely situated in our society, environmentally and physically;

(4) many senior citizens are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) senior citizens are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that senior citizens that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against senior citizens are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of senior citizens, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that senior citizens may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey

collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of senior citizens;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against senior citizens;

(13) those differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(14) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of senior citizens;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; and

(16) recognizing that senior citizens have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

**SEC. 923. PURPOSES.**

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement and social service agencies to stem the tide of violence against senior citizens and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the senior citizens' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against senior citizens in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

**SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.**

(a) **IN GENERAL.**—The Director of the National Institute of Justice shall, subject to the availability of appropriations, conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against senior citizens and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against senior citizens and the extent of unreported crime;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against senior citizens, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) **MATTERS TO BE ADDRESSED.**—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against senior citizens, including identifying and conducting such survey and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of senior citizens, and hard-to-reach senior citizens who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of senior citizens with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of senior citizens through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of senior citizens; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against senior citizens, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) **AVOIDANCE OF DUPLICATION.**—In conducting the assessment under subsection (a), the Director of the National Institute of Justice shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) **DISSEMINATION.**—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 922 and 923, the Director of the National Institute of Justice shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

#### SEC. 925. PILOT PROGRAMS.

(a) **AWARDS.**—The Director of the Bureau of Justice Assistance shall, subject to the availability of appropriations, make grants to coalitions of local law enforcement agencies and senior citizens to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) **TRIAD COOPERATIVE MODEL.**—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of the Triad cooperative model developed by the organizations described in section 922(15), which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 senior citizens' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate organizations.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) **APPLICATION.**—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's senior citizens;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing senior citizens and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) **DISTRIBUTION OF AWARDS.**—The Director of the Bureau of Justice Assistance shall make awards—

(1) to 17 Triad programs in counties with a population of less than 50,000;

(2) to 17 Triad programs in counties with a population of at least 50,000 but less than 100,000; and

(3) to 16 Triad programs in counties with a population of 100,000 or more.

(e) **POST-GRANT PERIOD REPORT.**—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on senior citizens in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

#### SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 924—

(1) the Director of the Bureau of Justice Assistance shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against senior citizens and promoting ideas or programs to prevent them.

#### SEC. 927. REPORT.

The Director of the Bureau of Justice Assistance and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 925.

#### SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) \$2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 925;

(2) \$1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 924 and 926;

(3) \$1,000,000 to the Bureau of Justice Assistance for the purpose of developing public service announcements under sections 924 and 926;

(4) \$2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluation pilot programs, and carrying out the research agenda under sections 924 and 926; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

### TITLE X—STATE AND LOCAL LAW ENFORCEMENT

#### Subtitle A—DNA Identification

##### SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1993".

##### SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) **DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.**—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

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

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes."

(b) **STATE APPLICATIONS.**—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of funds received from a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1003 of the DNA Identification Act of 1993;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

"(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003 of the DNA Identification Act of 1993."

##### (c) DNA IDENTIFICATION GRANTS.—

(1) **PART X.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.

3711 et seq.), as amended by section 2802(a), is amended—

- (A) by redesignating part X as part Y,  
 (B) by redesignating section 2401 as section 2501; and  
 (C) by inserting after part W the following new part:

**"PART X—DNA IDENTIFICATION GRANTS**

**"SEC. 2401. GRANT AUTHORIZATION.**

"The Director may make funds available under this part to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this part as "DNA") in a forensic laboratory.

**"SEC. 2402. APPLICATIONS.**

"To request a grant under this part, the chief executive officer of a State or unit of local government shall submit an application in such form as the Director may require.

**"SEC. 2403. APPLICATION REQUIREMENTS.**

"No grant may be made under this part unless an application has been submitted to the Director in which the applicant certifies that—

"(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1003 of the DNA Identification Act of 1993.

"(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

"(A) to criminal justice agencies for law enforcement identification purposes;

"(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

"(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(D) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 1003 of the DNA Identification Act of 1993.

**"SEC. 2404. ADMINISTRATIVE PROVISIONS.**

"(a) REGULATION AUTHORITY.—The Director may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this part, including limitations on the number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

"(b) AWARD AUTHORITY.—The Director shall have final authority over all funds awarded under this part.

"(c) TECHNICAL ASSISTANCE.—To assist and measure the effectiveness and performance of programs and activities funded under this part, the Director shall provide technical assistance as required.

**"SEC. 2405. RESTRICTIONS ON USE OF FUNDS.**

"(a) FEDERAL SHARE.—The Federal share of a grant, contract, or cooperative agreement made under this part may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

"(b) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 10 percent of the funds it receives from this part for administrative expenses.

**"SEC. 2406. REPORTS.**

"(a) REPORTS TO DIRECTOR.—Each State or unit of local government which receives a grant

under this part shall submit to the Director, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Director may reasonably require which contains—

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted under section 2402; and

"(2) such other information as the Director may require.

"(b) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report that includes—

"(1) the aggregate amount of grants made under this part to each State or unit of local government for such fiscal year; and

"(2) a summary of the information provided in compliance with subsection (a)(1).

**"SEC. 2407. EXPENDITURE RECORDS.**

"(a) RECORDS.—Each State or unit of local government which receives a grant under this part shall keep records as the Director may require to facilitate an effective audit.

"(b) ACCESS.—The Director, the Comptroller General, or their designated agents shall have access, for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive grants made under this part if, in the opinion of the Director, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant."

(2) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 2802(c), is amended by striking the matter relating to part W and inserting the following:

**"PART X—DNA IDENTIFICATION GRANTS**

"Sec. 2401. Grant authorization.

"Sec. 2402. Applications.

"Sec. 2403. Application requirements.

"Sec. 2404. Administrative provisions.

"Sec. 2405. Restrictions on use of funds.

"Sec. 2406. Reports.

"Sec. 2407. Expenditure records.

**"PART Y—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 2501. Continuation of rules, authorities, and proceedings."

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 2802(c), is amended—

(A) in paragraph (3) by striking "and W" and inserting "W, and X"; and

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

"(18) There are authorized to be appropriated to carry out part X \$5,000,000 for each of fiscal years 1994, 1995, 1996, 1997, 1998, and 1999."

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.**

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1)(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials.

(B) The advisory board shall include as members scientists from State, local, and private fo-

rensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology.

(C) The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—(1) For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation.

(2) Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a).

(3) The DNA advisory board established under this section shall be separate and distinct from any other advisory board administered by the FBI, and is to be administered separately.

(4) The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) PROFICIENCY TESTING PROGRAM.—(1) Not later than 1 year after the effective date of this Act, the Director of the National Institute of Justice shall certify to the Committees on the Judiciary of the House and Senate that—

(A) the Institute has entered into a contract with an appropriate entity for establishing a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses;

(B) a blind external proficiency testing program for DNA analyses is already readily available to public and private laboratories performing forensic DNA analyses; or

(C) it is not feasible to have blind external testing for DNA forensic analyses.

(2) As used in this subsection, the term "blind external proficiency test" means a test that is presented to a forensic laboratory through a second agency and appears to the analysts to involve routine evidence.

(3) Notwithstanding any other provision of law, the Director of the Bureau of Justice Assistance may make available to the Director of the National Institute of Justice during the first fiscal year in which funds are distributed under this subtitle up to \$250,000 from the funds available under part Y of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to carry out this subsection.

**SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.**

(a) **ESTABLISHMENT OF INDEX.**—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) **INFORMATION.**—The index described in subsection (a) shall include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed by or on behalf of a criminal justice agency in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1003;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) **FAILURE TO COMPLY.**—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) are not met.

**SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.**

(a) **PROFICIENCY TESTING REQUIREMENTS.**—

(1) **GENERALLY.**—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1003.

(B) Within 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory.

(C) In this paragraph, "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) **REPORT.**—For 5 years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests described in paragraph (1).

(b) **PRIVACY PROTECTION STANDARDS.**—

(1) **GENERALLY.**—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules; and

(C) for criminal defense purposes, to a defendant, who shall have access to samples and anal-

yses performed in connection with the case in which such defendant is charged.

(2) **EXCEPTION.**—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) **CRIMINAL PENALTY.**—(1) A person who—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than \$100,000.

(2) A person who, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than \$100,000.

**SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Federal Bureau of Investigation to carry out sections 1003, 1004, and 1005 \$4,500,000 for each of fiscal years 1994, 1995, 1996, 1997, 1998, and 1999.

**Subtitle B—Department of Justice Community Substance Abuse Prevention**

**SEC. 1011. SHORT TITLE.**

This section may be cited as the "Department of Justice Community Substance Abuse Prevention Act of 1993".

**SEC. 1012. COMMUNITY PARTNERSHIPS.**

(a) **IN GENERAL.**—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

**"Subpart 4—Community Coalitions on Substance Abuse**

**"GRANTS TO COMBAT SUBSTANCE ABUSE**

"SEC. 531. (a) **DEFINITION.**—As used in this section, the term 'eligible coalition' means an association, consisting of at least 7 organizations, agencies, and individuals that are concerned about preventing substance abuse, that shall include—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) **GRANT PROGRAM.**—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, may make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) **COMMUNITY PARTICIPATION.**—In develop-

ing a program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) **APPLICATION.**—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) **PRIORITY.**—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) **REVIEW.**—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

"(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$15,000,000 for fiscal year 1995, \$20,000,000 for fiscal year 1996, and \$25,000,000 for fiscal year 1997."

(b) **TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et

seq.) is amended by inserting after the item relating to section 522 the following:

"SUBPART 4—COMMUNITY COALITION ON  
SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse."

**Subtitle C—Racial and Ethnic Bias Study  
Grants**

**SEC. 1021. STUDY GRANTS.**

(a) FINDINGS.—The Congress finds that—  
(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, whether the State plan expressly considers the role of race in procedures for jury selection in the State, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

**Subtitle D—Improved Training and Technical  
Automation**

**SEC. 1031. IMPROVED TRAINING AND TECHNICAL  
AUTOMATION.**

(a) GRANTS.—  
(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to units of State and local law enforcement for the purposes of improving law enforcement agency efficiency through computerized automation and technological improvements.

(2) TYPES OF PROGRAMS.—Grants under this section may include programs to—

(A) increase use of mobile digital terminals;  
(B) improve communications systems;  
(C) accomplish paper-flow reduction;  
(D) establish or improve ballistics identification programs;

(E) increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis; and

(F) improve computerized collection of criminal records.

(3) FUNDING.—No funds under this subtitle may be used to implement any cryptographic or digital telephony programs.

(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

(A) expand and improve investigative and managerial training courses for State and local law enforcement agencies; and

(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1994—

(1) \$100,000,000 to carry out subsection (a);  
(2) \$40,000,000 to carry out subsection (b)(1)(A); and  
(3) \$10,000,000 to carry out subsection (b)(2)(B).

**TITLE XI—PROVISIONS RELATING TO  
POLICE OFFICERS**

**Subtitle A—Law Enforcement Family Support**

**SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(1), is amended—

(1) by redesignating part S as part T;  
(2) by redesignating section 1901 as 2001; and  
(3) by inserting after part R the following new part:

**"PART S—FAMILY SUPPORT**

**"SEC. 1901. DUTIES OF DIRECTOR.**

"The Director shall—  
(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

(6) determine issues to be researched by the Bureau and by grant recipients.

**"SEC. 1902. GENERAL AUTHORIZATION.**

"The Director may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

**"SEC. 1903. USES OF FUNDS.**

"(a) IN GENERAL.—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(6) Provide technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency or organization that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

**"SEC. 1904. APPLICATIONS.**

"A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

**"SEC. 1905. AWARD OF GRANTS; LIMITATION.**

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed \$100,000 to a State or local law enforcement agency or \$250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

**"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

"The Director may reserve 10 percent of funds to award research grants to a State or local law

enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Director.

**"SEC. 1907. REPORTS.**

**"(a) REPORT FROM GRANT RECIPIENTS.**—A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Director an annual report that includes—

- "(1) program descriptions;
- "(2) the number of staff employed to administer programs;
- "(3) the number of individuals who participated in programs; and
- "(4) an evaluation of the effectiveness of grant programs.

**"(b) REPORT FROM DIRECTOR.**—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

- "(2) Such report shall contain—
  - "(A) a description of the types of projects developed or improved through funds received under this part;
  - "(B) a description of exemplary projects and activities developed;
  - "(C) a designation of the family relationship to the law enforcement personnel of individuals served; and
  - "(D) the number of individuals served in each location and throughout the country.

**"SEC. 1908. DEFINITIONS.**

**"For purposes of this part—**  
**"(1) the term 'family-friendly policy'** means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

**"(2) the term 'law enforcement personnel'** means individuals employed by Federal, State, and local law enforcement agencies."

**(b) TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(2), is amended by striking the matter relating to part R and inserting the following:

**"PART S—FAMILY SUPPORT**

- "Sec. 1901. Duties of director.
- "Sec. 1902. General authorization.
- "Sec. 1903. Uses of funds.
- "Sec. 1904. Applications.
- "Sec. 1905. Award of grants; limitation.
- "Sec. 1906. Discretionary research grants.
- "Sec. 1907. Reports.
- "Sec. 1908. Definitions.

**"PART V—TRANSITION; EFFECTIVE DATE; REPEALS**

"Sec. 2001. Continuation of rules, authorities, and privileges."

**(c) AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(3), is amended—

- (1) in paragraph (3) by striking "and R" and inserting "R, and S"; and
- (2) by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated to carry out part U \$5,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under that part, including administrative costs, research, and training programs."

**Subtitle B—Police Pattern or Practice**

**SEC. 1111. CAUSE OF ACTION.**

**(a) UNLAWFUL CONDUCT.**—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the ad-

ministration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

**(b) CIVIL ACTION BY ATTORNEY GENERAL.**—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

**SEC. 1112. DATA ON USE OF EXCESSIVE FORCE.**

**(a) ATTORNEY GENERAL TO COLLECT.**—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

**(b) LIMITATION ON USE OF DATA.**—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

**(c) ANNUAL SUMMARY.**—The Attorney general shall publish an annual summary of the data acquired under this section.

**Subtitle C—Police Corps and Law Enforcement Officers Training and Education**  
**CHAPTER 1—POLICE CORPS**

**SEC. 1121. SHORT TITLE.**

This chapter may be cited as the "Police Corps Act".

**SEC. 1122. PURPOSES.**

The purposes of this chapter are to—  
 (1) address violent crime by increasing the number of police with advanced education and training on community patrol; and  
 (2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

**SEC. 1123. DEFINITIONS.**

In this chapter—  
 "academic year" means a traditional academic year beginning in August or September and ending in the following May or June.

"dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

- (A) was no more than 21 years old; or
- (B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director.

"Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 1124.

"educational expenses" means expenses that are directly attributable to—

- (A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or
- (B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"participant" means a participant in the Police Corps program selected pursuant to section 306.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"State Police Corps program" means a State police corps program that meets the requirements of section 1130.

**SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.**

**(a) ESTABLISHMENT.**—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

**(b) APPOINTMENT OF DIRECTOR.**—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

**(c) RESPONSIBILITIES OF DIRECTOR.**—The Director shall be responsible for the administration of the Police Corps program established by this chapter and shall have authority to promulgate regulations to implement this chapter.

**SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.**

**(a) LEAD AGENCY.**—A State that desires to participate in the Police Corps program under this chapter shall designate a lead agency that will be responsible for—

- (1) submitting to the Director a State plan described in subsection (b); and
- (2) administering the program in the State.

**(b) STATE PLANS.**—A State plan shall—

- (1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement inter-agency agreements designed to carry out the program;
- (2) contain assurances that the State shall advertise the assistance available under this chapter;
- (3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and
- (4) meet the requirements of section 1130.

**SEC. 1126. SCHOLARSHIP ASSISTANCE.**

**(a) SCHOLARSHIPS AUTHORIZED.**—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).  
 (2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

- (i) \$7,500; or
- (ii) the cost of the educational expenses relating to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed \$10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed \$30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to

reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) \$7,500; or  
(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed \$10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed \$30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 8, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1128; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

#### SEC. 1127. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1130(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1129, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes

other than satisfaction of the requirements of section 9, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this chapter that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

#### SEC. 1128. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this chapter.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) **TRAINING SESSIONS.**—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) **FURTHER TRAINING.**—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 10 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) **COURSE OF TRAINING.**—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) **EVALUATION OF PARTICIPANTS.**—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) **STIPEND.**—The Director shall pay participants in training sessions a stipend of \$250 a week during training.

#### SEC. 1129. SERVICE OBLIGATION.

(a) **SWEARING IN.**—Upon satisfactory completion of the participant's course of education and training program established in section 1128 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) **RIGHTS AND RESPONSIBILITIES.**—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) **DISCIPLINE.**—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

(d) **LAYOFFS.**—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may permit the participant to complete

the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

#### SEC. 1130. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1127;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

#### SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 1129 shall receive \$10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting Police Corps participants assigned under section 106, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of

service after the completion of the term of service prescribed in section 1129.

#### SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this chapter—

(1) \$100,000,000 for fiscal year 1995 and \$250,000,000 for fiscal year 1996; and

(2) such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

#### SEC. 1133. REPORTS TO CONGRESS.

(a) **IN GENERAL.**—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) **CONTENTS.**—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

### CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

#### SEC. 1141. SHORT TITLE.

This chapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

#### SEC. 1142. DEFINITIONS.

In this chapter—

"Director" means the Director of the Bureau of Justice Assistance.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree, including the cost of tuition, fees, books, supplies, and related expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"law enforcement position" means employment as an officer in a State or local police force, or correctional institution.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

#### SEC. 1143. ALLOTMENT.

From amounts appropriated under section 1150, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this title in the State compared to the shortage of law enforcement personnel and the need for assistance under this title in all States.

#### SEC. 1144. ESTABLISHMENT OF PROGRAM.

(a) **USE OF ALLOTMENT.**—

(1) **IN GENERAL.**—A State that receives an allotment pursuant to section 1143 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

- (i) full-time employment in summer; or  
(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 1143 the Federal share of the cost of the activities described in the application submitted pursuant to section 1147.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this chapter shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this title and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this title.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 1143 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 1143 shall ensure that each scholarship recipient under this title be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this chapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

#### SEC. 1145. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this chapter may use the scholarship for educational expenses at an institution of higher education.

#### SEC. 1146. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this chapter if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this chapter.

#### SEC. 1147. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 1143 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this title is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement inter-agency agreements designed to carry out this chapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this chapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this chapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this chapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

#### SEC. 1148. LOCAL APPLICATION.

(a) IN GENERAL.—A person who desires a scholarship or employment under this chapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this chapter, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

#### SEC. 1149. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this chapter shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in ac-

cordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

#### (c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person who receives a scholarship under this title shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

#### SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter \$30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 1144(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 1144(a)(1)(B) and 1144(a)(2).

### TITLE XII—DRUG COURT PROGRAMS

#### SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.

(a) APPLICATION.—The Attorney General may establish a unified or coordinated process for applying for grants under parts T, U, and V of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this title. In addition to any other requirements that may be specified by the Attorney General, an application for a grant under any provision of this title shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

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

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

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(7) certify that no violent offenders will be eligible or allowed to participate in the program authorized under part U.

#### (b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Attorney General shall issue regulations and guidelines to carry out the programs authorized by this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and

documents maintained by grantees or other persons for purposes of audit or examination.

(2) **PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.**—The Attorney General shall—

(A) issue regulations and guidelines to ensure that the programs authorized under part U of this title do not permit participation by violent offenders; and

(B) immediately suspend funding for any grant under this title if the Attorney General finds that violent offenders are participating in any program funded under part U.

(c) **TECHNICAL ASSISTANCE AND EVALUATION.**—The Attorney General may provide technical assistance to grantees under the programs authorized by this title. The Attorney General may carry out, or arrange by grant or contract or otherwise for the carrying out of, evaluations or programs receiving assistance under the programs authorized by this title, in addition to any evaluations that grantees may be required to carry out pursuant to subsection (b).

(d) **USE OF COMPONENTS.**—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section or other provisions of this title, or in coordinating activities under the programs authorized by this title.

(e) **GAO STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by this title and report to Congress the results of the study on or before January 1, 1997.

(2) **DOCUMENTS AND INFORMATION.**—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under paragraph (1), including the identities and criminal records of program participants.

(3) **CRITERIA.**—In assessing the effectiveness of the grants made under programs authorized by this title, the Comptroller General shall consider, among other things—

(A) recidivism rates of program participants;

(B) completion rates among program participants;

(C) drug use by program participants; and

(D) the costs of the program to the criminal justice system.

(f) **DEFINITION.**—In this title, "violent offender" means a person charged with or convicted of an offense (or charged with or adjudicated as a delinquent by reason of conduct that, if engaged in by an adult would constitute an offense), during the course of which offense or conduct—

(1) the person carried, possessed, or used a firearm or dangerous weapon;

(2) there occurred the death of or serious bodily injury to any person; or

(3) there occurred the use of force against the person of another

without regard to whether any of the circumstances described in paragraph (1), (2), or (3) is an element of the offense or conduct of which or for which the person is charged, convicted, or adjudicated as a delinquent.

#### **SEC. 1202. DRUG TESTING UPON ARREST.**

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

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

#### **"PART T—DRUG TESTING UPON ARREST**

##### **"SEC. 2001. GRANT AUTHORIZATION.**

"The Director of the Bureau of Justice Assistance may make grants under this part to States,

for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested, during the pretrial period or during participation in any pre- or post-conviction diversion program.

##### **"SEC. 2002. STATE APPLICATIONS.**

"(a) **GENERAL REQUIREMENTS.**—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) **MANDATORY ASSURANCES.**—To be eligible to receive funds under this part, a State shall agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest during the pretrial period, or during participation in any pre- or post-conviction diversion program.

"(c) **CENTRAL OFFICE.**—The office designated under section 507—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

##### **"SEC. 2003. LOCAL APPLICATIONS.**

"(a) **IN GENERAL.**—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2002(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) **DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.**—A State that receives funds under section 2001 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

##### **"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.**

"(a) **STATE DISTRIBUTION.**—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

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

"(b) **LOCAL DISTRIBUTION.**—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all

units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 2001, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) **FEDERAL SHARE.**—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"(d) **GEOGRAPHIC DISTRIBUTION.**—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

##### **"SEC. 2005. REPORT.**

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project."

(b) **TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(b), is amended by striking the matter relating to part T and inserting the following:

#### **"PART T—DRUG TESTING UPON ARREST**

"Sec. 2001. Grant authorization.

"Sec. 2002. State applications.

"Sec. 2003. Local applications.

"Sec. 2004. Allocation and distribution of funds.

"Sec. 2005. Report.

#### **"PART U—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 2101. Continuation of rules, authorities, and proceedings."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1101(c), is amended—

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

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

"(14) There are authorized to be appropriated to carry out the projects under part T \$100,000,000 for each of fiscal years 1995, 1996, and 1997."

#### **SEC. 1203. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.**

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

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

#### **"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG NONVIOLENT OFFENDERS**

##### **"SEC. 2101. GRANT AUTHORIZATION.**

"(a) **IN GENERAL.**—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for

young nonviolent offenders to traditional forms of incarceration and probation.

"(b) **ALTERNATIVE METHODS.**—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young nonviolent offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young nonviolent offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young non-violent offenders;

"(2) boot camp prison programs that provide assurances that appropriate aftercare services (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) will be made available;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young non-violent offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young non-violent offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young non-violent offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

**"SEC. 2102. STATE APPLICATIONS.**

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

"(b) **ASSURANCES.**—An application under subsection (a) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) **STATE OFFICE.**—The office designated under section 507 shall—

"(1) prepare the application as required under subsection (a); and

"(2) administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 2103. REVIEW OF STATE APPLICATIONS.**

"(a) **IN GENERAL.**—The Director shall make a grant under section 2101(a) to carry out the projects described in the application submitted by an applicant under section 2102 upon determining that—

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

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) **APPROVAL.**—An application submitted under section 2102 shall be considered approved, in whole or in part, by the Director not later than 45 days after it is first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) **RESTRICTION.**—Grant funds received under this part shall not be used for land acquisition or construction projects other than alter-

native facilities described in section 2101(b) for young non-violent offenders.

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

**"SEC. 2104. LOCAL APPLICATIONS.**

"(a) **IN GENERAL.**—To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 507.

"(b) **APPROVAL.**—An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after the application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(c) **DISAPPROVAL.**—The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(d) **EFFECT OF APPROVAL.**—If an application under paragraph (1) is approved, the unit of local government is eligible to receive the requested funds.

**"(e) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.**—

"(1) **IN GENERAL.**—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Director has approved the application submitted by the State and has made funds available to the State.

"(2) **WAIVER.**—The Director may waive the 90-day requirement of paragraph (1) upon a finding that the State is unable to satisfy the requirement under State statutes.

**"SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

"(a) **STATE DISTRIBUTION.**—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young non-violent offenders of the State bears to the number of young non-violent offenders in all the participating States.

**"(b) LOCAL DISTRIBUTION.**—

"(1) **IN GENERAL.**—A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified in section 2101 the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in such preceding fiscal year.

"(2) **UNDISTRIBUTED FUNDS.**—Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in section 2101.

"(3) **AWARD OF FUNDS BY THE DIRECTOR.**—If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award such funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) **FEDERAL SHARE.**—The Federal share of a grant made under this part may not exceed 75

percent of the total costs of the projects described in the application submitted under section 2102(a) for the fiscal year for which the projects receive assistance under this part.

"(d) **GEOGRAPHIC DISTRIBUTION.**—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

**"SEC. 2106. EVALUATION.**

**"(a) SUBMISSION.**—

"(1) **IN GENERAL.**—Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) **WAIVER.**—The Director may waive the requirement specified in paragraph (1) if the Director determines that an evaluation is not warranted in the case of a particular State or unit of local government.

"(b) **DISTRIBUTION.**—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) **ADMINISTRATIVE COSTS.**—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.

"(d) **TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(b), is amended by striking the matter relating to part U and inserting the following:

**"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG NON-VIOLENT OFFENDERS**

"Sec. 2101. Grant authorization.

"Sec. 2102. State applications.

"Sec. 2103. Review of State applications.

"Sec. 2104. Local applications.

"Sec. 2105. Allocation and distribution of funds.

"Sec. 2106. Evaluation.

**"PART V—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 2201. Continuation of rules, authorities, and proceedings."

"(c) **DEFINITION.**—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding at the end the following new paragraph:

"(24) 'young non-violent offender' means a non-violent first-time offender or non-violent offender with a minor criminal record who is 25 years of age or younger."

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202(c), is amended—

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

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

"(15) There are authorized to be appropriated to carry out the projects under part U \$200,000,000 for each of fiscal years 1995, 1996, and 1997."

**SEC. 1204. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.**

"(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

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

**"PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS**

"SEC. 2201. GRANT AUTHORIZATION.  
"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director')

may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, including residential substance abuse treatment programs for offenders who violate the terms of any post-conviction diversion program and who are committed to State correctional facilities.

**"SEC. 2202. STATE APPLICATIONS.**

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

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

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507—

"(1) shall prepare the application as required under this section; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 2203. REVIEW OF STATE APPLICATIONS.**

"(a) IN GENERAL.—The Bureau shall make a grant under section 2201 to carry out the projects described in the application submitted under section 2202 upon determining that—

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

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

"(b) APPROVAL.—Each application submitted under section 2202 shall be considered approved, in whole or in part, by the Bureau not later than 90 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**"SEC. 2204. ALLOCATION AND DISTRIBUTION OF FUNDS.**

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

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

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2202 for the fiscal year for which the projects receive assistance under this part.

**"SEC. 2205. EVALUATION.**

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require."

(b) TECHNICAL AMENDMENT.—The table of contents of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(b), is amended by striking the matter relating to part V and inserting the following:

**"PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS**

"Sec. 2201. Grant authorization.

"Sec. 2202. State applications.

"Sec. 2203. Review of State applications.

"Sec. 2204. Allocation and distribution of funds.

"Sec. 2205. Evaluation.

**"PART W—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 2301. Continuation of rules, authorities, and proceedings."

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 2102(c), is amended by adding at the end the following new paragraph:

"(25) 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems."

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202(d), is amended—

(1) in paragraph (3) by striking "and U" and inserting "U, and V"; and

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

"(16) There are authorized to be appropriated to carry out projects under part V \$100,000,000 for each of fiscal years 1995, 1996, and 1997."

**TITLE XIII—PRISONS**

**Subtitle A—Federal Prisons**

**SEC. 1301. PRISONER'S PLACE OF IMPRISONMENT.**

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after

subsection (5) the following: "In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status."

**SEC. 1302. PRISON IMPACT ASSESSMENTS.**

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

**"§4047. Prison impact assessments**

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 14 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year."

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments."

**SEC. 1303. FEDERAL PRISONER DRUG TESTING.**

(a) SHORT TITLE.—This title may be cited as the "Federal Prisoner Drug Testing Act of 1993".

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

**"§3608. Drug testing of Federal offenders on post-conviction release**

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, subject to the availability of appropriations, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title. There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section."

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release."

(c) **CONDITIONS OF PROBATION.**—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

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

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 3565(b), the court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4)."

(d) **CONDITIONS ON SUPERVISED RELEASE.**—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 3583(g), the court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test."

(e) **CONDITIONS OF PAROLE.**—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee

pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 4214(f), the Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test."

**SEC. 1304. DRUG TREATMENT IN FEDERAL PRISONS.**

(a) **SHORT TITLE.**—This section may be cited as the "Drug Treatment in Federal Prisons Act of 1993".

(b) **DEFINITIONS.**—As used in this section—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) **IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.**—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(d) **INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.**—

"(1) **GENERALLY.**—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue

such conditions on determining that drug abuse has recurred.

"(2) **PERIOD OF CUSTODY.**—The period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year."

(d) **REPORT.**—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 1995 and each fiscal year thereafter such sums as may be necessary to carry out this title.

**SEC. 1305. SENTENCES TO ACCOUNT FOR COSTS TO THE GOVERNMENT OF IMPRISONMENT, RELEASE, AND PROBATION.**

(a) **IMPOSITION OF SENTENCE.**—Section 3572(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the expected costs to the government of any imprisonment, supervised release, or probation component of the sentence;";

(b) **DUTIES OF THE SENTENCING COMMISSION.**—Section 994 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(y) The Commission, in promulgating guidelines pursuant to subsection (a)(1), may include, as a component of a fine, the expected costs to the Government of any imprisonment, supervised release, or probation sentence that is ordered."

**Subtitle B—State Prisons**

**SEC. 1321. BOOT CAMPS AND PRISONS FOR VIOLENT DRUG OFFENDERS.**

(a) **DEFINITION.**—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) **ESTABLISHMENT OF GRANT AND TECHNICAL ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, operating, and improving boot camp prison programs, city or county detention facilities, or low- to medium-security prisons;

(B) developing, constructing, and operating prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) **TECHNICAL ASSISTANCE.**—The Attorney General may provide technical assistance to grantees under this section.

(3) **UTILIZATION OF PRIVATE SECTOR.**—Nothing herein shall prevent the utilization of any grant funds to contract with the private sector to design, construct or provide any services associated with any facilities funded herein.

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

(c) **STATE AND MULTI-STATE COMPACT APPLICATIONS.**—

(1) **IN GENERAL.**—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines. The chief executive of a State or the coordinator of a multi-State compact association may designate private sector participants for the design, construction or provision of services associated with any facilities for which funding is requested.

(2) **CONTENT OF APPLICATION.**—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) **LIMITATIONS ON FUNDS.**—

(1) **NONSUPPLANTING REQUIREMENT.**—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) **ADMINISTRATIVE COSTS.**—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) **MATCHING FUNDS.**—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) **DURATION OF GRANTS.**—

(A) **IN GENERAL.**—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) **MULTIYEAR GRANTS.**—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) **CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.**—

(1) **DEFINITION.**—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Attorney General shall prepare and disseminate to State and local officials a report listing any real property or facility located at a military installation to be closed or realigned under a base closure law that is suitable for use as a boot camp prison or regional prison. The Attorney General shall periodically update this report for dissemination to State and local officials.

(3) **APPLICABILITY.**—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) **PERFORMANCE EVALUATION.**—

(1) **EVALUATION COMPONENTS.**—

(A) **IN GENERAL.**—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) **OUTCOME MEASURES.**—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) **PERIODIC REVIEW AND REPORTS.**—

(A) **REVIEW.**—The Attorney General shall review the performance of each grant recipient under this section.

(B) **REPORTS.**—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) **REPORT TO CONGRESS.**—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) **REVOCACTION OR SUSPENSION OF FUNDING.**—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) **ACCESS TO DOCUMENTS.**—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) **GENERAL REGULATORY AUTHORITY.**—The Attorney General may issue regulations and guidelines to carry out this section.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$3,000,000,000, to remain available until expended.

(2) **USE OF APPROPRIATED FUNDS.**—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

**SEC. 1322. NATIONAL INSTITUTE OF JUSTICE STUDY.**

(a) **FEASIBILITY STUDY.**—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) **REPORT TO CONGRESS.**—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) **DEFINITION.**—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

**SEC. 1323. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.**

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State; and

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

**SEC. 1324. NOTIFICATION OF RELEASE OF PRISONERS.**

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) APPLICATION OF SECTION.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3).

"(4) The notice provided under this section shall be used solely for law enforcement purposes."

**SEC. 1325. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.**

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

**Subtitle C—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974****SEC. 1331. GRANTS FOR COMMUNITY-BASED VIOLENT-JUVENILE FACILITIES.**

(a) IN GENERAL.—The Attorney General, through the Bureau of Prisons, may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, and operating secure facilities for violent and chronic juvenile offenders. The mandate required by the Juvenile Justice and Delinquency Prevention Act shall not apply to grants under this subtitle.

(b) AUTHORIZATION.—There are authorized to be appropriated \$100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, 1998.

**Subtitle D—Regional Prisons and State Prisons****SEC. 1341. REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT CRIMINAL ALIENS.**

(a) DEFINITIONS.—In this section—"child abuse offense" means an offense under Federal or State law that constitutes sexual ex-

ploitation of children or selling or buying of children within the meaning of chapter 110 of title 18, United States Code.

"firearm offense" means an offense under Federal or State law committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"crime of violence" means a felony offense under Federal or State law that is a crime of violence within the meaning of section 16 of title 18, United States Code.

"qualifying prisoner" means—

(A) an alien who is in this country illegally or unlawfully and who has been convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a serious drug offense (as defined in section 924(e)(2)(A) of title 18, United States Code); and

(B) a violent criminal.

"sex offense" means an offense under Federal or State law that constitutes aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, or abusive sexual contact within the meaning of chapter 109A of title 18, United States Code.

"violent criminal"—

(A) means a person convicted under Federal law of an offense described in, under the circumstances described in, the provisions of section 924 (c) or (e) of title 18 or section 994(h) of title 28, United States Code, or under State law for the same or a similar offense; and

(B) insofar as any of the circumstances described in an offense described in subparagraph (A) is the prior conviction of an offense, includes a person who had been adjudicated as a juvenile delinquent by reason of the commission of an act that, if committed by an adult, would constitute such an offense.

(b) CONSTRUCTION OF PRISONS.—(1) IN GENERAL.—The Attorney General shall, after consultation with State correctional administrators, construct and operate a minimum of 10 regional prisons, situated throughout the United States, each containing space for at least 2,500 inmates. The Attorney General may contract with the private sector to design, construct or provide any services associated with the regional prisons. At least 75 percent of the overall capacity of such prisons in the aggregate shall be dedicated to qualifying prisoners from qualifying States. In making a determination as to the location of regional prisons, the Attorney General shall give appropriate consideration to the feasibility of converting Federal correctional complexes currently in the planning or construction phase.

(2) CONSIDERATION OF COST-EFFECTIVE ALTERNATIVES AND STATE AND LOCAL RE-USE PLANS.—(A) In determining where to locate any of the regional prisons authorized in paragraph (1), and in accordance with the Department of Justice's duty to review and identify a use for any portion of an installation closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) the Attorney General shall consider—

(i) whether using any portion of a closed military installation in the region or military installation scheduled to be closed in the region provides a cost-effective alternative to the purchase of real property or construction of new prison facilities;

(ii) whether such use is consistent with a reutilization and redevelopment plan. Consent must be obtained from the local re-use authority for the military installation, recognized and funded by the Secretary of Defense, before the Attorney General may proceed with plans for the design or construction of a prison authorized in paragraph 1; and

(iii) giving priority consideration to any installation located in a rural area whose closure under this title will have a substantial adverse impact on the economy of the communities for the economic recovery of such communities from such closure.

(B) Before proceeding with plans for the design or construction of a prison authorized in paragraph (1), the Attorney General shall submit to Congress a report explaining the basis of the decision on where to locate the new prison facility.

(C) If the Attorney General decides not to utilize any portion of a closed military installation or an installation scheduled to be closed for locating a regional prison, the report shall include an analysis of why installations in the region, the use of which as a prison would be consistent with a reutilization and redevelopment plan, do not provide a cost-effective alternative to the purchase of real property or construction of new facilities.

(D) The Attorney General shall obtain all information necessary to determine whether any portion of a closed military installation in the region or military installation scheduled to be closed in the region is a cost-effective alternative to the purchase of real property or construction of new prison facilities.

(c) ACCEPTANCE OF PRISONERS.—Any qualifying State may apply to the Attorney General to accept any qualifying prisoner. If, in the Attorney General's judgment there are likely to be more qualifying prisoners than there is space available, then to the extent that the Attorney General deems it practicable, the Attorney General should seek to allocate space among qualifying States in a proportion similar to the number of qualifying prisoners held by that State in relation to the total number of qualifying prisoners from qualifying States.

(d) QUALIFYING STATE.—

(1) IN GENERAL.—The Attorney General shall not certify a State as a qualifying State under this section unless the State is providing—

(A) truth in sentencing with respect to any felony crime of violence involving the use or attempted use of force against a person, or use of a firearm against a person for which a maximum sentence of 5 years or more is authorized that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentences for firearm offenders where death or serious bodily injury results, murderers, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all appropriate stages of criminal proceedings.

(2) DISQUALIFICATION.—The Attorney General shall withdraw a State's status as a qualifying State if the Attorney General finds that the State no longer appropriately provides for the matters described in paragraph (1) or has ceased making substantial progress toward attaining them, in which event the State shall no longer be entitled to the benefits of this section, except to the extent the Attorney General otherwise directs.

(3) WAIVER.—The Attorney General may waive, for no more than one year, any of the requirements of this subsection with respect to a

particular State if the Attorney General certifies that, in the Attorney General's judgment, there are compelling law enforcement reasons for doing so. Any State granted any such waiver shall be treated as a qualifying State for all purposes of this subtitle, unless the Attorney General otherwise directs.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$600,000,000 for fiscal year 1994;
- (2) \$600,000,000 for fiscal year 1995;
- (3) \$600,000,000 for fiscal year 1996;
- (4) \$600,000,000 for fiscal year 1997; and
- (5) \$600,000,000 for fiscal year 1998.

**Subtitle E—Violent Crime Reduction Trust Fund**

**SEC. 1351. PURPOSES.**

The Congress declares it essential—

(1) to fully fund the control and prevention of violent crime authorized in this Act over the next 5 years;

(2) to ensure orderly limitation and reduction of Federal Government employment, as recommended by the Report of the National Performance Review, conducted by the Vice President; and

(3) to apply sufficient amounts of the savings achieved by limiting Government employment to the purpose of ensuring full funding of this Act over the next 5 years.

**SEC. 1352. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.**

(a) **DEFINITION.**—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) **LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.**—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

- (1) 2,095,182 during fiscal year 1994;
- (2) 2,044,100 during fiscal year 1995;
- (3) 2,003,846 during fiscal year 1996;
- (4) 1,963,593 during fiscal year 1997; and
- (5) 1,923,339 during fiscal year 1998.

(c) **MONITORING AND NOTIFICATION.**—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) **COMPLIANCE.**—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) **WAIVER.**—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

**SEC. 1353. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.**

(a) **ESTABLISHMENT OF THE ACCOUNT.**—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

**"§1115. Violent crime reduction trust fund**

"(a) There is established a separate account in the Treasury, known as the 'Violent Crime Reduction Trust Fund', into which shall be deposited deficit reduction achieved by section 1352 of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

- "(1) for fiscal year 1994, \$720,000,000;
- "(2) for fiscal year 1995, \$2,423,000,000;
- "(3) for fiscal year 1996, \$4,267,000,000;
- "(4) for fiscal year 1997, \$6,313,000,000; and
- "(5) for fiscal year 1998, \$8,545,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, 'appropriations under paragraph (1)' mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated."

(b) **LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.**—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund."

(c) **REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.**—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

"(30) an analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 1352 of the Violent Crime Control and Law Enforcement Act of 1993."

**SEC. 1354. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.**

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: \$720,000,000 in new budget authority and \$314,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: \$2,423,000,000 in new budget authority and \$2,330,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: \$4,267,000,000 in new budget authority and \$4,184,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: \$6,313,000,000 in new budget authority and \$6,221,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: \$8,545,000,000 in new budget authority and \$8,443,000,000 in outlays.

**TITLE XIV—RURAL CRIME**

**Subtitle A—Drug Trafficking in Rural Areas**  
**SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O \$50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998."

(b) **AMENDMENT TO BASE ALLOCATION.**—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "\$100,000" and inserting "\$250,000".

**SEC. 1402. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.**

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) **TASK FORCE MEMBERSHIP.**—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

- (1) State and local law enforcement agencies;
- (2) the Drug Enforcement Administration;
- (3) the Federal Bureau of Investigation;
- (4) the Immigration and Naturalization Service;
- (5) the Customs Service;
- (6) the United States Marshals Service; and
- (7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

**SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

(a) **IN GENERAL.**—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) **ADEQUATE STAFFING.**—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

**SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.**

(a) **SPECIALIZED TRAINING FOR RURAL OFFICERS.**—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out subsection (a) \$1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

**SEC. 1405. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.**

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents \$20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

**Subtitle B—Drug Free Truck Stops and Safety Rest Areas****SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.**

(a) **SHORT TITLE.**—This section may be cited as the "Drug Free Truck Stop Act".

(b) **AMENDMENT TO CONTROLLED SUBSTANCES ACT.**—

(1) **IN GENERAL.**—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

**"TRANSPORTATION SAFETY OFFENSES**

"SEC. 409. (a) **DEFINITIONS.**—In this section—  
"safety rest area" means a roadside facility with parking facilities for the rest or other needs of motorists.

"truck stop" means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716)) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) **FIRST OFFENSE.**—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) **SUBSEQUENT OFFENSE.**—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

"(1) 3 times the maximum punishment authorized by section 401(b); and

"(2) 3 times any term of supervised release authorized by section 401(b) for a first offense."

(2) **TECHNICAL AMENDMENTS.**—

(A) **CROSS REFERENCE.**—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(B) **TABLE OF CONTENTS.**—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

"Sec. 409. Transportation safety offenses."

(c) **SENTENCING GUIDELINES.**—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

**Subtitle C—Rural Domestic Violence and Child Abuse Enforcement****SEC. 1421. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.**

(a) **GRANTS.**—The Attorney General may make grants to units of State and local governments

of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) **DEFINITION.**—In this section, "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) **ADDITIONAL FUNDING.**—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

**TITLE XV—DRUG CONTROL****Subtitle A—Increased Penalties****SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.**

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting "(d)".

**SEC. 1502. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.**

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or \$500, whichever is greater" after "value of the article".

**SEC. 1503. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.**

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

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

**SEC. 1504. ANABOLIC STEROIDS PENALTIES.**

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade

or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

"(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person."

**SEC. 1505. INCREASED PENALTIES FOR DRUG DEALING IN "DRUG-FREE" ZONES.**

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend existing guidelines to provide that a defendant convicted of violating section 419 of the Controlled Substances Act (21 U.S.C. 860) shall be assigned an offense level under chapter 2 of the sentencing guidelines that is no less than level 20.

**SEC. 1506. ENHANCED PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.**

(a) **DECLARATION OF POLICY.**—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) **SENTENCING GUIDELINES.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 404 of the Controlled Substances Act involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 401(b) of the Controlled Substances Act involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) **NO PROBATION OR SUSPENSION OF SENTENCE.**—Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person convicted of an offense described in subsection (b).

**Subtitle B—Precursor Chemicals Act****SEC. 1511. SHORT TITLE.**

This title may be cited as the "Chemical Control Amendments Act of 1993".

**SEC. 1512. DEFINITION AMENDMENTS.**

(a) **DEFINITIONS.**—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34)—  
(A) by striking "listed precursor chemical" and inserting "list I chemical"; and

(B) by striking "critical to the creation" and inserting "important to the manufacturer";

(3) in paragraph (34) (A), (F), and (H), by inserting " , its esters" before "and";

(4) in paragraph (35)—

(A) by striking "listed essential chemical" and inserting "list II chemical";

(B) by inserting "(other than a list I chemical)" before "specified"; and

(C) by striking "as a solvent, reagent, or catalyst";

(5) in paragraph (38) by inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a

tableting machine, or an encapsulating machine" before the period;

(6) in paragraph (39)(A)—

(A) by striking "importation or exportation of" and inserting "importation, or exportation of, or an international transaction involving shipment of,";

(B) in clause (iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(C) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

"(1)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine and therapeutically insignificant quantities of another active medicinal ingredient; or

"(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General.";

(D) in clause (v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this title and title II based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered,";

(7) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" each place it appears and inserting "list I chemical or a list II chemical"; and

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

"(43) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

"(44) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

"(A) negotiating contracts;

"(B) serving as an agent or intermediary; or

"(C) bringing together a buyer and seller, buyer and transporter, or a seller and transporter.";

(b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

(1) PROCEDURE.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF EXEMPTION OF CERTAIN DRUGS

"SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv)(II) a drug or group of drugs that the Attorney General finds is being diverted to obtain a listed chemical for use in the illicit production of a controlled substance.

"(b) FACTORS TO BE CONSIDERED.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

"(1) the scope, duration, and significance of the diversion;

"(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily

used in the illicit production of a controlled substance; and

"(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

"(c) SPECIFICITY OF DESIGNATION.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

"(d) REINSTATEMENT OF EXEMPTION WITH RESPECT TO PARTICULAR DRUG PRODUCTS.—

"(1) REINSTATEMENT.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion.

"(2) FACTORS TO BE CONSIDERED.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) STATUS PENDING APPLICATION FOR REINSTATEMENT.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) AMENDMENT AND MODIFICATION.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.";

(2) TECHNICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of the section relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs."

(c) REGULATION OF LISTED CHEMICALS.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B) by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

SEC. 1513. REGISTRATION REQUIREMENTS.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions."

(b) PERSONS REQUIRED TO REGISTER UNDER SECTION 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b)—

(A) by inserting "or list I chemicals" after "controlled substances"; and

(B) by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS UNDER SECTION 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

"(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance by the applicant with applicable Federal, State and local law;

"(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

"(5) such other factors as are relevant to and consistent with the public health and safety."

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting "or a list I chemical" after "controlled substance" each place it appears; and

(B) by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g)—

(A) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(B) by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance"; and

(B) in paragraph (2) by striking "in schedule I, II, III, IV, or V," and inserting "or list I chemical,"; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(B) in paragraph (2) by inserting "or list I chemicals" after "controlled substances".

(f) **REGISTRATION REQUIREMENTS UNDER SECTION 1008.**—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

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

"(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

"(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(g) **PROHIBITED ACTS C.**—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

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

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

"(9) if the person is a regulated person, to distribute, import, or export a list I chemical without the registration required by this Act.".

**SEC. 1514. REPORTING OF LISTED CHEMICAL MANUFACTURING.**

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

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

"(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv)."

**SEC. 1515. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.**

(a) **NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.**—Sec-

tion 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II."

(b) **PROHIBITED ACTS A.**—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) A person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

"(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported, shall be fined in accordance with title 18, imprisoned not more than 10 years, or both."

**SEC. 1516. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.**

(a) **NOTIFICATION REQUIREMENT.**—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 5(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such infor-

mation as the Attorney General shall establish by regulation."

(b) **PROHIBITED ACTS A.**—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 5(b), is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

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

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or

"(6) imports or exports a listed chemical in violation of section 1007 or 1018."

**SEC. 1517. AMENDMENTS TO LIST I.**

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)"; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraph:

"(V) benzaldehyde.

"(W) nitroethane."

**SEC. 1518. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.**

(a) **DEFINITION.**—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term "regular importer" means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General."

(b) **NOTIFICATION.**—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer"; and

(B) in paragraph (2)—

(i) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(ii) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(2) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

**SEC. 1519. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.**

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained."; and

(2) in subsection (b)(3)—

(A) in subparagraph (B) by inserting “, listed chemicals,” after “unfinished drugs”; and

(B) in subparagraph (C) by inserting “or listed chemical” after “controlled substance” and inserting “or chemical” after “such substance”.

**SEC. 1520. THRESHOLD AMOUNTS.**

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting “of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical,” before “a threshold amount, including a cumulative threshold amount for multiple transactions”.

**SEC. 1521. MANAGEMENT OF LISTED CHEMICALS.**

(a) IN GENERAL.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

**“MANAGEMENT OF LISTED CHEMICALS**

“SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

“(b) ENHANCED PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

“(2) Pursuant to paragraph (1) a defendant shall be assessed the following costs to the United States, a State, or another authority or person that undertakes to correct the results of the improper management of a listed chemical:

“(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

“(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

“(3)(A) A violation of subsection (a) shall be punished as a class D felony, or in the case of a willful violation, as a class C felony.

“(B) Pursuant to its authority under section 944 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide for an appropriate enhancement of punishment for a willful violation of subsection (a).

“(4) A court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

“(c) USE OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.”.

(b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (12) and inserting “; or”; and

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

“(13) for costs assessed under section 311(b) of the Controlled Substances Act.”.

**SEC. 1522. FORFEITURE EXPANSION.**

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraph (6) by inserting “or listed chemical” after “controlled substance”; and

(2) in paragraph (9) by striking “a felony provision of”.

**SEC. 1523. REGULATIONS AND EFFECTIVE DATE.**

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the date of enactment of this Act, issue regulations necessary to carry out this title.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall become effective on the date that is 120 days after the date of enactment of this Act.

**Subtitle C—General Provisions**

**SEC. 1531. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.**

Section 1961(1) of title 18, United States Code, is amended by striking “narcotic or other dangerous drugs” each place it appears and inserting “a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act”.

**SEC. 1532. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.**

(a) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning “If any person commits” by striking “one or more prior convictions” through “have become final” and inserting “a prior conviction for a felony drug offense has become final”.

(b) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking “one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marijuana, or depressant or stimulant drugs, have become final” and inserting “one or more prior convictions of such person for a felony for a felony drug offense have become final”.

(c) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning “For purposes of this subparagraph, the term ‘felony drug offense’ means”.

(d) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

“(43) The term ‘felony drug offense’ means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marijuana, or depressant or stimulant substances.”.

**SEC. 1533. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101-516 THAT CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.**

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516. The program shall notify the Governors and State Representatives of the requirements of that section.

**SEC. 1534. ADVERTISING.**

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

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

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

“(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term ‘advertisement’ includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term ‘advertisement’ does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.”.

**SEC. 1535. NATIONAL DRUG CONTROL STRATEGY.**

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended by adding at the end the following new paragraph:

“(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1993, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

**SEC. 1536. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF \$10,000 IN WEAPON SCREENING.**

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF \$10,000.—Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of \$10,000 the possession of which may be a violation of Federal or State law.”.

**SEC. 1537. DRUG PARAPHERNALIA AMENDMENT.**

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

“(g) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. In an action under this section, the court shall determine the occurrence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to \$250,000, and to grant such other relief, including an injunction, as may be appropriate. Such remedies shall be in addition to any other remedy available under other law.”.

**TITLE XVI—DRUNK DRIVING PROVISIONS**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Drunk Driving Child Protection Act of 1993”.

**SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.**

Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

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

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than \$1,000, or both, if—

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age."

**SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.**

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

**TITLE XVII—COMMISSIONS**

**Subtitle A—Commission on Crime and Violence**

**SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.**

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 25 members, appointed as follows:

(1) 7 persons by the President, 4 of whom shall be members of one major political party and 3 of whom shall be members of another major political party;

(2) 9 persons by the Speaker of the House of Representatives, 4 of whom shall be appointed on the recommendation of the minority leader; and

(3) 9 persons by the President pro tempore of the Senate, 5 of whom shall be appointed on the recommendation of the majority leader of the Senate and the chairman of the Committee on the Judiciary of the Senate and 4 of whom shall be appointed on the recommendation of the minority leader of the Senate and the ranking minority member of the Committee on the Judiciary of the Senate.

**SEC. 1702. PURPOSE.**

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors leading to or contributing to crime and specific proposals for legislative

and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

**SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.**

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(7) Reviewing all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

**Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States**

**SEC. 1711. SHORT TITLE.**

This subtitle may be cited as the "National Commission to Study the Causes of the Demand for Drugs in the United States".

**SEC. 1712. ESTABLISHMENT.**

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (referred to in this subtitle as the "Commission").

**SEC. 1713. DUTIES.**

(a) IN GENERAL.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) EXAMINATION.—Matters examined by the Commission under this section shall include the following:

(1) CHARACTERISTICS.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) ENVIRONMENT.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) ASSOCIATIONS AND SOCIAL RELATIONSHIPS.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(4) CULTURE.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) PHYSIOLOGICAL AND PSYCHOLOGICAL FACTORS.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) EFFORTS OF GOVERNMENTS.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

**SEC. 1714. MEMBERSHIP.**

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 15 members, as follows:

(A) PRESIDENT.—Four individuals appointed by the President, 2 of whom shall be members of one major political party and 2 of whom shall be members of another major political party.

(B) SENATE.—Five individuals, 3 of whom shall be appointed by the majority leader of the Senate, after consultation with the chairman of the Committee on the Judiciary of the Senate, and 2 of whom shall be appointed by the minority leader of the Senate, after consultation with the ranking minority member of the Committee on the Judiciary of the Senate. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) HOUSE OF REPRESENTATIVES.—Five individuals, 3 of whom shall be appointed jointly by the Speaker and majority leader of the House of Representatives and 2 of whom shall be appointed by the minority leader of the House of Representatives. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(D) MINORITY CONGRESSIONAL LEADERSHIP.—One individual appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) bio-medicine;

(v) addiction; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and

shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) **QUORUM.**—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) **CHAIRPERSON AND VICE CHAIRPERSON.**—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) **CONTINUATION OF MEMBERSHIP.**—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) **VACANCIES.**—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) **COMPENSATION.**—

(1) **NO PAY, ALLOWANCE, OR BENEFIT.**—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) **TRAVEL EXPENSES.**—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

#### SEC. 1715. STAFF AND SUPPORT SERVICES.

(a) **DIRECTOR.**—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) **STAFF.**—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) **EXPERTS AND CONSULTANTS.**—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) **OTHER RESOURCES.**—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) **PHYSICAL FACILITIES.**—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

#### SEC. 1716. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) **DELEGATION OF AUTHORITY.**—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) **INFORMATION.**—The Commission may secure directly from any Federal agency informa-

tion necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) **GIFTS, BEQUESTS, AND DEVICES.**—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devices of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

#### SEC. 1717. REPORTS.

(a) **MONTHLY REPORTS.**—The Commission shall submit monthly activity reports to the President and the Congress.

(b) **REPORTS.**—

(1) **INTERIM REPORT.**—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) **FINAL REPORT.**—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) **PRINTING AND PUBLIC DISTRIBUTION.**—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and  
(2) make the report available to the public upon request.

#### SEC. 1718. TERMINATION.

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

#### Subtitle C—National Commission to Support Law Enforcement

##### SEC. 1721. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act".

##### SEC. 1722. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

##### SEC. 1723. ESTABLISHMENT.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

##### SEC. 1724. DUTIES.

(a) **IN GENERAL.**—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) **FUNDING.**—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) **EMPLOYMENT.**—The conditions of law enforcement employment.

(3) **INFORMATION.**—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) **RESEARCH AND TRAINING.**—The status of law enforcement research and education and training.

(5) **EQUIPMENT AND RESOURCES.**—The adequacy of equipment, physical resources, and human resources.

(6) **COOPERATION.**—The cooperation among Federal, State, and local law enforcement agencies.

(7) **RESPONSIBILITY.**—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) **IMPACT.**—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) **CONSULTATION.**—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

##### SEC. 1725. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 29 members as follows:

(1) 9 individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) 2 shall be appointed by the Speaker of the House of Representatives;

(B) 2 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the House of Representatives;

(D) 2 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the President.

(2) 9 individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) 2 shall be appointed by the Speaker of the House of Representatives;

(B) 2 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the House of Representatives;

(D) 2 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the President.

(3) 2 individuals with academic expertise regarding law enforcement issues, of whom—

(A) 1 shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) 1 shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) 2 Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) 2 Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) 1 individual from the Department of Justice, appointed by the President.

(7) 2 individuals representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed jointly by the majority leader and the minority leader of the Senate.

(8) 2 individuals representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed jointly by the Speaker and the minority leader of the House of Representatives.

(b) **COMPTROLLER GENERAL.**—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) **CHAIRPERSON.**—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) **COMPENSATION.**—

(1) **IN GENERAL.**—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) **TRAVEL EXPENSES.**—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) **APPOINTMENT DATES.**—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act.

#### SEC. 1726. EXPERTS AND CONSULTANTS.

(a) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) **ADMINISTRATIVE SUPPORT.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

#### SEC. 1727. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) **DELEGATION OF AUTHORITY.**—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) **INFORMATION.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) **GIFTS AND DONATIONS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

#### SEC. 1728. REPORT.

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has

determined to be appropriate shall be submitted to Congress.

#### SEC. 1729. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 1738.

#### SEC. 1730. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (Public Law 101-647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2122) are repealed.

#### Subtitle D—Presidential Summit on Violence

##### SEC. 1731. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) violence in America has reached epidemic proportions;

(2) this epidemic reaches into communities large and small, affects the richest and the poorest among us, touches people of every ethnic and economic background, and affects all institutions, both public and private;

(3) actual violence and depictions of violence are so pervasive that they have an enormous impact on the lives and character of our children;

(4) every person, group, and institution in America has a role to play in ending the epidemic of violence; and

(5) we need a national conference in order to develop a shared understanding of the causes of violence in America and to build a national consensus on the solutions to this epidemic.

##### SEC. 1732. PRESIDENTIAL SUMMIT ON VIOLENCE.

Congress calls on the President to convene as soon as possible a national summit on violence in America. The President is urged to include participants from all regions of the country and all walks of life, both public and private.

#### Subtitle E—Commission on Violence in Schools

##### SEC. 1741. ESTABLISHMENT SCHOOLS.

There is established, subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

##### SEC. 1742. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

##### SEC. 1743. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

#### SEC. 1744. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—

(1) **IN GENERAL.**—The Commission shall consist of 22 members, as follows:

(A) **PRESIDENT.**—Two persons appointed by the President.

(B) **SENATE.**—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) **HOUSE OF REPRESENTATIVES.**—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatives.

(2) **GOALS IN MAKING APPOINTMENTS.**—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employment.

(b) **DEADLINE FOR APPOINTMENT.**—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) **MEETINGS.**—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) **QUORUM.**—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) **CHAIRPERSON AND VICE CHAIRPERSON.**—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(f) **CONTINUATION OF MEMBERSHIP.**—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) **VACANCIES.**—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) **COMPENSATION.**—

(1) **NO PAY, ALLOWANCE, OR BENEFIT.**—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) **TRAVEL EXPENSES.**—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

#### SEC. 1745. STAFF AND SUPPORT SERVICES.

(a) **DIRECTOR.**—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) **STAFF.**—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The staff of the Commission shall be appointed

without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) **EXPERTS AND CONSULTANTS.**—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) **OTHER RESOURCES.**—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) **PHYSICAL FACILITIES.**—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

#### SEC. 1746. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) **DELEGATION OF AUTHORITY.**—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) **INFORMATION.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) **GIFTS, BEQUESTS, AND DEVICES.**—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devices of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

#### SEC. 1747. REPORTS.

(a) **MONTHLY REPORTS.**—The Commission shall submit monthly activity reports to the President and the Congress.

##### (b) REPORTS.—

(1) **INTERIM REPORT.**—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) **FINAL REPORT.**—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the Presi-

dent a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) **PRINTING AND PUBLIC DISTRIBUTION.**—Upon receipt of each report of the Commission under this section, the President shall—

- (1) order the report to be printed; and
- (2) make the report available to the public upon request.

#### SEC. 1748. TERMINATION.

The Commission shall terminate on the date which is 2 years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

#### SEC. 1749. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

### TITLE XVIII—BAIL POSTING REPORTING

#### SEC. 1801. SHORT TITLE.

This title may be cited as the "Illegal Drug Profits Act of 1993".

#### SEC. 1802. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) **IN GENERAL.**—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding \$10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) **CRIMINAL OFFENSES.**—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance;

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code);

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code); and

(4) any violation of State criminal law involving an offense substantially similar to an offense described in paragraph (1), (2), or (3).

(c) **COPY TO PROSECUTORS.**—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) **REGULATIONS.**—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the date of enactment of this Act.

(e) **EFFECTIVE DATE.**—This section shall become effective 60 days on the date of the promulgation of regulations under subsection (d).

### TITLE XIX—MOTOR VEHICLE THEFT PREVENTION

#### SEC. 1901. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

#### SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating

State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) **UNIFORM DECAL OR DEVICE DESIGNS.**—

(1) **IN GENERAL.**—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) **TYPE OF DESIGN.**—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) **VOLUNTARY CONSENT FORM.**—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) **SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.**—

(1) **IN GENERAL.**—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) **MORE THAN ONE SET OF CONDITIONS.**—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) **NO NEW CONDITIONS WITHOUT CONSENT.**—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) **LIMITED PARTICIPATION BY STATES AND LOCALITIES.**—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) **MOTOR VEHICLES FOR HIRE.**—

(1) **NOTIFICATION TO LESSEES.**—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) **TYPE OF NOTICE.**—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) **FINE FOR FAILURE TO PROVIDE NOTICE.**—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed \$5,000.

(f) **NOTIFICATION OF POLICE.**—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) **REGULATIONS.**—The Attorney General shall promulgate regulations to implement this section.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized such sums as are necessary to carry out this section.

#### SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) **BASIC OFFENSE.**—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

“(a) A person who—  
 “(1) knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or  
 “(2) with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act,  
 shall be fined under this title, imprisoned not more than 5 years, or both.”

(b) **EXCEPTED PERSONS.**—Paragraph (2) of section 511(b) of title 18, United States Code, is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

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

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

“(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

“(i) the owner or his authorized agent;

“(ii) applicable State or local law; or

“(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.”

(c) **DEFINITION.**—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

“(d) For purposes of subsection (a) of this section, the term ‘tampers with’ includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.”

(d) **UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.**—

(1) **IN GENERAL.**—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

#### “§511A. Unauthorized application of theft prevention decal or device

“(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed \$1,000.

“(b) For purposes of this section, the term ‘theft prevention decal or device’ means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.”

(2) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding after the item relating to section 511 the following new item:

“511A. Unauthorized application of theft prevention decal or device.”

#### TITLE XX—PROTECTIONS FOR THE ELDERLY

##### SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) **GRANT.**—The Attorney General shall, subject to the availability of appropriations, award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) **APPLICATION.**—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) **ELIGIBLE ORGANIZATION.**—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1995, 1996, and 1997.

##### SEC. 2002. CRIMES AGAINST THE ELDERLY.

(a) **IN GENERAL.**—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) **CRITERIA.**—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) **DEFINITIONS.**—In this section—  
 “crime of violence” means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code.

“elderly victim” means a victim who is 65 years of age or older at the time of an offense.

#### TITLE XXI—CONSUMER PROTECTION

##### SEC. 2101. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

##### “§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

“(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

“(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

“(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

“(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

“(b)(1) Whoever—  
 “(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

“(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

“(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed \$5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

“(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of

affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

“(A) deceive any person about the financial condition or solvency of such business, or

“(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business,

shall be punished as provided in paragraph (2).

“(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

“(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

“(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

“(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

“(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

“(f) As used in this section—

“(1) the term ‘business of insurance’ means—

“(A) the writing of insurance, or

“(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

“(2) the term ‘insurer’ means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

“(3) the term ‘interstate commerce’ means—

“(A) commerce within the District of Columbia, or any territory or possession of the United States;

“(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

“(C) all commerce between points within the same State through any place outside such State; or

“(D) all other commerce over which the United States has jurisdiction; and

“(4) the term ‘State’ includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

#### “§1034. Civil penalties and injunctions for violations of section 1033

“(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

“(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.”

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

“1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

“1034. Civil penalties and injunctions for violations of section 1033.”

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking “or” at the end of subparagraph (B);

(B) by inserting “or” at the end of subparagraph (C); and

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

“(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;”

(2) LIMITATIONS.—Section 3293 of title 18, United States Code, is amended by inserting “1033,” after “1014.”

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Whoever—

“(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

“(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

“(2) As used in paragraph (1), the term ‘subpoena for records’ means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.”

#### SEC. 2102. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1993.

(a) SHORT TITLE.—This section may be cited as the “Consumer Protection Against Credit Card Fraud Act of 1993”.

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.—Section 1029 of title 18, United States Code, is amended in subsection (a) by inserting after paragraph (4) the following new paragraphs:

“(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than \$1,000;

“(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

“(A) offering an access device; or

“(B) selling information regarding or an application to obtain an access device; or

“(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device.”

(c) TECHNICAL AMENDMENTS.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking “or” at the end of paragraph (3);

(2) in subsection (c)(1) by striking “(a)(2) or (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”; and

(3) in subsection (e) by—

(A) striking “and” at the end of paragraph (5);

(B) adding “and” at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

“(7) the term ‘credit card system member’ means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.”

#### SEC. 2103. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting “or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier,” after “Postal Service;”; and

(2) by inserting “or such carrier” after “causes to be delivered by mail”.

#### TITLE XXII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

##### SEC. 2201. SHORT TITLE.

This title may be cited as the “Financial Institutions Fraud Prosecution Act of 1991”.

**SEC. 2202. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.**

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

- (1) by striking "or 1956"; and  
(2) by inserting "1517, 1956, or 1957".

**SEC. 2203. FEDERAL CREDIT UNION ACT AMENDMENTS.**

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

**"(d) PROHIBITION.—**

**"(1) IN GENERAL.—**Except with prior written consent of the Board—

**"(A)** any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

**"(i)** become, or continue as, an institution-affiliated party with respect to any insured credit union; or

**"(ii)** otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

**"(B)** any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

**"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—**

**"(A) IN GENERAL.—**If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

**"(i)** an offense under—

**"(I)** section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

**"(II)** section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

**"(ii)** the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

**"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—**

**"(i) IN GENERAL.—**On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

**"(ii) PERIOD FOR FILING.—**A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

**"(3) PENALTY.—**Whoever knowingly violates paragraph (1) or (2) shall be fined not more than \$1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both."

**SEC. 2204. CRIME CONTROL ACT AMENDMENT.**

Section 2546 of the Crime Control Act of 1990 (Public Law 101-647, 104 Stat. 4885) is amended by adding at the end the following new subsection:

**"(c) FRAUD TASK FORCES REPORT.—**In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future."

**TITLE XXIII—SAVINGS AND LOAN PROSECUTION TASK FORCE**

**SEC. 2301. SAVINGS AND LOAN PROSECUTION TASK FORCE.**

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

**TITLE XXIV—SENTENCING PROVISIONS**

**SEC. 2401. IMPOSITION OF SENTENCE.**

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

**"(4)** the kinds of sentence and the sentencing range established for—

**"(A)** the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

**"(B)** in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;"

**SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.**

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

**SEC. 2403. SUPERVISED RELEASE AFTER IMPRISONMENT.**

Section 3583 of title 18, United States Code, is amended—

**(1)** in subsection (d), by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

**(2)** in subsection (e)—

**(A)** by striking "person" each place such term appears in such subsection and inserting "defendant"; and

**(B)** by amending paragraph (3) to read as follows:

**"(3)** revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

**(3)** by adding at the end the following new subsections:

**"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—**When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

**"(i) DELAYED REVOCATION.—**The power of the court to revoke a term of supervised release for

violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation."

**SEC. 2404. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.**

**(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—**Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

**"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—**

**"(1) SENTENCING UNDER THIS SECTION.—**In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

**"(2) OFFENSES.—**An offense is described in this paragraph if—

**"(A)** the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

**"(B)** the defendant does not have—

**"(i)** more than 0 criminal history point under the sentencing guidelines; or

**"(ii)** any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense);

**"(C)** the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

**"(i)** as a result of the act of any person during the course of the offense; or

**"(ii)** as a result of the use by any person of a controlled substance that was involved in the offense;

**"(D)** the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

**"(E)** the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense; and

**"(F)** the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense.

**"(G)** the defendant did not own the drugs, finance any part of the offense or sell the drugs."

**(b) HARMONIZATION.—**

**(1) IN GENERAL.—**The United States Sentencing Commission—

**(A)** may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

**(B)** shall amend the sentencing guidelines, if necessary, to assign to an offense under section

401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

**SEC. 2405. MANDATORY PRISON TERMS FOR USE, POSSESSION, OR CARRYING OF A FIREARM OR DESTRUCTIVE DEVICE DURING A STATE CRIME OF VIOLENCE OR STATE DRUG TRAFFICKING CRIME.**

Section 924(c) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A person who, during and in relation to a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of any State—

"(i) in the case of a first conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) knowingly possesses a firearm shall be imprisoned not less than 10 years;

"(II) discharges a firearm with intent to injure another person shall be imprisoned not less than 20 years; or

"(III) knowingly possesses a firearm that is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler shall be imprisoned not less than 30 years;

"(ii) in the case of a second conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) shall be imprisoned not less than 20 years if the person was in possession of a firearm during and in relation to the crime of violence or drug trafficking crime;

"(II) shall be imprisoned not less than 30 years if the person discharged a firearm during and in relation to the crime of violence or drug trafficking crime; or

"(III) if the person discharges a firearm that is a machinegun or a destructive device or is equipped with a firearm silencer or firearm muffler, shall be imprisoned for life; and

"(iii) in the case of a third or subsequent conviction of such a crime, shall be imprisoned for life.

"(B)(i) Notwithstanding any other law, a court shall not place on probation or suspend the sentence of any person convicted of a viola-

tion of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used.

"(ii) No person sentenced under this subsection shall be released for any reason whatsoever during a term of imprisonment imposed under this paragraph.

"(C) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if—

"(i) in the case of a crime of violence, the person touches a firearm at the scene of the crime at any time during the commission of the crime; and

"(ii) in the case of a drug trafficking crime, the person has a firearm readily available at the scene of the crime.

"(D) Except in the case of a person who engaged in or participated in criminal conduct that gave rise to the occasion for the person's use of a firearm, this paragraph has no application to a person who may be found to have committed a criminal act while acting in defense of person or property during the course of a crime being committed by another person (including the arrest or attempted arrest of the offender during or immediately after the commission of the crime).

"(E) In this paragraph—

"'crime of violence' means an offense that is punishable by imprisonment for more than 1 year and—

"(I) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(II) by its nature involves a substantial risk that physical force against the person or property of another may be used during the course of the offense.

"'drug trafficking crime' means a crime punishable by imprisonment for more than 1 year involving the manufacture, distribution, possession, cultivation, sale, or transfer of a controlled substance, controlled substance analogue, immediate precursor, or listed chemical (as those terms are defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)), or an attempt or conspiracy to commit such a crime.

"(F) It is the intent of Congress that—

"(i) this paragraph shall be used to supplement but not supplant the efforts of State and local prosecutors in prosecuting crimes of violence and drug trafficking crimes that could be prosecuted under State law; and

"(ii) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(G) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General.

"(H) There is a Federal jurisdiction over an offense under this paragraph if a firearm involved in the offense has moved at any time in interstate or foreign commerce."

**SEC. 2406. MURDER INVOLVING FIREARM.**

(a) **IN GENERAL.**—Chapter 51 of title 18, United States Code, as amended by section 504(a), is amended by adding at the end the following section:

**"§1122. Murder involving firearm**

"(a) **OFFENSE.**—A person who has been found guilty of causing, through the use of a firearm, as defined in section 921 of this title, the death of another person, intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or through the inten-

tional infliction of serious bodily injury, shall be punished by death or imprisoned for any term of years or for life. Whenever the government seeks a sentence of death under this section, the procedures set forth in title 18, chapter 228, shall apply.

"(b) **JURISDICTION.**—There is Federal jurisdiction over an offense under this section if—

"(1) the conduct of the offender occurred in the course of an offense against the United States; or

"(2) a firearm involved in the offense has moved at any time in interstate or foreign commerce.

"(c) It is the intent of Congress that—

"(1) this paragraph shall be used to supplement but not supplant the efforts of State and local prosecutors in prosecuting murders involving firearms that have moved in interstate or foreign commerce that could be prosecuted under State law; and

"(2) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(d) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General."

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 504(b), is amended by adding at the end the following new item:

"Sec. 1122. Murder involving firearm."

**SEC. 2407. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.**

(a) **DISTRIBUTION TO PERSONS UNDER AGE 18.**—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."

(b) **EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.**—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a

mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."

**SEC. 2408. LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.**

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."

**SEC. 2409. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.**

(a) **DEFINITION.**—In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.

(b) **SENTENCING ENHANCEMENT.**—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

**SEC. 2410. CONFIRMATION OF INTENT OF CONGRESS IN ENACTING SECTIONS 2252 AND 2256 OF TITLE 18, UNITED STATES CODE.**

(a) **DECLARATION.**—The Congress declares that in enacting sections 2252 and 2256 of title 18, United States Code, it was and is the intent of Congress that—

(1) the scope of "exhibition of the genitals or pubic area" in section 2256(2)(E), in the definition of "sexually explicit conduct", is not limited to nude exhibitions or exhibitions in which the outlines of those areas were discernible through clothing; and

(2) the requirements in section 2252(a) (1)(A), (2)(A), (3)(B)(i), and (4)(B)(i) that the production of a visual depiction involve the use of a minor engaging in "sexually explicit conduct" of the kind described in section 2256(2)(E) are satisfied if a person photographs a minor in such a way as to exhibit the child in a lascivious manner.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that in filing its brief in *United States v. Knox*, No. 92-1183, and thereby depriving the United States Supreme Court of the adverseness necessary for full and fair presentation of the issues arising in the case, the Department of Justice did not accurately reflect the intent of Congress in arguing that "the videotapes in [the Knox case] constitute 'lascivious exhibition[s] of the genitals or pubic area' only if those body parts are visible in the tapes and the minors posed or acted lasciviously."

**TITLE XXV—SENTENCING AND MAGISTRATES AMENDMENTS**

**SEC. 2501. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.**

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: "However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense."

**SEC. 2502. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.**

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title."

**TITLE XXVI—COMPUTER CRIME**

**SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1993.**

(a) **SHORT TITLE.**—This title may be cited as the "Computer Abuse Amendments Act of 1993".

(b) **PROHIBITION.**—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of value aggregating \$1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of a value aggregating \$1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals."

(c) **PENALTY.**—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting "; and"; and

(4) by adding at the end thereof the following: "(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B)."

(d) **CIVIL ACTION.**—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage."

(e) **REPORTING REQUIREMENTS.**—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code."

(f) **PROHIBITION.**—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

**TITLE XXVII—INTERNATIONAL PARENTAL KIDNAPPING**

**SEC. 2701. SHORT TITLE.**

This subtitle may be cited as the "International Parental Kidnapping Crime Act of 1993".

**SEC. 2702. TITLE 18 AMENDMENT.**

(a) **IN GENERAL.**—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 1204. International parental kidnapping"**

"(a) **DEFINITIONS.**—In this section—

"'child' means a person who has not attained the age of 16 years.

"'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visitation rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(b) OFFENSE.—A person who removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights, and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence; or

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980."

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under The Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping."

**SEC. 2703. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.**

There is authorized to be appropriated \$250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

**TITLE XXVIII—SAFE SCHOOLS**

**SEC. 2801. SHORT TITLE.**

This title may be cited as the "Safe Schools Act of 1993".

**SEC. 2802. SAFE SCHOOLS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(a), is amended—

(1) by redesignating part W as part X;

(2) by redesignating section 2301 as section 2401; and

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

**"PART W—SAFE SCHOOLS ASSISTANCE**

**"SEC. 2301. GRANT AUTHORIZATION.**

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in other appropriate languages in a timely fashion and make such model available to any local educational agency that requests such information.

**"SEC. 2302. USE OF FUNDS.**

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and use of illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices;

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools; and

"(5) to fund education programs to teach young individuals about the United States criminal justice system, including education about the applicable penalties for the use and sale of illegal drugs and the commission of violent or drug-related offenses.

**"SEC. 2303. APPLICATIONS.**

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2302;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be met with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps;

"(5) a description of the system the applicant will establish to prevent and reduce crime problems; and

"(6) a description of educational materials to be developed in English and in other appropriate languages.

**"SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.**

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2303(c).

**"SEC. 2305. AWARD OF FUNDS.**

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education,

shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2303(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

**"SEC. 2306. REPORTS.**

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2303(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2303(b)(4), and an evaluation of programs established under this part.

**"SEC. 2307. DEFINITIONS.**

"For the purposes of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(b), is amended by striking the matter relating to part W and inserting the following:

**"PART W—SAFE SCHOOLS ASSISTANCE**

"Sec. 2301. Grant authorization.

"Sec. 2302. Use of funds.

"Sec. 2303. Applications.

"Sec. 2304. Allocation of funds; limitations on grants.

"Sec. 2305. Award of grants.

"Sec. 2306. Reports.

"Sec. 2307. Definitions.

**"PART X—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 2401. Continuation of rules, authorities, and proceedings."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1204(d), is amended—

(1) in paragraph (3) by striking "and V" and inserting "V, and W"; and

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

"(17) There are authorized to be appropriated to carry out projects under part W \$100,000,000 for each of fiscal years 1994, 1995, and 1996."

**SEC. 2803. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.**

(a) SHORT TITLE; DEFINITIONS.—

(1) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(2) DEFINITIONS.—For the purpose of this section—

(A) the term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12));

(B) the term "Secretary" means the Secretary of Education;

(C) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)); and

(D) the term "State" means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having on application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than \$100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches; and

(5) for other activities the State educational agency may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

## TITLE XXIX—MISCELLANEOUS

### Subtitle A—Increases in Penalties

#### SEC. 2901. INCREASED PENALTIES FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only

simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall";

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon";

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than \$5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than \$10,000" and inserting "under this title";

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than \$1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "ten"; and

(2) in subsection (e)—

(A) by striking "of not more than \$300" and inserting "under this title"; and

(B) by striking "three" and inserting "six";

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than \$5,000," and inserting "under this title,";

(2) by inserting "the assault involved in the use of a dangerous weapon, or" after "if";

(3) by striking "not more than \$10,000" and inserting "under this title"; and

(4) by striking "for";

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than \$10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than \$5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the first undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than \$1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "six";

SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than \$10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life";

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "more than \$1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life";

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than \$1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than \$10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life";

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property."

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death";

(2) by striking "not more than \$1,000," and inserting "under this title";

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than \$10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life";

SEC. 2904. PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "Whoever" and inserting "A person who"; and

(B) by striking "if an individual, be fined not more than \$250,000 or imprisoned not more than 5 years, or both, and, if a person other than an individual, be fined not more than \$1,000,000" and inserting "be imprisoned not more than 10 years, fined under this title, or both"; and

(2) in the second sentence by striking "if an individual, shall be fined not more than \$1,000,000 or imprisoned not more than fifteen years, or both, and, if other than an individual, shall be fined not more than \$5,000,000" and inserting "shall be imprisoned not more than 20 years, fined under this title, or both".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services)."

**SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.**

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

**SEC. 2906. INCREASED PENALTIES FOR TRAVEL ACT VIOLATIONS.**

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than 5 years, or both," and inserting "and thereafter performs or attempts to perform (A) any of the acts described in paragraphs (1) and (3) shall be fined under this title, imprisoned for not more than 5 years, or both, or (B) any of the acts described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

**SEC. 2907. INCREASED PENALTIES FOR ARSON.**

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

(1) in subsection (f)—

(A) by striking "not more than ten years, or fined not more than \$10,000" and inserting "not less than five years and not more than 20 years, fined the greater of \$100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "not more than twenty years, or fined not more than \$10,000" and inserting "not less than five years and not more than 40 years, fined the greater of \$200,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "10 years"; and

(B) in the second sentence by striking "ten years" and inserting "20 years"; and

(3) in subsection (i)—

(A) by striking "not more than ten years or fined not more than \$10,000" and inserting "not less than five years and not more than 20 years, fined the greater of \$100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "not more than twenty years or fined not more than \$10,000" and inserting "not less than five years and not more than 40 years, fined the greater of \$200,000 or the cost of repairing or replacing any property that is damaged or destroyed".

**Subtitle B—Extension of Protection of Civil Rights Statutes**

**SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.**

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by

striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

**Subtitle C—Audit and Report**

**SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.**

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General."

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7)."

**SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.**

Section 524(c)(6) of title 28, United States Code, is amended—

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

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

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

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A)."

**Subtitle D—Gambling**

**SEC. 2931. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.**

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

**SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.**

(a) The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986 in effect as of September 21, 1993)."

**Subtitle E—White Collar Crime Amendments**

**SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.**

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

**"§880. Receiving the proceeds of extortion**

"A person who receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any

offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion."

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) A person who transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title."

**SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.**

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

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

"(b) A person who receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both."

**SEC. 2943. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.**

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code or" before "the Antitrust Civil Process Act".

**SEC. 2944. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.**

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting "or 1517" after "1344".

**SEC. 2945. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.**

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States."

**SEC. 2946. CONFORMING DEFINITION OF "1-YEAR PERIOD" IN 18 U.S.C. 1516.**

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any 1-year period' in section 666 of this title."

**Subtitle F—Safer Streets and Neighborhoods**

**SEC. 2951. SHORT TITLE.**

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1993".

**SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.**

(a) **AMENDMENT.**—Section 510(b) of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1993.

**Subtitle G—Other Provisions****SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.**

(a) **IN GENERAL.**—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

**"§3239. Optional venue for espionage and related offenses**

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law."

(b) **TECHNICAL AMENDMENT.**—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense."

**SEC. 2962. UNDERCOVER OPERATIONS.**

(a) **IN GENERAL.**—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

**"§21. Stolen or counterfeit nature of property for certain crimes defined**

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer."

(b) **TECHNICAL AMENDMENT.**—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined."

**SEC. 2963. UNDERCOVER OPERATIONS—CHURNING.**

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

"(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994."

**SEC. 2964. REPORT ON BATTERED WOMEN'S SYNDROME.**

(a) **REPORT.**—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) **COMPONENTS OF THE REPORT.**—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

**SEC. 2965. WIRETAPS.**

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by inserting "or" at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)-(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation."

**SEC. 2966. THEFT OF MAJOR ARTWORK.**

(a) **OFFENSE.**—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

**"§668. Theft of major artwork**

"(a) **DEFINITIONS.**—In this section—

"'museum' means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

"(A) is situated in the United States;

"(B) is established for an essentially educational or aesthetic purpose;

"(C) has a professional staff; and

"(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

"'object of cultural heritage' means an object of art or cultural significance that is registered with the International Foundation for Art Research or an equivalent registry."

"(b) **OFFENSES.**—A person who—

"(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

"(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

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

(b) **FORFEITURE.**—

(1) **CIVIL.**—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "668," after "657."

(2) **CRIMINAL.**—Section 982(a)(2) of title 18, United States Code, is amended by inserting "668," after "545".

(c) **PERIOD OF LIMITATION.**—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

**"§3294. Theft of major artwork**

"No person shall be prosecuted, tried, or punished for a violation of or conspiracy to violate section 668 unless the indictment is returned or the information is filed within 20 years after the commission of the offense."

(d) **TECHNICAL AMENDMENTS.**—

(1) **CHAPTER 31.**—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of major artwork."

(2) **CHAPTER 213.**—The chapter analysis for chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3294. Theft of major artwork."

**SEC. 2967. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.**

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

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States,

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation,

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990,

(4) during the previous administration, it took an average of 502 days from the time a judgeship became vacant until such vacancy was filled,

(5) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases,

(6) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone,

(7) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary,

(8) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships,

(9) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(10) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in criminal caseload adds to the delay in meeting the needs of the Judiciary.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

**SEC. 2968. MISUSE OF INITIALS "DEA".**

(a) **AMENDMENT.**—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"A person who, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

**SEC. 2969. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.**

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished"; and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

**SEC. 2970. DEFINITION OF LIVESTOCK.**

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof."

**SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR ARSON.**

Section 844(i) of title 18, United States Code, is amended by adding at the end the following: "No person shall be prosecuted, tried, or punished for any noncapital offense under this subsection unless the indictment is found or the information is instituted within 10 years after the date on which the offense was committed."

**SEC. 2972. GUN-FREE SCHOOL ZONES.**

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 922(q) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(2) by inserting after "(q)" the following new paragraph:

"(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection."

**TITLE XXX—TECHNICAL CORRECTIONS**

**SEC. 3001. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.**

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)";

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking "taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M," and inserting "M".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h)", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(f) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(g) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(h) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime," and inserting "crime";

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) by striking "605" and inserting "606";

(5) in section 605 by striking "this section" and inserting "this part";

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart I of part E";

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart I of part E or under part";

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) by striking "805" and inserting "804";

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) by striking "and," and inserting "and";

(14) in section 1001(c) by striking "parts" and inserting "part".

(i) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

#### SEC. 3002. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) AMENDMENT TO SECTION 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

(j) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102-27, but subsequently repealed.

(k) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) TABLE OF CONTENTS CORRECTION.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights."

(m) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

#### SEC. 3003. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 1956 OF TITLE 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243".

(f) SECTION 408 OF THE CONTROLLED SUBSTANCE.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(i) SECTION 3143 OF TITLE 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

#### SEC. 3004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking "or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100-690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443, by striking "or (3) 5 years after 12 o'clock noon of December 31, 1946,"; and

(18) in sections 542, 544, and 545, by striking "the Philippine Islands,".

#### SEC. 3005. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

#### SEC. 3006. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking "and any such person who is found guilty of attempted murder shall be imprisoned for not more than 20 years".

#### SEC. 3007. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

#### SEC. 3008. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Environmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d);

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph;

(5) in section 151, by striking "mean" and inserting "means";

(6) in section 208(b), by inserting "if" after "(4)";

(7) in section 209(d), by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014, by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291, by striking "the aforementioned" and inserting "such".

#### SEC. 3009. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title."

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

#### SEC. 3010. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION.

Title 18, United States Code, is amended—

(1) in section 212, by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

**"§ 1170. Illegal trafficking in Native American human remains and cultural items";**

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out "subdivision" each place it appears and inserting "subsection"; and

(B) by striking out "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B), by striking "materials" and inserting "materials";

(9) in section 14, by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b), by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c), by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204, by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3), by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176, by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii), by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

**SEC. 3011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.**

(a) **INCORRECT REFERENCE AND PUNCTUATION CORRECTION.**—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101-647 is amended, effective the date such section took effect, by striking "The chapter heading for" and inserting "The table of sections at the beginning of".

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) **LACK OF PUNCTUATION IN STRICKEN LANGUAGE.**—Section 46(b) of Public Law 99-646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b)

of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) **BIOLOGICAL WEAPONS.**—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) **PLACEMENT OF NEW SECTION.**—Section 404(a) of Public Law 101-630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) **ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.**—Section 225(a) of Public Law 101-674 is amended, effective on the date such section took effect, by striking "new rule".

(f) **CLARIFICATION OF PLACEMENT OF AMENDMENT.**—Section 1205(c) of Public Law 101-647 is amended, effective the date such section took effect, by inserting "at the end" after "adding".

(g) **ELIMINATION OF DUPLICATE AMENDMENT.**—Section 1606 of Public Law 101-647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) **ERROR IN AMENDMENT PHRASING.**—Section 3502 of Public Law 101-647 is amended, effective the date such section took effect, by striking "10" and inserting "ten".

(i) **CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.**—Sections 3524, 3525, and 3528 of Public Law 101-647 are each amended, effective the date such sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) **CORRECTION OF PARAGRAPH REFERENCE.**—Section 3527 of Public Law 101-647 is amended, effective the date such section took effect, by striking "4th" and inserting "5th".

(k) **REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.**—Section 3542 of Public Law 101-647 is repealed, effective the date of enactment of such Public Law.

(l) **REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.**—Section 3557(2)(E) of Public Law 101-647 is repealed, effective the date of enactment of such Public Law.

(m) **CLARIFICATION OF PLACEMENT OF AMENDMENTS.**—Public Law 101-647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A), by inserting "each place it appears" after the quotation mark following "subchapter".

(n) **CORRECTION OF WORD QUOTED IN AMENDMENT.**—Section 3586(1) of Public Law 101-647 is amended, effective the date such section took effect, by striking "fines" and inserting "fine".

(o) **ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.**—Section 3599 of Public Law 101-647 is repealed, effective the date of the enactment of such Public Law.

(p) **CORRECTION OF DIRECTORY LANGUAGE.**—Section 3550 of Public Law 101-647 is amended, effective the date such section took effect, by striking "not more than".

(q) **REPEAL OF DUPLICATE PROVISIONS.**—(1) Section 3568 of Public Law 101-647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101-647 is repealed, effective the date such section took effect.

(r) **CORRECTION OF WORDS QUOTED IN AMENDMENT.**—Section 2531(3) of Public Law 101-647 is amended, effective the date such section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) **FORFEITURE.**—(1) Section 1401 of Public Law 101-647 is amended, effective the date such section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101-647 is amended, effective the date such section took effect, by striking "108(3)" and inserting "2508(3)".

(t) **INCORRECT SECTION REFERENCE.**—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking "1404(a)" and inserting "1404A".

(u) **MISSING TEXT.**—Section 1403(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended by inserting after "domestic violence" the following: "for—

"(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

"(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

"(C) funeral expenses attributable to a death resulting from a compensable crime".

**SEC. 3012. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.**

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud).";

(2) in subsection (a)(2) and in subsection (b), by striking "transportation" each place it appears and inserting "transportation, transmission, or transfer";

(3) in subsection (a)(3), by striking "represented by a law enforcement officer" and inserting "represented"; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

**SEC. 3013. AMENDMENTS TO PART V OF TITLE 18.**

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

**"CHAPTER 601—IMMUNITY OF WITNESSES";**

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

**TITLE XXXI—DRIVER'S PRIVACY PROTECTION ACT**

**SEC. 3101. SHORT TITLE; PURPOSE.**

(a) **SHORT TITLE.**—This title may be cited as the "Driver's Privacy Protection Act of 1993".

(b) **PURPOSE.**—The purpose of this title is to protect the personal privacy and safety of licensed drivers consistent with the legitimate needs of business and government.

**SEC. 3102. AMENDMENT TO TITLE 18, UNITED STATES CODE.**

Title 18 of the United States Code is amended by inserting immediately after chapter 121, the following new chapter:

**"CHAPTER 122—PROHIBITION ON RELEASE OF CERTAIN PERSONAL INFORMATION"**

"Sec. 2720. Prohibition on release and use of certain personal information by States, organizations and persons.

"Sec. 2721. Definitions.

"Sec. 2722. Penalties.

"Sec. 2723. Effect on State and local laws.

**"§2720. Prohibition on release and use of certain personal information by States, organizations and persons"**

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), no department of motor vehicles of any State, or any officer or employee thereof, shall disclose or otherwise make available to any person or organization personal information about any individual obtained by the department in connection with a motor vehicle operator's permit, motor vehicle title, identification card, or motor vehicle registration (issued by the department to that individual), unless such disclosure is authorized by that individual.

"(2) A department of motor vehicles of a State, or officer or employee thereof, may disclose or otherwise make available personal information referred to in paragraph (1) for any of the following routine uses:

"(A) For the use of any Federal, State or local court in carrying out its functions.

"(B) For the use of any Federal, State or local agency in carrying out its functions, including a law enforcement agency.

"(C) For the use in connection with matters of automobile safety, driver safety, and manufacturers of motor vehicles issuing notification for purposes of any recall or product alteration.

"(D) For the use in any civil or criminal proceeding in any Federal, State, or local court, if the case involves a motor vehicle, or if the request is pursuant to an order of a court of competent jurisdiction.

"(E) For use in research activities, if such information will not be used to contact the individual and the individual is not identified or associated with the requested personal information.

"(F) For use in marketing activities if—

"(i) the motor vehicle department has provided the individual with regard to whom the information is requested with the opportunity, in a clear and conspicuous manner, to prohibit a disclosure of such information for marketing activities;

"(ii) the information will be used, rented, or sold solely for a permissible use under this chapter, including marketing activities; and

"(iii) any person obtaining such information from a motor vehicle department for marketing purposes keeps complete records identifying any person to whom, and the permissible purpose for which, they sell or rent the information and provides such records to the motor vehicle department upon request.

"(G) For use by any insurer or insurance support organization, or their employees, agents, and contractors, in connection with claims investigation activities and antifraud activities.

"(H) For use by any organization, or its agent, in connection with a business transaction, when the purpose is to verify the accuracy of personal information submitted to that business or agent by the person to whom such information pertains, or, if the information submitted is not accurate, to obtain correct information for the purpose of pursuing remedies against a person who presented a check or similar item that was not honored.

"(I) For use by any organization, if such organization certifies, upon penalty of perjury, that it has obtained a statement from the person to whom the information pertains authorizing the disclosure of such information under this chapter.

"(J) For use by an employer or the agent of an employer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701 et seq.).

"(b) UNLAWFUL CONDUCT BY ANY PERSON OR ORGANIZATION.—No person or organization shall—

"(1) use any personal information, about an individual referred to in subsection (a), obtained from a motor vehicle department of any State, or any officer or employee thereof, or other person for any purpose other than the purpose for which such personal information was initially disclosed or otherwise made available by the department of motor vehicles of the affected State, or any officer or employee thereof, or other person, unless authorized by that individual; or

"(2) make any false representation to obtain personal information, about an individual referred to in subsection (a), from a department of motor vehicles of any State, or officer or employee thereof, or from any other person.

**"§2721. Definitions"**

"As used in this chapter:

"(1) The term 'personal information' is information that identifies an individual, including an individual's photograph, driver's identification number, name, address, telephone number, social security number, and medical and disability information. Such term does not include information on vehicular accidents, driving violations, and driver's status.

"(2) The term 'person' means any individual.

"(3) The term 'State' means each of the several States, District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(4) The term 'organization' means any person other than an individual, including but not limited to, a corporation, association, institution, a car rental agency, employer, and insurer, insurance support organization, and their employees, agents, or contractors. Such term does not include a Federal, State or local agency or entity thereof.

**"§2722. Penalties"**

"(a) WILLFUL VIOLATIONS.—

"(1) Any person who willfully violates this chapter shall be fined under this title, or imprisoned for a period not exceeding 12 months, or both.

"(2) Any organization who willfully violates this chapter shall be fined under this title.

"(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles which willfully violates this chapter shall be subject to a civil penalty imposed by the Attorney General in the amount of \$5,000. Each day of continued noncompliance shall constitute a separate violation.

**"§2723. Effect on State and local laws"**

"The provisions of this chapter shall supersede only those provisions of law of any State or local government which would require or permit the disclosure or use of personal information which is otherwise prohibited by this chapter."

**SEC. 3103. EFFECTIVE DATE.**

The amendments made by this title shall take effect upon the expiration of the 270-day period following the date of its enactment.

**TITLE XXXII—VIOLENCE AGAINST WOMEN; SAFE STREETS FOR WOMEN**

**SEC. 3201. VIOLENCE AGAINST WOMEN; SHORT TITLE.**

Titles XXXII through XXXVII may be cited as the "Violence Against Women Act of 1993".

**SEC. 3202. SAFE STREETS FOR WOMEN; SHORT TITLE.**

This title may be cited as the "Safe Streets for Women Act of 1993".

**Subtitle A—Federal Penalties for Sex Crimes**

**SEC. 3211. REPEAT OFFENDERS.**

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

**"§2247. Repeat offenders"**

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized."

(b) RECOMMENDATION BY THE SENTENCING COMMISSION.—The Sentencing Commission shall implement the amendment made by subsection (a) by recommending to the Congress amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders."

**SEC. 3212. FEDERAL PENALTIES.**

(a) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and recommend amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and recommend amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and recommend amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and recommend amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing—

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the defendant is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

**SEC. 3213. MANDATORY RESTITUTION FOR SEX CRIMES.**

(a) SEXUAL ABUSE.—(1) Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

**§2248. Mandatory restitution**

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the

United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: Provided, That in no event shall the defendant be named as such representative or guardian."

(2) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution."

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—(1) Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

**§2259. Mandatory restitution**

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or

testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court. Provided, That in no event shall the defendant be named as such representative or guardian."

(2) The table of sections for chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"2259. Mandatory restitution."

**SEC. 3214. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.**

There is authorized to be appropriated for fiscal year 1994, \$1,500,000 for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia).

**Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women**

**SEC. 3221. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 4 of Public Law 102-521 (106 Stat. 3404), is amended by—

- (1) redesignating part Q as part R;
- (2) redesignating section 1701 as section 1801; and
- (3) adding after part P the following new part:

**"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN**

**"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

**"Subpart 1—High Intensity Crime Area Grants**

**"SEC. 1711. HIGH INTENSITY GRANTS.**

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') shall make grants to areas of 'high intensity crime' against women.

"(b) DEFINITION.—For purposes of this part, 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1712.

**"SEC. 1712. HIGH INTENSITY GRANT APPLICATION.**

"(a) COMPUTATION.—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping (without regard to the relationship between the crime victim and the offenders).

"(b) USE OF DATA.—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) PUBLICATION.—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) QUALIFICATION.—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must pro-

vide the certifications required by subsection (d) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the population to be served, including age, marital status, disability, race, ethnicity, and language background; and

"(2) include proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

**"(f) DISBURSEMENT.—**

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served;

"(C) give priority to areas with the greatest showing of need; and

"(D) recognize and address the needs of underserved populations.

"(g) GRANTEE REPORTING.—(1) Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) A section of the performance report shall be completed by each grantee or subgrantee performing the services contemplated in the grant application, certifying performance of the services under the grants.

"(3) The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may be used to supplement, not supplant, State funds.

**"Subpart 2—Other Grants to States To Combat Violent Crimes Against Women**

**"SEC. 1721. GENERAL GRANTS TO STATES.**

"(a) GENERAL GRANTS.—The Director may make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) \$500,000 to each State; and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult

and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) DISBURSEMENT.—(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) give priority to areas with the greatest showing of need;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 100,000; and

"(D) recognize and address the needs of underserved populations.

"(f) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

#### "SEC. 1722. GENERAL GRANTS TO TRIBES.

"(a) GENERAL GRANTS.—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of \$35,000 and maximum grants of \$300,000.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate with nonprofit; and

"(3) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses under section 201 of Public Law 90-284 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal Regulations.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing victim services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) GRANTEE REPORTING.—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"(f) DEFINITIONS.—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code.

#### "Subpart 3—General Terms and Conditions

##### "SEC. 1731. GENERAL DEFINITIONS.

"As used in this part—

"(1) the term 'victim services' means any nongovernmental nonprofit organization that assists victims, including rape crisis centers, battered women's shelters, or other rape or domestic violence programs, including nonprofit nongovernmental organizations assisting victims through the legal process;

"(2) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim/witness programs);

"(3) the term 'law enforcement' means any public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(4) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim;

"(5) the term 'domestic violence' includes felony or misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies; and

"(6) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

##### "SEC. 1732. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) BUREAU REPORTING.—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) a copy of each grantee report filed pursuant to sections 1712(g), 1721(f) and 1722(c).

"(c) REGULATIONS.—No later than 90 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1994, 1995, and 1996, \$100,000,000 to carry out subpart 1, and \$190,000,000 to carry out subpart 2, and \$10,000,000 to carry out section 1722 of subpart 2."

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

#### "PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.

##### "SUBPART 1—HIGH INTENSITY CRIME AREA GRANTS

"Sec. 1711. High intensity grants.

"Sec. 1712. High intensity grant application.

##### "SUBPART 2—OTHER GRANTS TO STATES TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1721. General grants to States.

"Sec. 1722. General grants to tribes.

"SUBPART 3—GENERAL TERMS AND CONDITIONS

"Sec. 1731. General definitions.

"Sec. 1732. General terms and conditions.

"PART R—TRANSITION—EFFECTIVE DATE—  
REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings."

**Subtitle C—Safety for Women in Public Transit and Public Parks**

**SEC. 3231. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.**

Section 24 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1620) is amended to read as follows:

**"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION**

"SEC. 24. (a) GENERAL PURPOSE.—From funds authorized under section 21, not to exceed \$10,000,000, the Secretary shall make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of titles XXXI through XXXVII may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be broken down by type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

"(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements,

and provisions applicable to grants and loans made under section 2(a)."

**SEC. 3232. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.**

Public Law 91-383 (commonly known as the National Park System Improvements in Administration Act) (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

**"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.**

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, not to exceed \$10,000,000, the Secretary of the Interior may provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes:

"(1) To increase lighting within or adjacent to public parks and recreation areas.

"(2) To provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas.

"(3) To increase security or law enforcement personnel within or adjacent to public parks and recreation areas.

"(4) Any other project intended to increase the security and safety of public parks and recreation areas."

**SEC. 3233. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.**

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8) is amended by adding at the end the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed \$15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is de-

pendent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State."

**Subtitle D—National Commission on Violence Against Women**

**SEC. 3241. ESTABLISHMENT.**

Not later than 30 days after the date of enactment of this Act, there shall be established a commission to be known as the National Commission on Violence Against Women (referred to in this subtitle as the "Commission").

**SEC. 3242. GENERAL PURPOSES OF COMMISSION.**

(a) GENERAL PURPOSE OF THE COMMISSION.—The Commission shall recommend Federal, State, and local strategies for preventing and sanctioning violent crime against women, including the enhancement and protection of the rights of the victims of such crimes.

(b) FUNCTIONS.—The purpose of the Commission shall include—

(1) evaluating the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women and to punish those responsible for such crime;

(2) evaluating the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of rules of evidence, practice and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal Laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending effective means of response to the problem; and

(10) evaluating the adequacy of, and make recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women.

**SEC. 3243. MEMBERSHIP.**

(a) IN GENERAL.—The Commission shall consist of 12 members, as follows:

(1) **PRESIDENT.**—Four individuals, not more than two of whom shall be of the same major political party.

(2) **SENATE.**—Four individuals, two appointed by the Majority Leader and two by the Minority Leader.

(3) **HOUSE OF REPRESENTATIVES.**—Four individuals, two appointed by the Majority Leader and two by the Minority Leader.

(b) **REPRESENTATION.**—The Commission members shall be chosen based on their education, training, or experience, and shall include representatives of State and local law enforcement, judicial administration, prosecution, legal experts, persons devoted to the protection of victims' rights, persons providing services to the victims of sexual assault or domestic violence, and survivors of violence.

(c) **VACANCIES.**—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

#### SEC. 3244. COMMISSION OPERATIONS.

(a) **MEETINGS.**—The Commission shall hold its first meeting not later than 90 days after the date of enactment of this Act. After the initial meeting, the Commission shall meet at least 6 times.

(b) **CHAIR.**—Not later than 15 days after the members of the Commission are appointed, the President shall designate a chair from among the members of the Commission.

(c) **PAY.**—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(d) **PER DIEM.**—Except as provided in subsection (c), members of the Commission shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

#### SEC. 3245. REPORTS.

(a) **IN GENERAL.**—Not later than 1 year after the date on which the Commission is fully constituted under section 3243, the Commission shall prepare and submit a final report to the President, the Senate Majority Leader, the Senate Republican Leader, the House Majority Leader, the House Republican Leader, and to the congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) **CONTENTS.**—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

#### SEC. 3246. EXECUTIVE DIRECTOR AND STAFF.

(a) **EXECUTIVE DIRECTOR.**—

(1) **APPOINTMENT.**—The Commission shall have an Executive Director who shall be appointed by the Chair, with the approval of the Commission, not later than 30 days after the Chair is selected.

(2) **COMPENSATION.**—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) **STAFF.**—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The Executive Director and the additional personnel of the Commission appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code,

governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) **CONSULTANTS.**—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed \$200 per day.

#### SEC. 3247. POWERS OF COMMISSION.

(a) **HEARINGS.**—For the purpose of carrying out this subtitle, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) **DELEGATION.**—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subtitle.

(c) **ACCESS TO INFORMATION.**—The Commission may request directly from any executive department or agency such information as may be necessary to enable the Commission to carry out this subtitle, on the request of the Chair of the Commission.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

#### SEC. 3248. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$500,000 for fiscal year 1994.

#### SEC. 3249. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 3244.

#### Subtitle E—New Evidentiary Rules

#### SEC. 3251. SEXUAL HISTORY IN ALL CRIMINAL CASES.

(a) **RULE.**—The Federal Rules of Evidence are amended by inserting after rule 412 the following new rule:

#### "Rule 412A. Evidence of victim's past behavior in other criminal cases

"(a) **REPUTATION AND OPINION EVIDENCE EXCLUDED.**—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) **ADMISSIBILITY.**—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, evidence of an alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) **PROCEDURES.**—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof.

If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2), that the evidence the defendant seeks to offer is relevant, not excluded by any other evidentiary rule, and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences."

(b) **TECHNICAL AMENDMENT.**—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 412 the following new item:

"412A. Evidence of victim's past behavior in other criminal cases:

"(a) Reputation and opinion evidence excluded.

"(b) Admissibility.

"(c) Procedures."

#### SEC. 3252. SEXUAL HISTORY IN CIVIL CASES.

(a) **RULE.**—The Federal Rules of Evidence, as amended by section 3251, are amended by adding after rule 412A the following new rule:

#### "Rule 412B. Evidence of past sexual behavior in civil cases

"(a) **REPUTATION AND OPINION EVIDENCE EXCLUDED.**—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) **ADMISSIBLE EVIDENCE.**—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) it is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) **PROCEDURES.**—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the plaintiff and offer relevant

evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence that the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for the purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence the defendant seeks to offer is relevant and not excluded by any other evidentiary rule, and that the probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be admissible in the trial to the extent an order made by the court specifies evidence that may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider—

"(A) the chain of reasoning leading to its finding of relevance; and

"(B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes sexual harassment or sex discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title XXXIV of the Violence Against Women Act of 1993."

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 3251, is amended by inserting after the item relating to rule 412A the following new item:

"412B. Evidence of past sexual behavior in civil cases:

"(a) Reputation and opinion evidence excluded.

"(b) Admissible evidence.

"(c) Procedures.

"(d) Definitions."

#### SEC. 3253. AMENDMENTS TO RAPE SHIELD LAW.

(a) RULE.—Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end the following new subdivisions:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences."

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by adding at the end the item relating to rule 412 the following:

"(e) Interlocutory appeal.

"(f) Rule of relevance and privilege."

#### SEC. 3254. EVIDENCE OF CLOTHING.

(a) RULE.—The Federal Rules of Evidence, as amended by section 3252, are amended by adding after rule 412B the following new rule:

"Rule 413. Evidence of victim's clothing as inciting violence

"Notwithstanding any other law, in a criminal case in which a person is accused of an of-

fense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged."

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 3252, is amended by inserting after the item relating to rule 412B the following new item:

"413. Evidence of victim's clothing as inciting violence."

#### Subtitle F—Assistance to Victims of Sexual Assault

#### SEC. 3261. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

#### "SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$65,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909."

#### SEC. 3262. RAPE EXAM PAYMENTS.

(a) No State or other grantee is entitled to funds under title XXXII of the Violence Against Women Act of 1993 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

(b) Within 90 days after the enactment of this Act, the Director of the Office of Victims of Crime shall propose regulations to implement this section, detailing qualified programs. Such

regulations shall specify the type and form of information to be provided victims, including provisions for multilingual information, where appropriate.

#### SEC. 3263. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF FEMALE RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by—

(1) redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) inserting after section 315 the following new section:

#### "GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

"SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, and information and referral, for female runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to female runaway, homeless, and street youth.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a female less than 21 years old who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse."

#### SEC. 3264. VICTIM'S RIGHT OF ALLOCATION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following new subdivision:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1), by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before "or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) the term 'victim' means any person against whom an offense for which a sentence is to be imposed has been committed, but the right of allocation under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of 18 years or incompetent; or

"(B) 1 or more family members or relatives designated by the court in case the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) the term 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code."

**TITLE XXXIII—SAFE HOMES FOR WOMEN**  
**SEC. 3301. SHORT TITLE.**

This title may be cited as the "Safe Homes for Women Act of 1993".

**Subtitle A—Family Violence Prevention and Services Act Amendments**

**SEC. 3311. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.**

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

**"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.**

"(a) **IN GENERAL.**—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) **ACTIVITIES.**—Funds received by an entity under this section shall be utilized to open and operate a national, toll-free domestic violence hotline. Such funds may be used for activities including—

"(1) contracting with a carrier for the use of a toll-free telephone line;

"(2) employing, training and supervising personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assembling, maintaining, and continually updating a database of information and resources to which callers may be referred throughout the United States; and

"(4) publicizing the hotline to potential users throughout the United States.

"(c) **APPLICATION.**—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database; and

"(D) a plan for publicizing the availability of the hotline;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence; and

"(4) contain such other information as the Secretary may require.

"(d) **SPECIAL CONSIDERATIONS.**—In considering an application under subsection (c), the Secretary shall also take into account the applicant's ability to offer multilingual services and services for the hearing impaired.

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 1994, 1995, and 1996."

**Subtitle B—Interstate Enforcement**

**SEC. 3321. INTERSTATE ENFORCEMENT.**

(a) **IN GENERAL.**—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

**"CHAPTER 110A—VIOLENCE AGAINST SPOUSES**

"Sec. 2261. Traveling to commit spousal abuse.

"Sec. 2262. Interstate violation of protection orders.

"Sec. 2263. Interim protections.

"Sec. 2264. Restitution.

"Sec. 2265. Full faith and credit given to protection orders.

"Sec. 2266. Definitions.

**"§2261. Traveling to commit spousal abuse**

"(a) **IN GENERAL.**—Any person who travels across a State line with the intent to injure, harass, intimidate his or her spouse or intimate partners and who, in the course of or as a result of such travel, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(b) **CAUSING THE CROSSING OF A STATE LINE.**—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress or fraud and, in the course of or as a result of that conduct, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(c) **PENALTIES.**—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(5) In a case not described in paragraph (1), (2), (3), or (4), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) **CRIMINAL INTENT.**—The criminal intent of the offender required to establish an offense under subsection (b) does not require a showing of the specific intent to violate the law of a State.

"(e) **NO PRIOR STATE ACTION NECESSARY.**—Nothing in this section requires a prior criminal prosecution or conviction or a prior civil protection order issued under State law to initiate Federal prosecution.

**"§2262. Interstate violation of protection orders**

"(a) **IN GENERAL.**—Any person against whom a valid protection order has been entered who—

"(1) travels across a State line with the intent to injure, harass, intimidate, or contact a spouse or intimate partner; and

"(2) commits an act that injures, harasses, or intimidates a spouse or intimate partner or otherwise violates a valid protection order issued by a State,

shall be punished as provided in subsection (c).

"(b) **CAUSING THE CROSSING OF A STATE LINE.**—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress, or fraud, and, in the course of or as a result of that conduct, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (c).

"(c) **PENALTIES.**—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for

not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than 6 months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(6) In a case not described in paragraph (1), (2), (3), (4), or (5), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) **CRIMINAL INTENT.**—The criminal intent required to establish the offense provided in subsection (a) does not require a showing of the specific intent to violate a protection order or the law of any State.

"(e) **NO PRIOR STATE ACTION NECESSARY.**—Nothing in this section requires a prior criminal prosecution or conviction under State law to initiate Federal prosecution.

**"§2263. Pretrial release of defendant**

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this section shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

**"§2264. Restitution**

"(a) **IN GENERAL.**—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding section 3663, the court shall order restitution to the victim of an offense under this chapter.

"(b) **SCOPE AND NATURE OF ORDER.**—(1) An order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) A restitution order under this section is mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance.

"(4)(A) Notwithstanding paragraph (3), the court may take into account the economic circumstances of the defendant in determining the

manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(C) If the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this subsection, shall be in camera in the judge's chambers.

"(4) If the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such an order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

"(e) DEFINITIONS.—For purposes of this section, the term 'victim' includes the person

harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian.

#### "§2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued consistent with subsection (b) by the court of 1 State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

"(b) PROTECTION ORDER.—(1) A protection order issued by a State court is consistent with this subsection if—

"(A) the court has jurisdiction over the parties and matter under the law of the State; and

"(B) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process.

"(2) In the case of an order under paragraph (1) that is issued ex parte, notice and opportunity to be heard shall be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS- OR COUNTER-PETITION.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross- or counter-petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) if a cross- or counter-petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

#### "§2266. Definitions

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a present or former spouse, a person who shares a child in common with an abuser, and a person who cohabits or has cohabited with an abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides, or any other adult person who is protected from an abuser's acts under the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes an injunction or other order issued for the purpose of preventing violent or threatening acts by 1 spouse against his or her spouse or intimate partner, including a temporary or final order issued by a civil or criminal court (other than a support or child custody order or provision) whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as, in the case of a civil order, the order was issued in response to a complaint, petition, or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'act that injures' includes any act, except one done in self-defense, that results in physical injury or sexual abuse;

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States; and

"(5) the term 'travel across a State line' includes any travel except travel across a State

line by an Indian tribal member when that member remained at all times on tribal lands."

(b) TECHNICAL AMENDMENT.—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

#### "110A. Violence against spouses ..... 2261."

##### Subtitle C—Arrest in Spousal Abuse Cases SEC. 3331. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 3311, is amended by adding at the end the following new section:

##### "SEC. 317. ENCOURAGING ARREST POLICIES.

"(a) PURPOSE.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary may make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

"(1) To implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse.

"(2) To centralize police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges.

"(3) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

"(4) To educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers;

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed; or

"(ii) permit warrantless arrests of spouse abusers, encourage the use of that authority, and mandate arrest of spouses violating the terms of a valid and outstanding protection order;

"(C) demonstrate that their laws, policies, practices and training programs discourage 'dual' arrests of abused and abuser;

"(D) certify that their laws, policies, and practices prohibit issuance of mutual protection orders in cases where only one spouse has sought a protection order, and require findings of mutual aggression to issue mutual protection orders in cases where both parties file a claim; and

"(E) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony spouse abuse offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser; or that the abused bear the costs associated with the issuance or service of a warrant, protection order or witness subpoena.

"(2) For purposes of this section—

"(A) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including a temporary or final order issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding; and

"(B) the term 'spousal or spouse abuse' includes a felony or misdemeanor offense committed by a current or former spouse of the victim, a person with whom the victim shares a child in

common, a person who is cohabiting with or has cohabited with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

"(3) The eligibility requirements provided in this section shall take effect on the date that is 1 year after the date of enactment of this section.

"(c) DELEGATION AND AUTHORIZATION.—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section. There are authorized to be appropriated not in excess of \$25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) APPLICATION.—An eligible grantee shall submit an application to the Secretary. Such an application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribe, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify and include documentation showing the nonprofit nongovernmental victim services programs that will be consulted in developing, and implementing, the program.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section."

#### Subtitle D—Domestic Violence, Family Support, and Shelter Grants

### SEC. 3341. DOMESTIC VIOLENCE AND FAMILY SUPPORT GRANT PROGRAM.

(a) PURPOSE.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish domestic violence and other criminal and unlawful acts that particularly affect women, and to assist and protect the victims of such crimes and acts.

(b) AUTHORIZATION OF GRANTS.—The Secretary of Health and Human Services shall make grants to support projects and programs relating to domestic violence and other criminal and unlawful acts that particularly affect women, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of domestic violence;

(2) law enforcement and prosecutorial units and teams that target domestic violence;

(3) model, innovative, and demonstration law enforcement programs relating to domestic violence that involve pro-arrest and aggressive prosecution policies;

(4) model, innovative, and demonstration programs for the effective utilization and enforcement of protective orders;

(5) programs addressing stalking and persistent menacing;

(6) victim services programs for victims of domestic violence;

(7) educational and informational programs relating to domestic violence;

(8) resource centers providing information, technical assistance, and training to domestic violence service providers, agencies, and programs;

(9) coalitions of domestic violence service providers, agencies, and programs;

(10) training programs for judges and court personnel in relation to cases involving domestic violence;

(11) enforcement of child support obligations, including cooperative efforts and arrangements of States to improve enforcement in cases involving interstate elements; and

(12) shelters that provide services for victims of domestic violence and related programs.

(c) FORMULA GRANTS.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 1 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) DISCRETIONARY GRANTS.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) APPLICATION FOR FORMULA GRANTS.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Secretary a plan for addressing domestic violence and other criminal and unlawful acts that particularly affect women in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, have been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) CONDITIONS ON GRANTS.—

(1) MATCHING FUNDS.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project or program funded.

(2) DURATION OF GRANTS.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of 4 years.

(3) LIMIT ON ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(g) EVALUATION.—The Secretary shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to deter-

mine the effectiveness of the project or program funded that is consistent with guidelines issued by the Secretary.

(h) REPORT.—The Secretary shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$100,000,000 for each of fiscal years 1994, 1995, and 1996; and

(2) such sums as are necessary for each fiscal year thereafter.

(j) AUTHORIZATION OF APPROPRIATIONS FOR THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$85,000,000 for fiscal year 1994, \$100,000,000 for fiscal year 1995, and \$125,000,000 for fiscal year 1996."

#### Subtitle E—Family Violence Prevention and Services Act Amendments

### SEC. 3351. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds."

#### Subtitle F—Youth Education and Domestic Violence

### SEC. 3361. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 3331, is amended by adding at the end the following new section:

#### "SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate the Secretary's powers to the Secretary of Education (hereafter in this section referred to as the 'Secretary'). The Secretary shall select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in the light of the comments of educational experts, legal and psychological experts on battering, and victim advocate organizations

such as battered women's shelters, State coalitions and resource centers. The participation of each of those groups or individual consultants from such groups is essential to the selection, implementation, and evaluation of programs that meet both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$400,000 for fiscal year 1994."

#### Subtitle G—Confidentiality for Abused Persons

#### SEC. 3371. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

Not later than 90 days after enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses consistent with the following guidelines:

(1) Confidentiality shall be provided to a person upon the presentation to an appropriate postal official of a valid court order or a police report documenting abuse.

(2) Confidentiality shall be provided to any domestic violence shelter upon presentation to an appropriate postal authority of proof from a State domestic violence coalition (within the meaning of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(3) Disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited.

(4) Compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

#### Subtitle H—Technical Amendments

#### SEC. 3381. DEFINITIONS.

Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups."

#### SEC. 3382. SPECIAL ISSUE RESOURCE CENTERS.

(a) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(b) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(1) by striking the period at the end of paragraph (6) and inserting "including the issuance and enforcement of protection orders."; and

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

"(7) Providing technical assistance and training to State domestic violence coalitions."

#### SEC. 3383. STATE DOMESTIC VIOLENCE COALITIONS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women.";

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking "and court officials and other professionals" and inserting "judges, court officers and other criminal justice professionals,";

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting "criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting "including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

#### Subtitle I—Data and Research

#### SEC. 3391. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—The Director of the National Institute of Justice shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice and the social sciences. In setting the agenda, the Academy shall focus primarily upon preventive, educative, social, and legal strategies. Nothing in this section shall be construed to invoke the terms of the Federal Advisory Committee Act.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Director of the National Institute of Justice shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, and the Attorney General's Task Force on Violence Against Women.

#### SEC. 3392. STATE DATABASES.

(a) IN GENERAL.—The National Institute of Justice, in conjunction with the Bureau of Justice Statistics, shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the National Institute of Justice shall consult

persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit non-governmental agencies that provide direct services to victims of domestic violence. The Institute's final report shall set forth the views of the persons consulted on the Institute's recommendations.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

#### SEC. 3393. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000 for fiscal year 1994.

#### TITLE XXXIV—CIVIL RIGHTS

#### SEC. 3401. SHORT TITLE.

This title may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

#### SEC. 3402. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—  
(1) crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home;

(3) State and Federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which separates these crimes from acts of random violence, nor do those laws adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests;

(4) existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled;

(5) crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce;

(6) crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products;

(7) a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects on interstate commerce caused by crimes of violence motivated by gender; and

(8) the victims of crimes of violence motivated by gender have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States

shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) **CAUSE OF ACTION.**—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender; and due, at least in part, to an animus based on the victim's gender;

(2) the term "crime of violence" means—

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) **LIMITATION AND PROCEDURES.**—

(1) **LIMITATION.**—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) **NO PRIOR CRIMINAL ACTION.**—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) **CONCURRENT JURISDICTION.**—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this title.

(4) **PENDENT JURISDICTION.**—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) **LIMITATION ON REMOVAL.**—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A civil action in any State court arising under section 3402 of the Violence Against Women Act of 1993 may not be removed to any district court of the United States."

**SEC. 3403. ATTORNEY'S FEES.**

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking "or" after "Public Law 92-318," and

(2) by inserting " or title XXXIV of the Violence Against Women Act of 1993," after "1964".

**SEC. 3404. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.**

(a) **FINDINGS AND DECLARATION.**—The Congress finds and declares that—

(1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape;

(2) rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature;

(3) the victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs;

(4) rape victims' need for privacy should be respected;

(5) rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities;

(6) rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant;

(7) the news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and

(8) the public's interest in knowing the identity of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

**TITLE XXXV—SAFE CAMPUSES FOR WOMEN**

**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.**

Section 1541(i) of the Higher Education Amendments of 1992 (20 U.S.C. 1145h(i)) is amended to read as follows:

"(i) For the purpose of carrying out this part, there are authorized to be appropriated \$20,000,000 for fiscal year 1994 and such sums as are necessary for fiscal years 1995, 1996, and 1997."

**TITLE XXXVI—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT**

**SEC. 3601. SHORT TITLE.**

This title may be cited as the "Equal Justice for Women in the Courts Act of 1993".

**Subtitle A—Education and Training for Judges and Court Personnel in State Courts**

**SEC. 3611. GRANTS AUTHORIZED.**

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

**SEC. 3612. TRAINING PROVIDED BY GRANTS.**

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

**SEC. 3613. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.**

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

**SEC. 3614. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this subtitle \$600,000 for fiscal year 1994. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

**Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts**

**SEC. 3621. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.**

(a) **STUDY.**—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

- (1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
- (2) the interpretation and application of the law, both civil and criminal;
- (3) treatment of defendants in criminal cases;
- (4) treatment of victims of violent crimes;
- (5) sentencing;
- (6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation and parole;
- (7) appointments to committees of the Judicial Conference and the courts;
- (8) case management and court sponsored alternative dispute resolution programs;
- (9) the selection, retention, promotion, and treatment of employees;
- (10) appointment of arbitrators, experts, and special masters; and
- (11) the aspects of the topics listed in section 3612 that pertain to issues within the jurisdiction of the Federal courts.

(b) **CLEARINGHOUSE.**—The Judicial Conference of the United States shall designate an entity within the Judicial branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) **MODEL PROGRAMS.**—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

- (1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;
- (2) prepare materials necessary to implement this subsection; and
- (3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

**SEC. 3622. AUTHORIZATION OF APPROPRIATIONS.**  
(a) **IN GENERAL.**—There is authorized to be appropriated—

- (1) \$400,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 3621(a), to be available until expended through fiscal year 1995;
- (2) \$100,000 to the Federal Judicial Center to carry out section 3621(c) and any activities designated by the Judicial Conference under section 3621(b); and
- (3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 3621(b).

(b) **THE JUDICIAL CONFERENCE OF THE UNITED STATES.**—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

- (A) undertake studies in their own circuits; or
- (B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed \$50,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than \$200,000 going to any one circuit.

**TITLE XXXVII—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS**

**SEC. 3701. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

Section 3156(a)(4) of title 18, United States Code, is amended—

- (1) by striking "or" at the end of subparagraph (A);
- (2) by striking the period at the end of subparagraph (B) and inserting "; or"; and
- (3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110."

**SEC. 3702. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.**

Section 2245(2) of title 18, United States Code, is amended—

- (1) by striking "or" at the end of subparagraph (B);
- (2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and
- (3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

**SEC. 3703. PAYMENT OF COST OF HIV TESTING.**

(a) **FOR VICTIMS IN SEX OFFENSE CASES.**—Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for the human immunodeficiency virus during the 12 months following a serious assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault."

(b) **TESTING OF CERTAIN INDIVIDUALS CHARGED WITH CERTAIN SEXUAL OFFENSES FOR THE PRESENCE OF THE ETIOLOGIC AGENT FOR AIDS.**—Victims of any offense of the type described in Chapter 109A of title 18, United States Code, shall after appropriate counseling, on request, be provided with—

- (1) anonymous and confidential testing for the presence of the etiologic agent for acquired immune deficiency syndrome, and counseling concerning such, at no cost by appropriately trained staff operating through appropriate service providers, including rape crisis centers, community health centers, public health clinics, physicians, or other appropriate service providers; follow-up tests and counseling will be available at no cost on dates that occur three, six and twelve months following the initial test; and
- (2) necessary and appropriate medical care.

(c) **LIMITED TESTING OF DEFENDANTS.**—

- (1) **COURT ORDER.**—The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etio-

logic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) **SHOWING REQUIRED.**—To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) **FOLLOW-UP TESTING.**—The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) **TERMINATION OF TESTING REQUIREMENTS.**—An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

(d) **CONFIDENTIALITY OF TEST.**—The results of any test ordered under this section shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any personal physician or sexual partner(s) she may have had since the attack.

(e) **DISCLOSURE OF TEST RESULTS.**—The court shall issue an order to prohibit the disclosure of the results of any test performed under this section to anyone other than those mentioned in subsection (c). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(f) **CONTEMPT FOR DISCLOSURE.**—Any person who discloses the results of a test in violation of this section may be held in contempt of court.

(g) **PENALTIES FOR INTENTIONAL TRANSMISSION OF HIV.**—Not later than 6 months after the date of enactment of this section, the United States Sentencing Commission shall conduct a study and prepare and submit to the appropriate committees of congress a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

**SEC. 3704. EXTENSION AND STRENGTHENING OF RESTITUTION.**

Section 3663(b) of title 18, United States Code, is amended—

- (1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

**SEC. 3705. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.**

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

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

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) In this subsection—

"(A) 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

"(B) 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States."

**SEC. 3706. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.**

(a) **RULE.**—The Federal Rules of Evidence, as amended by section 3254, are amended by adding after rule 413 the following new rule:

**"Rule 414. Inadmissibility of Evidence to Show Invitation or Provocation by Victim in Sexual Abuse Cases**

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these rules."

(b) **TECHNICAL AMENDMENT.**—The table of contents for the Federal Rules of Evidence, as amended by section 4, is amended by inserting after the item relating to rule 413 the following new item:

"414. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases."

**SEC. 3707. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.**

(a) **STUDY.**—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) **REPORT.**—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of

campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) **SUBMISSION OF REPORT.**—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1995.

(d) **DEFINITION.**—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated \$200,000 to carry out the study required by this section.

**SEC. 3708. REPORT ON BATTERED WOMEN'S SYNDROME.**

(a) **REPORT.**—The Attorney General shall prepare and transmit to the Congress a report on the status of battered women's syndrome as a medical and psychological condition and on its effect in criminal trials. The Attorney General may utilize the National Institute of Justice to

obtain information required for the preparation of the report.

(b) **COMPONENTS OF REPORT.**—The report described in subsection (a) shall include—

(1) a review of medical and psychological views concerning the existence, nature, and effects of battered women's syndrome as a psychological condition;

(2) a compilation of judicial decisions that have admitted or excluded evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) information on the views of judges, prosecutors, and defense attorneys concerning the effects that evidence of battered women's syndrome may have in criminal trials.

**SEC. 3709. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.**

(a) **REPORT.**—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) **USE OF COMPONENTS.**—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

**SEC. 3710. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.**

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

**SEC. 3711. REPORT ON FAIR TREATMENT IN LEGAL PROCEEDINGS.**

Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall review and make recommendations, and report to Congress, regarding the advisability of creating Federal rules of professional conduct for lawyers in Federal cases involving sexual misconduct that—

(1) protect litigants from a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants;

(2) counsel against reliance on generalizations or stereotypes that demean, disgrace, or humiliate on the basis of gender;

(3) protect litigants from a course of conduct intended solely to increase the expense of litigation; and

(4) prohibit counsel from offering evidence that the lawyer knows to be false or from discrediting evidence the lawyer knows to be true.

**SEC. 3712. REPORT ON FEDERAL RULE OF EVIDENCE 404.**

(a) **STUDY.**—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall complete a study of, and shall submit to Congress recommendations for amending, rule 404 of the Federal Rules of Evidence as it affects the admission of evidence of a defendant's prior sex crimes in cases brought pursuant to chapter 109A or other cases involving sexual misconduct.

(b) **SPECIFIC ISSUES.**—The study described in subsection (a) shall include—

(1) a survey of existing law on the introduction of prior similar sex crimes under State and Federal evidentiary rules;

(2) a recommendation concerning whether rule 404 should be amended to introduce evidence of prior sex crimes and, if so—

(A) whether such acts could be used to prove the defendant's propensity to act therewith; and  
(B) whether evidence of prior similar sex crimes should be admitted for purposes other than to show character;

(3) a recommendation concerning whether evidence of similar acts, if admitted, should meet a threshold of similarity to the crime charged;

(4) a recommendation concerning whether evidence of similar acts, if admitted, should be limited to a certain time period (such as 10 years); and

(5) the effect, if any, of the adoption of any proposed changes on the admissibility of evidence under rule 412 of the Federal Rules of Evidence.

**SEC. 3713. SUPPLEMENTARY GRANTS FOR STATES ADOPTING EFFECTIVE LAWS RELATING TO SEXUAL VIOLENCE.**

(a) **IN GENERAL.**—The Attorney General may, in each fiscal year, award an aggregate amount of up to \$1,000,000 to a State that meets the eligibility requirements of subsection (b).

(b) **ELIGIBILITY.**—The authority to award additional funding under this section is conditional on certification by the Attorney General that the State has laws or policies relating to sexual violence that exceed or are reasonably comparable to the provisions of Federal law (including changes in Federal law made by this Act) in the following areas:

(1) Provision of training and policy development programs for law enforcement officers, prosecutors, and judges concerning the investigation and prosecution of sexual offenses.

(2) Authorization of law enforcement and prosecutorial units and teams that target sexual violence.

(3) Funding of victim services programs for victims of sexual violence.

(4) Authorization of educational and informational programs relating to sexual violence.

(5) Authorization of pretrial detention of defendants in sexual assault cases where provision of flight or the safety of others cannot be reasonably assured by other means.

(6) Authorization of serious penalties for non-consensual sexual assault offenses.

(7) Payment of the cost of medical examinations and testing by the victim for sexually transmitted diseases.

(8) Provision of rape shield protection to ensure that victims of sexual assault are protected from inquiry into unrelated sexual behavior in sexual assault cases.

(9) Provision of rules of professional conduct intended to protect against a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants in sexual assault cases.

(10) Authorization of the presence of the victim in the courtroom at the time of trial and provides for the victim's addressing the court concerning the sentence to be imposed.

(11) Authorization of awards of restitution to victims of sexual assaults as part of a criminal sentence.

**(c) AUTHORIZATION OF APPROPRIATIONS.**—

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section.

**TITLE XXXVIII—ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT EFFORTS****SEC. 3801. SHORT TITLE.**

(a) **SHORT TITLE.**—This title may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

**Subtitle A—Amendments to Criminal Law****SEC. 3811. HEALTH CARE FRAUD.****(a) IN GENERAL.**—

(1) **FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.**—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

**"§1347. Health care fraud**

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health care plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for life or any term of years.

"(b) For purposes of this section, the term 'health care plan' means a federally funded public program or private program for the delivery of or payment for health care items or services."

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud."

**SEC. 3812. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.**

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following:

"(6)(A) If the court determines that a Federal health care offense is of a type that poses a serious threat to the health of any person or has a significant detrimental impact on the health care system, the court, in imposing sentence on a person convicted of that offense, shall order that person to forfeit property, real or personal, that—

"(i) is used in the commission of the offense; or

"(ii) constitutes or is derived from proceeds traceable to the commission of the offense; and

"(iii) is of a value proportionate to the seriousness of the offense."

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act; (iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud;

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud; and

"(v) section 301, 303(a)(2), or 303 (b) or (e) of the Federal Food, Drug and Cosmetic Act, if the violation or conspiracy relates to health care fraud."

**SEC. 3813. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.**

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following: "(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

**SEC. 3814. RACKETEERING ACTIVITY RELATING TO FEDERAL HEALTH CARE OFFENSES.**

Section 1961 of title 18, United States Code, is amended by inserting "section 982(a)(6) (relating to Federal health care offenses)," after "sections 891-894 (relating to extortionate credit transactions),".

**Subtitle E—Amendments to Civil False Claims Act****SEC. 3821. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.**

Section 3729 of title 31, United States Code, is amended—

(1) in subsection (a)(7), by inserting "or to a health care plan," after "property to the Government,";

(2) in the matter following subsection (a)(7), by inserting "or health care plan" before "sustains because of the act of that person,";

(3) at the end of the first sentence of subsection (a), by inserting "or health care plan" before "sustains because of the act of the person,";

(4) in subsection (c)—

(A) by inserting "the term" after "section,"; and

(B) by adding at the end the following: "The term also includes any request or demand, whether under contract or otherwise, for money or property which is made or presented to a health care plan,"; and

(5) by adding at the end the following:

"(f) **HEALTH CARE PLAN DEFINED.**—For purposes of this section, the term 'health care plan' means a federally funded public program for the delivery of or payment for health care items or services."

**TITLE XXXIX—SENIOR CITIZENS AGAINST MARKETING SCAMS****SEC. 3901. SHORT TITLE.**

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

**SEC. 3902. FINDINGS AND DECLARATION.**

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and  
(C) educate the public.

**SEC. 3903. ENHANCED PENALTIES FOR TELE-MARKETING FRAUD.**

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

**“CHAPTER 113A—TELEMARKETING FRAUD**

“Sec.

“2325. Definition.

“2326. Enhanced penalties.

“2327. Restitution.

**“§2325. Definition**

“In this chapter, ‘telemarketing’—

“(1) means a plan, program, promotion, or campaign that is conducted to induce—

“(A) purchases of goods or services; or

“(B) participation in a contest or sweepstakes, by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

“(2) does not include the solicitation of sales through the mailing of a catalog that—

“(A) contains a written description or illustration of the goods or services offered for sale;

“(B) includes the business address of the seller;

“(C) includes multiple pages of written material or illustration; and

“(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

**“§2326. Enhanced penalties**

“An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

“(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

“(2) in the case of an offense under any of those sections that—

“(A) victimized ten or more persons over the age of 55; or

“(B) targeted persons over the age of 55, may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

**“§2327. Restitution**

“In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender’s fraudulent activity.”

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

“113A. Telemarketing fraud ..... 2325  
“113B. Terrorism ..... 2331”.

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

**“CHAPTER 113B—TERRORISM”.**

**SEC. 3904. FORFEITURE OF FRAUD PROCEEDS.**

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Court, in sentencing an offender under section 2326, shall order that the offender

forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.”.

**SEC. 3905. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.**

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

**SEC. 3906. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.**

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) In special circumstances and in the Attorney General’s sole discretion, the Attorney General may make a payment of up to \$10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

“(2) A person is not eligible for a payment under paragraph (1) if—

“(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

“(B) the person knowingly participated in the offense;

“(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

“(i) in a criminal, civil, or administrative proceeding;

“(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

“(iii) by the news media, unless the person is the original source of the information; or

“(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

“(3) For the purposes of paragraph (2)(C)(iii), the term ‘original source’ means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

“(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.”.

**SEC. 3907. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) \$10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) \$3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) \$10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

**SEC. 3908. BROADENING APPLICATION OF MAIL FRAUD STATUTE.**

Section 1341 of title 18, United States Code, is amended—

(1) by inserting “or deposits or causes to be deposited any matter or thing whatever to be

sent or delivered by any private or commercial interstate carrier,” after “Postal Service,”; and

(2) by inserting “or such carrier” after “causes to be delivered by mail”.

**SEC. 3909. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.**

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “or” at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

“(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than \$1,000;

“(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

“(A) offering an access device; or

“(B) selling information regarding or an application to obtain an access device; or

“(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;”.

(2) in subsection (c)(1) by striking “(a)(2) or (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”; and

(3) in subsection (e)—

(A) by striking “and” at the end of paragraph (5);

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

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

“(7) the term ‘credit card system member’ means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.”.

**SEC. 3910. INFORMATION NETWORK.**

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

**TITLE XL—CHILD SAFETY**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the “Child Safety Act”.

**SEC. 4002. FINDINGS.**

Congress finds the following:

(1) The problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse.

(2) Some perpetrators use the children as pawns to control the abused party after the couple is separated.

(3) Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States.

(4) In 1988, the Department of Justice reported that 354,100 children were abducted by family

members who violated custody agreements or decrees. Most victims were children from ages 2 to 11 years.

(5) Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year.

(6) Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986.

(7) Approximately 90 percent of children in homes in which their mothers are abused witness the abuse.

(8) Data indicates that women and children are at elevated risk for violence during the process of and after separation.

(9) Fifty to 70 percent of men who abuse their spouses or partners also abuse their children.

(10) Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples.

(11) In one study of spousal homicide, over half of the male defendants were separated from their victims.

(12) Seventy-three percent of battered women seeking emergency medical services do so after separation.

#### SEC. 4003. PURPOSE.

The purpose of this Act is to authorize funding to enable supervised visitation centers to provide the following:

(1) Supervised visitation in cases where there is documented sexual, physical or emotional abuse as determined by the appropriate court.

(2) Supervised visitation in cases where there is suspected or elevated risk of sexual, physical or emotional abuse, or where there have been threats of parental abduction of the child.

(3) Supervised visitation for children who have been placed in foster homes as a result of abuse.

(4) An evaluation of visitation between parents and children for child protection social services to assist such service providers in making determinations of whether the children should be returned to a previously abusive home.

(5) A safe location for custodial parents to temporarily transfer custody of their children with non-custodial parents, or to provide a protected visitation environment, where there has been a history of domestic violence or an order for protection is involved.

(6) An additional safeguard against the child witnessing abuse or a safeguard against the injury or death of a child or parent.

(7) An environment for families to have healthy interaction activities, quality time, non-violent memory building experiences during visitation to help build the parent/child relationship.

(8) Parent and child education and support groups to help parents heal and learn new skills, and to help children heal from past abuse.

#### SEC. 4004. DEMONSTRATION GRANTS FOR SUPERVISED VISITATION CENTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") is authorized to award grants to and enter into contracts and cooperative agreements with public or nonprofit private entities to assist such entities in the establishment and operation of supervised visitation centers.

(b) CONSIDERATIONS.—In awarding grants, contracts and agreements under subsection (a), the Secretary shall take into account—

(1) the number of families to be served by the proposed visitation center to be established under the grant, contract or agreement;

(2) the extent to which supervised visitation centers are needed locally;

(3) the relative need of the applicant; and

(4) the capacity of the applicant to make rapid and effective use of assistance provided under the grant, contract or agreement.

#### (c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract or cooperative agreement awarded under this section shall be used to establish supervised visitation centers and for the purposes described in section 4003. In using such amounts, grantees shall target the economically disadvantaged and those individuals who could not otherwise afford such visitation services. Other individuals may be permitted to utilize the services provided by the center on a fee basis.

(2) COSTS.—To the extent practicable, the Secretary shall ensure that, with respect to recipients of grants, contracts or agreements under this section, the perpetrators of the family violence, abuse or neglect will be responsible for any and all costs associated with the supervised visitation undertaken at the center.

#### SEC. 4005. DEMONSTRATION GRANT APPLICATION.

(a) IN GENERAL.—A grant, contract or cooperative agreement may not be made or entered into under this Act unless an application for such grant, contract or cooperative agreement has been submitted to and approved by the Secretary.

(b) APPROVAL.—Grants, contracts and cooperative agreements under this Act shall be awarded in accordance with such regulations as the Secretary may promulgate. At a minimum, to be approved by the Secretary under this section an application shall—

(1) demonstrate that the applicant has recognized expertise in the area of family violence and a record of high quality service to victims of family violence; and

(2) be submitted from an entity located in a State where State law requires the courts to consider evidence of violence in custody decisions.

#### SEC. 4006. EVALUATION OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the end of each fiscal year, a recipient of a grant, contract or cooperative agreement under this Act shall prepare and submit to the Secretary a report that contains information concerning—

(1) the number of families served per year;

(2) the number of families served per year categorized by—

(A) families who require that supervised visitation because of child abuse only;

(B) families who require supervised visitation because of a combination of child abuse and domestic violence; and

(C) families who require supervised visitation because of domestic violence only;

(3) the number of visits per family in the report year categorized by—

(A) supervised visitation required by the courts;

(B) supervised visitation based on suspected or elevated risk of sexual, physical, or emotional abuse, or threats of parental abduction of the child that is not court mandated;

(C) supervised visitation that is part of a foster care arrangement; and

(D) supervised visitation because of an order of protection;

(4) the number of supervised visitation arrangements terminated because of violations of visitation terms, including violence;

(5) the number of protective temporary transfers of custody during the report year;

(6) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution and custody violations;

(7) the number of safety and security problems that occur during the report year;

(8) the number of families who are turned away because the center cannot accommodate the demand for services;

(9) the process by which children or abused partners will be protected during visitations, temporary custody transfers and other activities for which the supervised visitation centers are created; and

(10) any other information determined appropriate in regulations promulgated by the Secretary.

(b) EVALUATION.—In addition to submitting the reports required under subsection (a), an entity receiving a grant, contract or cooperative agreement under this Act shall have a collateral agreement with the court, the child protection social services division of the State, and local domestic violence agencies or State and local domestic violence coalitions to evaluate the supervised visitation center operated under the grant, contract or agreement. The entities conducting such evaluations shall submit a narrative evaluation of the center to both the center and the grantee.

(c) DEMONSTRATION OF NEED.—The recipient of a grant, contract or cooperative agreement under this Act shall demonstrate, during the first 3 years of the project operated under the grant, contract or agreement, the need for continued funding.

#### SEC. 4007. SPECIAL GRANTS TO STUDY THE EFFECT OF SUPERVISED VISITATION ON SEXUALLY ABUSED OR SEVERELY PHYSICALLY ABUSED CHILDREN.

(a) AUTHORIZATION.—The Secretary is authorized to award special grants to public or nonprofit private entities to assist such entities in collecting clinical data for supervised visitation centers established under this Act to determine—

(1) the extent to which supervised visitation should be allowed between children who are sexually abused or severely physically abused by a parent, where the visitation is not predicated on the abusive parent having successively completed a specialized course of therapy for such abusers;

(2) the effect of supervised visitation on child victims of sexual abuse or severe physical abuse when the abusive parent exercising visitation has not completed specialized therapy and does not use the visitation to alleviate the child victim's guilt, fear, or confusion;

(3) the relationship between the type of abuse or neglect experienced by the child and the use of supervised visitation centers by the maltreating parent; and

(4) in cases of spouse or partner abuse only, the extent to which supervised visitation should be predicated on participation by the abusive spouse in a specialized treatment program.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including documentary evidence to demonstrate that the entity possesses a high level of clinical expertise and experience in child abuse treatment and prevention as they relate to visitation. The level of clinical expertise and experience required will be determined by the Secretary.

(c) REPORT.—Not later than 1 year after the date on which a grant is received under this section, and each year thereafter for the duration of the grant, the grantee shall prepare and submit to the Secretary a report containing the clinical data collected under such grant.

#### SEC. 4008. REPORTING.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing the information collected under the

reports received under sections 4006 and 4007, including recommendations made by the Secretary concerning whether or not the supervised visitation center demonstration and clinical data programs should be reauthorized.

**SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—For the purpose of awarding grants, contracts and cooperative agreements under this Act, there are authorized to be appropriated \$15,000,000 for fiscal year 1994, \$20,000,000 for fiscal year 1995, and \$25,000,000 for fiscal year 1996.

(b) **DISTRIBUTION.**—Of the amounts appropriated under subsection (a) for each fiscal year—

(1) not less than 80 percent shall be used to award grants, contracts, or cooperative agreements under section 4005; and

(2) not more than 20 percent shall be used to award grants under section 4007.

(c) **DISBURSEMENT.**—Amounts appropriated under this section shall be disbursed as categorical grants through the 10 regional offices of the Department of Health and Human Services.

**TITLE XLI—FAMILY UNITY DEMONSTRATION PROJECT**

**Subtitle A—Family Unity Demonstration Project**

**SEC. 4101. SHORT TITLE.**

This title may be cited as the "Family Unity Demonstration Project Act".

**SEC. 4102. FINDINGS AND PURPOSES.**

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

(1) an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails;

(2) such separation of children from their primary caretaker parents can cause harm to children's psychological well-being and hinder their growth and development;

(3) a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust;

(4) maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and

(5) maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

(b) **PURPOSE.**—The purpose of this title is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

**SEC. 4103. DEFINITIONS.**

In this title—

"child" means a person who is less than 6 years of age.

"community correctional facility" means a residential facility that—

(A) is used only for eligible offenders and their children under 6 years of age;

(B) is not within the confines of a jail or prison;

(C) has a maximum capacity of 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable, environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

"Director" means the Director of the Federal Bureau of Prisons.

"eligible offender" means a primary caretaker parent who—

(A) is sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment;

(B) except in the case of an offender awaiting sentencing, is incarcerated currently to serve that sentence;

(C) is not eligible currently for probation or parole until the expiration of a period exceeding 180 days; and

(D) has not engaged in conduct which—

(i) knowingly resulted in death or serious bodily injury;

(ii) is a felony for a crime of violence against the person; or

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

"primary caretaker parent" means—

(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

(B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child,

a parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

"State" means 1 of the States or the District of Columbia.

**SEC. 4104. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this title \$8,000,000 for each of fiscal years 1995, 1996, 1997, 1998 and 1999.

(b) **AVAILABILITY OF APPROPRIATIONS.**—Of the amount appropriated under subsection (a) for any fiscal year—

(1) 90 percent shall be available to carry out title II; and

(2) 10 percent shall be available to carry out title III.

**Subtitle B—Grants to States**

**SEC. 4111. AUTHORITY TO MAKE GRANTS.**

(a) **GENERAL AUTHORITY.**—The Director may make grants, on a competitive basis, to States to carry out in accordance with this title family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) **PREFERENCES.**—For the purpose of making grants under subsection (a), the Director shall give preference to a State that includes in the application required by section 202 assurances that if the State receives a grant—

(1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

(2) boards made up of community residents, local businesses, corrections officials, former

prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

(3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

(4) unless the Director determines that a longer timeline is appropriate in a particular case and notifies the Attorney General in writing of the length as reason for such extension, the State will implement the project not later than 180 days after receiving a grant under subsection (a) and will expend all of the grant during a 1-year period;

(5) the State demonstrates that it has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

(6) for the purpose of selecting eligible offenders to participate in the project, the State will—

(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

(C) review applications by prisoners in the sequence in which the State receives such applications;

(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

(7) for the purposes of selecting eligible offenders to participate in such project, the State authorizes State courts to sentence an eligible offender directly to a correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) **SELECTION OF GRANTEEES.**—The Director shall make grants under subsection (a) on a competitive basis, based on such criteria as the Director shall issue by rule and taking into account the priorities described in subsection (b).

(d) **NUMBER OF GRANTS.**—In any fiscal year for which funds are available to carry out this title, the Director shall make grants to no fewer than 4 and no greater than 8 eligible States geographically dispersed throughout the United States.

**SEC. 4112. ELIGIBILITY TO RECEIVE GRANTS.**

To be eligible to receive a grant under section 201(a), a State shall submit to the Director an application at such time, in such form, and containing such information as the Director reasonably may require by rule.

**SEC. 4113. REPORT.**

(a) **IN GENERAL.**—A State that receives a grant under this title shall, not later than 90 days after the 1-year period in which the grant is required to be expended, submit a report to the Director regarding the family unity demonstration project for which the grant was expended.

(b) **CONTENTS.**—A report under subsection (a) shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 102(b).

**Subtitle C—Family Unity Demonstration Project for Federal Prisoners**

**SEC. 4121. AUTHORITY OF THE ATTORNEY GENERAL.**

(a) **IN GENERAL.**—Ten percent of the funds authorized under this title shall be used for defendants convicted of Federal offenses.

(b) **GENERAL CONTRACTING AUTHORITY.**—In implementing this title, the Bureau of Prisons may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this title.

(c) **USE OF STATE FACILITIES.**—At the discretion of the Attorney General, Federal participants may be placed in State projects, as defined in title II. For such participants, the Attorney General shall, with funds available under section 104(b)(2), reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

**SEC. 4122. REQUIREMENTS.**

For the purpose of placing Federal participants in a family unity demonstration project under section 301, the Attorney General shall—

(1) consult with the Secretary of Health and Human Services regarding the development and operation of the project; and

(2) submit to the Director a report containing the information described in section 203(b).

**TITLE XLII—DOMESTIC VIOLENCE**

**SEC. 4201. SHORT TITLE.**

This title may be cited as the "Domestic Violence Firearm Prevention Act".

**SEC. 4202. FINDINGS.**

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

**SEC. 4203. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.**

(a) **PROHIBITION AGAINST DISPOSAL OF FIREARMS.**—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person or to refrain from abuse, harassment, or stalking of that person."

(b) **PROHIBITION AGAINST RECEIPT OF FIREARMS.**—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person;"

**TITLE XLIII—MISSING AND EXPLOITED CHILDREN**

**SECTION 4301. SHORT TITLE.**

This title may be cited as the "Morgan P. Hardiman Task Force on Missing and Exploited Children Act".

**SEC. 4302. FINDINGS.**

The Congress finds that—

(1) the victimization of children in our Nation has reached epidemic proportions; recent Department of Justice figures show that—

(A) 4,600 children were abducted by non-family members;

(B) two-thirds of the abductions of children by non-family members involve sexual assault;

(C) more than 354,000 children were abducted by family members; and

(D) 451,000 children ran away;

(2) while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires;

(3) a majority of the Nation's 17,000 police departments have 10 or fewer officers; and

(4) locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the Nation's most difficult cases involving missing children.

**SEC. 4303. PURPOSE.**

The purpose of this title is to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children (referred to as the "Center") and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children.

**SEC. 4304. ESTABLISHMENT OF TASK FORCE.**

Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 the following new section:

**"TASK FORCE**

**"SEC. 407. (a) ESTABLISHMENT.**—There is established a Missing and Exploited Children's Task Force (referred to as the "Task Force").

**"(b) MEMBERSHIP.**—

**"(1) IN GENERAL.**—The Task Force shall include at least 2 members from each of—

**"(A) the Federal Bureau of Investigation;**

**"(B) the Secret Service;**

**"(C) the Bureau of Alcohol, Tobacco and Firearms;**

**"(D) the United States Customs Service;**

**"(E) the Postal Inspection Service;**

**"(F) the United States Marshals Service; and**

**"(G) the Drug Enforcement Administration.**

**"(2) CHIEF.**—A representative of the Federal Bureau of Investigation (in addition to the members of the Task Force selected under paragraph (1)(A)) shall act as chief of the Task Force.

**"(3) SELECTION.**—(A) The Director of the Federal Bureau of Investigation shall select the chief of the Task Force.

**"(B) The heads of the agencies described in paragraph (1) shall submit to the chief of the Task Force a list of at least 5 prospective Task Force members, and the chief shall select 2, or such greater number as may be agreeable to an agency head, as Task Force members.**

**"(4) PROFESSIONAL QUALIFICATIONS.**—The members of the Task Force shall be law enforcement personnel selected for their expertise that would enable them to assist in the investigation of cases of missing and exploited children.

**"(5) STATUS.**—A member of the Task Force shall remain an employee of his or her respective agency for all purposes (including the purpose of performance review), and his or her service on the Task Force shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis.

**"(6) PERIOD OF SERVICE.**—(A) Subject to subparagraph (B), 1 member from each agency shall initially serve a 1-year term, and the other member from the same agency shall serve a 1-year term, and may be selected to a renewal of service for 1 additional year; thereafter, each new member to serve on the Task Force shall serve for a 2-year period with the member's term of service beginning and ending in alternate years with the other member from the same agency; the period of service for the chief of the Task Force shall be 3 years.

**"(B) The chief of the Task Force may at any time request the head of an agency described in paragraph (1) to submit a list of 5 prospective Task Force members to replace a member of the Task Force, for the purpose of maintaining a Task Force membership that will be able to meet the demands of its caseload.**

**"(c) SUPPORT.**—

**"(1) IN GENERAL.**—The Administrator of the General Services Administration, in coordination with the heads of the agencies described in subsection (b)(1), shall provide the Task Force office space and administrative and support services, such office space to be in close proximity to the office of the Center, so as to enable the Task Force to coordinate its activities with that of the Center on a day-to-day basis.

**"(2) LEGAL GUIDANCE.**—The Attorney General shall assign a United States Attorney to provide legal guidance, as needed, to members of the Task Force.

**"(d) PURPOSE.**—

**"(1) IN GENERAL.**—(A) The purpose of the Task Force shall be to make available the combined resources and expertise of the agencies described in paragraph (1) to assist State and local governments in the most difficult missing and exploited child cases nationwide, as identified by the chief of the Task Force from time to time, in consultation with the Center, and as many additional cases as resources permit, including the provision of assistance to State and local investigators on location in the field.

**"(B) TECHNICAL ASSISTANCE.**—The role of the Task Force in any investigation shall be to provide advice and technical assistance and to make available the resources of the agencies described in subsection (b)(1); the Task Force shall

not take a leadership role in any such investigation.

"(e) TRAINING.—Members of the Task Force shall receive a course of training, provided by the Center, in matters relating to cases of missing and exploited children.

"(f) CROSS-DESIGNATION OF TASK FORCE MEMBERS.—The Attorney General shall cross-designate the members of the Task Force with jurisdiction to enforce Federal law related to child abduction to the extent necessary to accomplish the purposes of this section."

#### TITLE XLIV—PUBLIC CORRUPTION

##### SEC. 4401. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1993".

##### SEC. 4402. PUBLIC CORRUPTION.

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

#### "§226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election through one or more of the following means, or otherwise—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

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

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or

degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption."

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery)."

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests)."

##### SEC. 4403. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§1343. Fraud by use of facility of interstate commerce"

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce."

##### SEC. 4404. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

#### "§220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State, shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or

promises any public official to give anything of value to any other person, with intent—

- "(1) to influence any official act;  
 "(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or  
 "(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,  
 shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—  
 "(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—  
 "(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;  
 "(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed."

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery)."

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses)."

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption."

#### TITLE XLV—SEMI-AUTOMATIC ASSAULT WEAPONS

##### SEC. 4501. SHORT TITLE.

This title may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

##### SEC. 4502. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon."

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or types, replicas, or duplicates in any caliber of the firearms, known as—

"(i) Norinco, Mitchell, and Poly Technologies Automat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta AR-70 (SC-70);

"(iv) Colt AR-15;

"(v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

"(vi) SWD M-10, M-11, M-11A, and M-12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

"(ix) any shotgun which contains its ammunition in a revolving cylinder, such as (but not limited to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or barrel having a threaded muzzle; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a barrel having a threaded muzzle;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds; and

"(iv) an ability to accept a detachable magazine.

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(S).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or (q) of section 922" and inserting "(q), or (s) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of title 18, United States Code, is amended in the first sentence by inserting ", or semiautomatic assault weapon" after "short-barreled shotgun."

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following new sentence: "The serial number of any semiautomatic assault weapon manufactured after the date of enactment of this section shall clearly show the date on which the weapon was manufactured."

##### SEC. 4503. EXEMPTION FOR FIREARMS LAWFULLY POSSESSED PRIOR TO DATE OF ENACTMENT.

Section 922(s) of title 18, United States Code, as added by section 4502(a), is amended by adding at the end the following paragraph:

"(2) Paragraph (1) shall not apply to the transfer or possession of any firearm that was

lawfully possessed before the effective date of this subsection."

##### SEC. 4504. EXEMPTION FOR CERTAIN HUNTING AND SPORTING FIREARMS.

Section 922 of title 18, as amended by section 4503, is amended by adding at the end the following paragraph:

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) is an unserviceable firearm; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fired or detachable magazine."

##### SEC. 4505. EXEMPTIONS FOR GOVERNMENTAL AND EXPERIMENTAL USE.

Section 922(s) of title 18, United States Code, as amended by section 4504, is amended by adding the following paragraph:

"(4) Paragraph (1) shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State; or

"(B) the manufacture, transfer, or possession of any firearm by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary, or for exportation."

##### SEC. 4506. RECORDKEEPING REQUIREMENTS AND RELATED RESTRICTIONS.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 4505, is amended by adding at the end the following new subsection:

"(t)(1) It shall be unlawful for a person to sell, ship, or deliver an assault weapon to a person who does not fill out a form 4473 in connection with the purchase of the assault weapon.

"(2) It shall be unlawful for a person to purchase, possess, or accept delivery of an assault weapon unless the person has filled out a form 4473 in connection with the purchase of the assault weapon.

"(3) If a person purchases an assault weapon from anyone other than a licensed dealer, both the purchaser and the seller shall maintain a record of the sale on the seller's original copy of form 4473.

"(4) An owner of an assault weapon on the effective date of this subsection who requires retention of form 4473 under this subsection shall, within 90 days after publication of regulations by the Secretary under paragraph (5), request a copy of form 4473 from a licensed dealer in accordance with those regulations.

"(5) The Secretary shall, within 90 days after the date of enactment of this subsection, prescribe regulations for the request and delivery of form 4473 under paragraph (4)."

(b) PENALTY.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who knowingly violates section 922(t) shall be fined not more than \$1,000 (in accordance with section 3571(e)), imprisoned not more than 6 months, or both."

(c) DISABILITY.—Section 922(g)(1) of title 18, United States Code, is amended by inserting "or a violation of section 922(t)" before the semicolon at the end.

##### SEC. 4507. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 4506, is

amended by adding at the end the following new subsection:

"(u)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) This subsection does not apply to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency of the United States or a State, or a department, agency, or political subdivision of a State;

"(B) the lawful transfer or lawful possession of a large capacity ammunition feeding device that was lawfully possessed before the effective date of this subsection; or

"(C) the transfer or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 4502(b), is amended by adding at the end the following new paragraph:

"(30) The term 'large capacity ammunition feeding device'—

"(A) means—

"(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(ii) any combination of parts from which a device described in clause (i) can be assembled; but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition."

(c) LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence—

(1) by striking "or (D) any destructive device."; and

(2) by inserting "(D) any destructive device; or (E) any large capacity ammunition feeding device."

(d) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 4502(c), is amended by striking "or (s)" and inserting "(s), or (u)".

(e) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section 4502(d), is amended by adding at the end the following new sentence: "A large capacity ammunition feeding device manufactured after the date of enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe."

#### SEC. 4508. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this title and the amendments made by this title, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 78 months after the date of enactment of this Act.

(b) REPORT.—Not later than 8 years after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

#### SEC. 4509. EFFECTIVE DATE.

This title and the amendments made by this title—

(1) shall take effect on the date of enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

#### SEC. 4510. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States code, is amended by adding at the end the following appendix:

##### "APPENDIX A

##### Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle

Browning BAR Mark II Safari Magnum Rifle

Browning High-Power Rifle

Heckler & Koch Model 300 Rifle

Iver Johnson M-1 Carbine

Iver Johnson 50th Anniversary M-1 Carbine

Marlin Model 9 Camp Carbine

Marlin Model 45 Carbine

Remington Nylon 66 Auto-Loading Rifle

Remington Model 7400 Auto Rifle

Remington Model 7400 Rifle

Remington Model 7400 Special Purpose Auto Rifle

Ruger Mini-14 Autoloading Rifle (w/o folding stock)

Ruger Mini Thirty Rifle

##### Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle

Browning Model 81 Long Action BLR

Browning Model 1886 Lever-Action Carbine

Browning Model 1886 High Grade Carbine

Cimarron 1860 Henry Replica

Cimarron 1866 Winchester Replicas

Cimarron 1873 Short Rifle

Cimarron 1873 Sporting Rifle

Cimarron 1873 30" Express Rifle

Dixie Engraved 1873 Rifle

E.M.F. 1866 Yellowboy Lever Actions

E.M.F. 1860 Henry Rifle

E.M.F. Model 73 Lever-Action Rifle

Marlin Model 336CS Lever-Action Carbine

Marlin Model 30AS Lever-Action Carbine

Marlin Model 444SS Lever-Action Sporter

Marlin Model 1894S Lever-Action Carbine

Marlin Model 1894CS Carbine

Marlin Model 1894CL Classic

Marlin Model 1895SS Lever-Action Rifle

Mitchell 1858 Henry Replica

Mitchell 1866 Winchester Replica

Mitchell 1873 Winchester Replica

Navy Arms Military Henry Rifle

Navy Arms Henry Trapper

Navy Arms Iron Frame Henry

Navy Arms Henry Carbine

Navy Arms 1866 Yellowboy Rifle

Navy Arms 1873 Winchester-Style Rifle

Navy Arms 1873 Sporting Rifle

Remington 7600 Slide Action

Remington Model 7600 Special Purpose Slide Action

Rossi M92 SRC Saddle-Ring Carbine

Rossi M92 SR5 Short Carbine

Savage 99C Lever-Action Rifle

Uberti Henry Rifle

Uberti 1866 Sporting Rifle

Uberti 1873 Sporting Rifle

Winchester Model 94 Side Eject Lever-Action Rifle

Winchester Model 94 Trapper Side Eject

Winchester Model 94 Big Bore Side Eject

Winchester Model 94 Ranger Side Eject Lever-Action Rifle

Winchester Model 94 Wrangler Side Eject

##### Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle

A-Square Caesar Bolt-Action Rifle

A-Square Hannibal Bolt-Action Rifle

Anschutz 1700D Classic Rifles

Anschutz 1700D Custom Rifles

Anschutz 1700D Bavarian Bolt-Action Rifle

Anschutz 1733D Mannlicher Rifle

Barret Model 90 Bolt-Action Rifle

Beeman/HW 60J Bolt-Action Rifle

Blaser R84 Bolt-Action Rifle

BRNO 537 Sporter Bolt-Action Rifle

BRNO ZKB 527 Fox Bolt-Action Rifle

BRNO ZKK 600, 601, 602 Bolt-Action Rifles

Browning A-Bolt Rifle

Browning A-Bolt Stainless Stalker

Browning A-Bolt Left Hand

Browning A-Bolt Short Action

Browning Euro-Bolt Rifle

Browning A-Bolt Gold Medallion

Browning A-Bolt Micro Medallion

Century Centurion 14 Sporter

Century Enfield Sporter #4

Century Swedish Sporter #38

Century Mauser 98 Sporter

Cooper Model 38 Centerfire Sporter

Dakota 22 Sporter Bolt-Action Rifle

Dakota 76 Classic Bolt-Action Rifle

Dakota 76 Short Action Rifles

Dakota 76 Safari Bolt-Action Rifle

Dakota 416 Rigby African

E.A.A./Sabatti Rover 870 Bolt-Action Rifle

Auguste Francotte Bolt-Action Rifles

Carl Gustaf 2000 Bolt-Action Rifle

Heym Magnum Express Series Rifle

Hova Lightning Bolt-Action Rifle

Hova Realtree Camo Rifle

Interarms Mark X Viscount Bolt-Action Rifle

Interarms Mini-Mark X Rifle

Interarms Mark X Whitworth Bolt-Action Rifle

Interarms Whitworth Express Rifle

Iver Johnson Model 5100A1 Long-Range Rifle

KDF K15 American Bolt-Action Rifle

Krico Model 600 Bolt-Action Rifle

Krico Model 700 Bolt-Action Rifles

Mauser Model 66 Bolt-Action Rifle

Mauser Model 99 Bolt-Action Rifle

McMillan Signature Classic Sporter

McMillan Signature Super Varminter

McMillan Signature Alaskan

McMillan Signature Titanium Mountain Rifle

McMillan Classic Stainless Sporter

McMillan Talon Safari Rifle

McMillan Talon Sporter Rifle

Midland 1500S Survivor Rifle

Navy Arms TU-33/40 Carbine

Parker-Hale Model 81 Classic Rifle

Parker-Hale Model 81 Classic African Rifle

Parker-Hale Model 1000 Rifle

Parker-Hale Model 1100M African Magnum

Parker-Hale Model 1100 Lightweight Rifle

Parker-Hale Model 1200 Super Rifle

Parker-Hale Model 1200 Super Clip Rifle

Parker-Hale Model 1300C Scout Rifle

Parker-Hale Model 2100 Midland Rifle

Parker-Hale Model 2700 Lightweight Rifle

Parker-Hale Model 2800 Midland Rifle

Remington Model Seven Bolt-Action Rifle

Remington Model Seven Youth Rifle

Remington Model Seven Custom KS

Remington Model Seven Custom MS Rifle

Remington 700 ADL Bolt-Action Rifle  
 Remington 700 BDL Bolt-Action Rifle  
 Remington 700 BDL Varmint Special  
 Remington 700 BDL European Bolt-Action Rifle  
 Remington 700 Varmint Synthetic Rifle  
 Remington 700 BDL SS Rifle  
 Remington 700 Stainless Synthetic Rifle  
 Remington 700 MTRSS Rifle  
 Remington 700 BDL Left Hand  
 Remington 700 Camo Synthetic Rifle  
 Remington 700 Safari  
 Remington 700 Mountain Rifle  
 Remington 700 Custom KS Mountain Rifle  
 Remington 700 Classic Rifle  
 Ruger M77 Mark II Rifle  
 Ruger M77 Mark II Magnum Rifle  
 Ruger M77RL Ultra Light  
 Ruger M77 Mark II All-Weather Stainless Rifle  
 Ruger M77 RSI International Carbine  
 Ruger M77 Mark II Express Rifle  
 Ruger M77VT Target Rifle  
 Sako Hunter Rifle  
 Sako Fiberclass Sporter  
 Sako Safari Grade Bolt Action  
 Sako Hunter Left-Hand Rifle  
 Sako Classic Bolt Action  
 Sako Hunter LS Rifle  
 Sako Deluxe Lightweight  
 Sako Super Deluxe Sporter  
 Sako Mannlicher-Style Carbine  
 Sako Varmint Heavy Barrel  
 Sako TRG-S Bolt-Action Rifle  
 Sauer 90 Bolt-Action Rifle  
 Savage 110G Bolt-Action Rifle  
 Savage 110CY Youth/Ladies Rifle  
 Savage 110WLE One of One Thousand Limited Edition Rifle  
 Savage 110GXP3 Bolt-Action Rifle  
 Savage 110F Bolt-Action Rifle  
 Savage 110FXP3 Bolt-Action Rifle  
 Savage 110GV Varmint Rifle  
 Savage 112FV Varmint Rifle  
 Savage Model 112FVS Varmint Rifle  
 Savage Model 112BV Heavy Barrel Varmint Rifle  
 Savage 116FSS Bolt-Action Rifle  
 Savage model 116FSK Kodiak Rifle  
 Savage 110FP Police Rifle  
 Steyr-Mannlicher Sporter Models SL, L, M, S, S/T  
 Steyr-Mannlicher Luxus Model L, M, S  
 Steyr-Mannlicher Model M Professional Rifle  
 Tikka Bolt-Action Rifle  
 Tikka Premium Grade Rifles  
 Tikka Varmint/Continental Rifle  
 Tikka Whitetail/Battue Rifle  
 Ultra Light Arms Model 20 Rifle  
 Ultra Light Arms Model 28, Model 40 Rifles  
 Voere VEC 91 Lightning Bolt-Action Rifle  
 Voere Model 2165 Bolt-Action Rifle  
 Voere Model 2155, 2150 Bolt-Action Rifles  
 Weatherby Mark V Deluxe Bolt-Action Rifle  
 Weatherby Lasermark V Rifle  
 Weatherby Mark V Crown Custom Rifles  
 Weatherby Mark V Sporter Rifle  
 Weatherby Mark V Safari Grade Custom Rifles  
 Weatherby Weathermark Rifle  
 Weatherby Weathermark Alaskan Rifle  
 Weatherby Classicmark No. 1 Rifle  
 Weatherby Weatherguard Alaskan Rifle  
 Weatherby Vanguard VGX Deluxe Rifle  
 Weatherby Vanguard Classic Rifle  
 Weatherby Vanguard Classic No. 1 Rifle  
 Weatherby Vanguard Weatherguard Rifle

Wichita Classic Rifle  
 Wichita Varmint Rifle  
 Winchester Model 70 Sporter  
 Winchester Model 70 Sporter WinTuff  
 Winchester Model 70 SM Sporter  
 Winchester Model 70 Stainless Rifle  
 Winchester Model 70 Varmint  
 Winchester Model 70 Synthetic Heavy Varmint Rifle  
 Winchester Model 70 DBM Rifle  
 Winchester Model 70 DBM-S Rifle  
 Winchester Model 70 Featherweight  
 Winchester Model 70 Featherweight WinTuff  
 Winchester Model 70 Featherweight Classic  
 Winchester Model 70 Lightweight Rifle  
 Winchester Ranger Rifle  
 Winchester Model 70 Super Express Magnum  
 Winchester Model 70 Super Grade  
 Winchester Model 70 Custom Sharpshooter  
 Winchester Model 70 Custom Sporting Sharpshooter Rifle

#### Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine  
 Brown Model One Single Shot Rifle  
 Browning Model 1885 Single Shot Rifle  
 Dakota Single Shot Rifle  
 Desert Industries G-90 Single Shot Rifle  
 Harrington & Richardson Ultra Varmint Rifle  
 Model 1885 High Wall Rifle  
 Navy Arms Rolling Block Buffalo Rifle  
 Navy Arms #2 Creedmoor Rifle  
 Navy Arms Sharps Cavalry Carbine  
 Navy Arms Sharps Plains Rifle  
 New England Firearms Handi-Rifle  
 Red Willow Armory Ballard No. 5 Pacific  
 Red Willow Armory Ballard No. 1.5 Hunting Rifle  
 Red Willow Armory Ballard No. 8 Union Hill Rifle  
 Red Willow Armory Ballard No. 4.5 Target Rifle  
 Remington-Style Rolling Block Carbine  
 Ruger No. 1B Single Shot  
 Ruger No. 1A Light Sporter  
 Ruger No. 1H Tropical Rifle  
 Ruger No. 1S Medium Sporter  
 Ruger No. 1 RSI International  
 Ruger No. 1V Special Varminter  
 C. Sharps Arms New Model 1874 Old Reliable  
 C. Sharps Arms New Model 1875 Rifle  
 C. Sharps Arms 1875 Classic Sharps  
 C. Sharps Arms New Model 1875 Target & Long Range  
 Shiloh Sharps 1874 Long Range Express  
 Shiloh Sharps 1874 Montana Roughrider  
 Shiloh Sharps 1874 Military Carbine  
 Shiloh Sharps 1874 Business Rifle  
 Shiloh Sharps 1874 Military Rifle  
 Sharps 1874 Old Reliable  
 Thompson/Center Contender Carbine  
 Thompson/Center Stainless Contender Carbine  
 Thompson/Center Contender Carbine Survival System  
 Thompson/Center Contender Carbine Youth Model  
 Thompson/Center TCR '87 Single Shot Rifle  
 Uberti Rolling Block Baby Carbine

#### Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles  
 Baretta Model 455 SxS Express Rifle  
 Chapuis RGE Express Double Rifle  
 Auguste Francotte Sidelock Double Rifles

Auguste Francotte Boxlock Double Rifle  
 Heym Model 55B O/U Double Rifle  
 Heym Model 55FW O/U Combo Gun  
 Heym Model 88b Side-by-Side Double Rifle  
 Kodiak Mk. IV Double Rifle  
 Kreighoff Teck O/U Combination Gun  
 Kreighoff Trumpf Drilling  
 Merkel Over/Under Combination Guns  
 Merkel Drillings  
 Merkel Model 160 Side-by-Side Double Rifles  
 Merkel Over/Under Double Rifles  
 Savage 24F O/U Combination Gun  
 Savage 24F-12T Turkey Gun  
 Springfield Inc. M6 Scout Rifle/Shotgun  
 Tikka Model 412s Combination Gun  
 Tikka Model 412S Double Fire  
 A. Zoli Rifle-Shotgun O/U Combo

#### Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle  
 AMT Lightning Small-Game Hunting Rifle II  
 AMT Magnum Hunter Auto Rifle  
 Anschütz 525 Deluxe Auto  
 Armscor Model 20P Auto Rifle  
 Browning Auto-22 Rifle  
 Browning Auto-22 Grade VI  
 Krico Model 260 Auto Rifle  
 Lakefield Arms Model 64B Auto Rifle  
 Marlin Model 60 Self-Loading Rifle  
 Marlin Model 60ss Self-Loading Rifle  
 Marlin Model 70 HC Auto  
 Marlin Model 990L Self-Loading Rifle  
 Marlin Model 70P Papoose  
 Marlin Model 922 Magnum Self-Loading Rifle  
 Marlin Model 995 Self-Loading Rifle  
 Norinco Model 22 ATD Rifle  
 Remington Model 522 Viper Autoloading Rifle  
 Remington 552BDL Speedmaster Rifle  
 Ruger 10/22 Autoloading Carbine (w/o folding stock)  
 Survival Arms AR-7 Explorer Rifle  
 Texas Remington Revolving Carbine  
 Voere Model 2115 Auto Rifle

#### Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle  
 Martin 39TDS Carbine  
 Marlin Model 39AS Golden Lever-Action Rifle  
 Remington 572BDL Fieldmaster Pump Rifle  
 Norinco EM-321 Pump Rifle  
 Rossi Model 62 SA Pump Rifle  
 Rossi Model 62 SAC Carbine  
 Winchester Model 9422 Lever-Action Rifle  
 Winchester Model 9422 Magnum Lever-Action Rifle

#### Rimfire Rifles—Bolt Actions & Single Shots

Anschütz Achiever Bolt-Action Rifle  
 Anschütz 1416D/1516D Classic Rifles  
 Anschütz 1418D/1518D Mannlicher rifles  
 Anschütz 1700D Classic Rifles  
 Anschütz 1700D Custom Rifles  
 Anschütz 1700 FWT Bolt-Action Rifle  
 Anschütz 1700D Graphite Custom Rifle  
 Anschütz 1700D Bavarian Bolt-Action Rifle  
 Armscor Model 14P Bolt-Action Rifle  
 Armscor Model 1500 Rifle  
 BRNO ZKM-452 Deluxe Bolt-Action Rifle  
 BRNO ZKM 452 Deluxe  
 Beeman/HW 60-J-ST Bolt-Action Rifle  
 Browning A-Bolt 22 Bolt-Action Rifle  
 Browning A-Bolt Gold Medallion  
 Cabanas Phaser Rifle  
 Cabanas Master Bolt-Action Rifle  
 Cabanas Espronceda IV Bolt-Action Rifle

Cabanas Leyre Bolt-Action Rifle  
 Chipmunk Single Shot Rifle  
 Cooper Arms Model 36S Sporter Rifle  
 Dakota 22 Sporter Bolt-Action Rifle  
 Krico Model 300 Bolt-Action Rifles  
 Lakefield Arms Mark II Bolt-Action Rifle  
 Lakefield Arms Mark I Bolt-Action Rifle  
 Magtech Model MT-22C Bolt-Action Rifle  
 Marlin Model 880 Bolt-Action Rifle  
 Marlin Model 881 Bolt-Action Rifle  
 Marlin Model 882 Bolt-Action Rifle  
 Marlin Model 883 Bolt-Action Rifle  
 Marlin Model 883SS Bolt-Action Rifle  
 Marlin Model 25MN Bolt-Action Rifle  
 Marlin Model 25N Bolt-Action Repeater  
 Marlin Model 15YN "Little Buckaroo"  
 Mauser Model 107 Bolt-Action Rifle  
 Mauser Model 201 Bolt-Action Rifle  
 Navy Arms TU-KKW Training Rifle  
 Navy Arms TU-33/40 Carbine  
 Navy Arms TU-KKW Sniper Trainer  
 Norinco JW-27 Bolt-Action Rifle  
 Norinco JW-15 Bolt-Action Rifle  
 Remington 541-T  
 Remington 40-XR Rimfire Custom Sporter  
 Remington 541-T HB Bolt-Action Rifle  
 Remington 581-S Sportsman Rifle  
 Ruger 77/22 Rimfire Bolt-Action Rifle  
 Ruger K77/22 Varmint Rifle  
 Ultra Light arms Model 20 RF Bolt-Action Rifle  
 Winchester Model 52B Sporting Rifle

#### Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette  
 Anschutz 1808D RT Super Match 54 Target  
 Anschutz 1827B Biathlon Rifle  
 Anschutz 1903D Match Rifle  
 Anschutz 1803D Intermediate Match  
 Anschutz 1911 Match Rifle  
 Anschutz 54.18MS REP Deluxe Silhouette Rifle  
 Anschutz 1913 Super Match Rifle  
 Anschutz 1907 Match Rifle  
 Anschutz 1910 Super Match II  
 Anschutz 54.18MS Silhouette Rifle  
 Anschutz Super Match 54 Target Model 2013  
 Anschutz Super Match 54 Target Model 2007  
 Beeman/Feinwerkbau 2600 Target Rifle  
 Cooper Arms Model TRP-1 ISU Standard Rifle  
 E. A. A./Weihrauch HW 60 Target Rifle  
 E. A. A./HW 660 Match Rifle  
 Finnish Lion Standard Target Rifle  
 Krico Model 360 S2 Biathlon Rifle  
 Krico Model 400 Match Rifle  
 Krico Model 360S Biathlon Rifle  
 Krico Model 500 Kricotronic Match Rifle  
 Krico Model 600 Sniper Rifle  
 Krico Model 600 Match Rifle  
 Lakefield Arms Model 90B Target Rifle  
 Lakefield Arms Model 91T Target Rifle  
 Lakefield Arms Model 92S Silhouette Rifle  
 Marlin Model 2000 Target Rifle  
 Mauser Model 86-SR Specialty Rifle  
 McMillan M-86 Sniper Rifle  
 McMillan Combo M-87/M-88 50-Caliber Rifle  
 McMillan 300 Phoenix Long Range Rifle  
 McMillan M-89 Sniper Rifle  
 McMillan National Match Rifle  
 McMillan Long Range Rifle  
 Parker-Hale M-87 Target Rifle  
 Parker-Hale M-85 Sniper Rifle  
 Remington 40-XB Rangemaster Target Centerfire  
 Remington 40-XR KS Rimfire Position Rifle

Remington 40-XBBR KS  
 Remington 40-XC KS National Match Course Rifle  
 Sako TRG-21 Bolt-Action Rifle  
 Steyr-Mannlicher Match SPG-UIT Rifle  
 Steyr-Mannlicher SSG P-I Rifle  
 Steyr-Mannlicher SSG P-III Rifle  
 Steyr-Mannlicher SSG P-IV Rifle  
 Tanner Standard UIT Rifle  
 Tanner 50 Meter Free Rifle  
 Tanner 300 Meter Free Rifle  
 Wichita Silhouette Rifle

#### Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL  
 Benelli Super Black Eagle Shotgun  
 Benelli Super Black Eagle Slug Gun  
 Benelli M1 Super 90 Field Auto Shotgun  
 Benelli Montefeltro Super 90 20-Gauge Shotgun  
 Benelli Montefeltro Super 90 Shotgun  
 Benelli M1 Sporting Special Auto Shotgun  
 Benelli Black Eagle Competition Auto Shotgun  
 Beretta A-303 Auto Shotgun  
 Beretta 390 Field Auto Shotgun  
 Beretta 390 Super Trap, Super Skeet Shotguns  
 Beretta Vittoria Auto Shotgun  
 Beretta Model 1201F Auto Shotgun  
 Browning BSA 10 Auto Shotgun  
 Browning Bsa 10 Stalker Auto Shotgun  
 Browning A-500R Auto Shotgun  
 Browning A-500G Auto Shotgun  
 Browning A-500G Sporting Clays  
 Browning Auto-5 Light 12 and 20  
 Browning Auto-5 Stalker  
 Browning Auto-5 Magnum 20  
 Browning Auto-5 Magnum 12  
 Churchill Turkey Automatic Shotgun  
 Cosmi Automatic Shotgun  
 Maverick Model 60 Auto Shotgun  
 Mossberg Model 5500 Shotgun  
 Mossberg Model 9200 Regal Semi-Auto Shotgun  
 Mossberg Model 9200 USST Auto Shotgun  
 Mossberg Model 9200 Camo Shotgun  
 Mossberg Model 6000 Auto Shotgun  
 Remington Model 1100 Shotgun  
 Remington 11-87 Premier shotgun  
 Remington 11-87 Sporting Clays  
 Remington 11-87 Premier Skeet  
 Remington 11-87 Premier Trap  
 Remington 11-87 Special Purpose Magnum  
 Remington 11-87 SPS-T Camo Auto Shotgun  
 Remington 11-87 Special Purpose Deer Gun  
 Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun  
 Remington 11-87 SPS-Deer Shotgun  
 Remington 11-87 Special Purpose Synthetic Camo  
 Remington SP-10 Magnum-Camo Auto Shotgun  
 Remington SP-10 Magnum Auto Shotgun  
 Remington SP-10 Magnum Turkey Combo  
 Remington 1100 LT-20 Auto  
 Remington 1100 Special Field  
 Remington 1100 20-Gauge Deer Gun  
 Remington 1100 LT-20 Tournament Skeet  
 Winchester Model 1400 Semi-Auto Shotgun

#### Shotguns—Slide Actions

Browning Model 42 Pump Shotgun  
 Browning BPS Pump Shotgun  
 Browning BPS Stalker Pump Shotgun

Browning BPS Pigeon Grade Pump Shotgun  
 Browning BPS Pump Shotgun (Ladies and Youth Model)  
 Browning BPS Game Gun Turkey Special  
 Browning BPS Game Gun Deer Special  
 Ithaca Model 87 Supreme Pump Shotgun  
 Ithaca Model 87 Deerslayer Shotgun  
 Ithaca Deerslayer II Rifled Shotgun  
 Ithaca Model 87 Turkey Gun  
 Ithaca Model 87 Deluxe Pump Shotgun  
 Magtech Model 586-VR Pump Shotgun  
 Maverick Models 88, 91 Pump Shotguns  
 Mossberg Model 500 Sporting Pump  
 Mossberg Model 500 Camo Pump  
 Mossberg Model 500 Muzzleloader Combo  
 Mossberg Model 500 Trophy Slugster  
 Mossberg Turkey Model 500 Pump  
 Mossberg Model 500 Bantam Pump  
 Mossberg Field Grade Model 835 Pump Shotgun  
 Mossberg Model 835 Regal Ulti-Mag Pump  
 Remington 870 Wingmaster  
 Remington 870 Special Purpose Deer Gun  
 Remington 870 SPS-BG-Camo Deer/Turkey Shotgun  
 Remington 870 SPS-Deer Shotgun  
 Remington 870 Marine Magnum  
 Remington 870 TC Trap  
 Remington 870 Special Purpose Synthetic Camo  
 Remington 870 Wingmaster Small Gauges  
 Remington 870 Express Rifle Sighted Deer Gun  
 Remington 879 SPS Special Purpose Magnum  
 Remington 870 SPS-T Camo Pump Shotgun  
 Remington 870 Special Field  
 Remington 870 Express Turkey  
 Remington 870 High Grades  
 Remington 870 Express  
 Remington Model 870 Express Youth Gun  
 Winchester Model 12 Pump Shotgun  
 Winchester Model 42 High Grade Shotgun  
 Winchester Model 1300 Walnut Pump  
 Winchester Model 1300 Slug Hunter Deer Gun  
 Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun  
 Winchester Model 1300 Turkey Gun  
 Winchester Model 1300 Ranger Pump Gun

#### Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U  
 American Arms Silver I O/U  
 American Arms Silver II Shotgun  
 American Arms Silver Skeet O/U  
 American Arms/Franchi Sporting 2000 O/U  
 American Arms Silver Sporting O/U  
 American Arms Silver Trap O/U  
 American Arms WS/OU 12, TS/OU 12 Shotguns  
 American Arms WT/OU 10 Shotgun  
 Armsport 2700 O/U Goose Gun  
 Armsport 2700 Series O/U  
 Armsport 2900 Tri-Barrel Shotgun  
 Baby Bretton Over/Under Shotgun  
 Beretta Model 686 Ultralight O/U  
 Beretta ASE 90 Competition O/U Shotgun  
 Beretta Over/Under Field Shotguns  
 Beretta Onyx Hunter Sport O/U Shotgun

Beretta Model SO5, SO6, SO9 Shotguns  
 Beretta Sporting Clay Shotguns  
 Beretta 687EL Sporting O/U  
 Beretta 682 Super Sporting O/U  
 Beretta Series 682 Competition Over/  
 Unders  
 Browning Citori O/U Shotgun  
 Browning Superlight Citori Over/Under  
 Browning Lightning Sporting Clays  
 Browning Micro Citori Lightning  
 Browning Citori Plus Trap Combo  
 Browning Citori Plus Trap Gun  
 Browning Citori O/U Skeet Models  
 Browning Citori O/U Trap Models  
 Browning Special Sporting Clays  
 Browning Citori GT1 Sporting Clays  
 Browning 325 Sporting Clays  
 Centurion Over/Under Shotgun  
 Chapuis Over/Under Shotgun  
 Connecticut Valley Classics Classic  
 Sporter O/U  
 Connecticut Valley Classics Classic  
 Field Waterfowler  
 Charles Daly Field Grade O/U  
 Charles Daly Lux Over/Under  
 E.A.A./Sabatti Sporting Clays Pro-Gold  
 O/U  
 E.A.A./Sabatti Falcon-Mon Over/Under  
 Kassnar Grade I O/U Shotgun  
 Krieghoff K-80 Sporting Clays O/U  
 Krieghoff K-80 Skeet Shotgun  
 Krieghoff K-80 International Skeet  
 Krieghoff K-80 Four-Barrel Skeet Set  
 Krieghoff K-80/RT Shotguns  
 Krieghoff K-80 O/U Trap Shotgun  
 Laurona Silhouette 300 Sporting Clays  
 Laurona Silhouette 300 Trap  
 Laurona Super Model Over/Unders  
 Ljutic LM-6 Deluxe O/U Shotgun  
 Marocchi Conquista Over/Under Shot-  
 gun  
 Marocchi Avanza O/U Shotgun  
 Merkel Model 200E O/U Shotgun  
 Merkel Model 200E Skeet, Trap Over/  
 Unders  
 Merkel Model 203E, 303E Over/Under  
 Shotguns  
 Perazzi Mirage Special Sporting O/U  
 Perazzi Mirage Special Four-Gauge  
 Skeet  
 Perazzi Sporting Classic O/U  
 Perazzi MX7 Over/Under Shotguns  
 Perazzi Mirage Special Skeet Over/  
 Under  
 Perazzi MX8/MX8 Special Trap, Skeet  
 Perazzi MX8/20 Over/Under Shotgun  
 Perazzi MX9 Single Over/Under Shot-  
 guns  
 Perazzi MX12 Hunting Over/Under  
 Perazzi MX28, MX410 Game O/U Shot-  
 guns  
 Perazzi MX20 Hunting Over/Under  
 Piotti Boss Over/Under Shotgun  
 Remington Peerless Over/Under Shot-  
 gun  
 Ruger Red Label O/U Shotgun  
 Ruger Sporting Clays O/U Shotgun  
 San Marco 12-Ga. Wildflower Shotgun  
 San Marco Field Special O/U Shotgun  
 San Marco 10-Ga. O/U Shotgun  
 SKB Model 505 Deluxe Over/Under  
 Shotgun  
 SKB Model 685 Over/Under Shotgun  
 SKB Model 885 Over/Under Trap, Skeet,  
 Sporting Clays  
 Stoeger/IGA Condor I O/U Shotgun  
 Stoeger/IGA ERA 2000 Over/Under Shot-  
 gun  
 Techni-Mec Model 610 Over/Under  
 Tikka Model 412S Field Grade Over/  
 Under  
 Weatherby Athena Grade IV O/U Shot-  
 guns  
 Weatherby Athena Grade V Classic  
 Field O/U

Weatherby Orion O/U Shotguns  
 Weatherby II, III Classic Field O/Us  
 Weatherby Orion II Classic Sporting  
 Clays O/U  
 Weatherby Orion II Sporting Clays O/U  
 Winchester Model 1001 O/U Shotgun  
 Winchester Model 1001 Sporting Clays  
 O/U  
 Pietro Zanoletti Model 2000 Field O/U

#### Shotguns—Side by Sides

American Arms Brittany Shotgun  
 American Arms Gentry Double Shotgun  
 American Arms Derby Side-by-Side  
 American Arms Grulla #2 Double Shot-  
 gun  
 American Arms WS/SS 10  
 American Arms TS/SS 10 Double Shot-  
 gun  
 American Arms TS/SS 12 Side-by-Side  
 Arrieta Sidelock Double Shotguns  
 Armsport 1050 Series Double Shotguns  
 Arizona Model 31 Double Shotgun  
 AYA Bozlock Shotguns  
 AYA Sidelock Double Shotguns  
 Beretta Model 452 Sidelock Shotgun  
 Beretta Side-by-Side Field Shotguns  
 Crucelegui Hermanos Model 150 Double  
 Chapuis Side-by-Side Shotgun  
 E.A.A./Sabatti Saba-Mon Double Shot-  
 gun  
 Charles Daly Model Dss Double  
 Ferlib Model F VII Double Shotgun  
 Auguste Francotte Bozlock Shotgun  
 Auguste Francotte Sidelock Shotgun  
 Garbi Model 100 Double  
 Garbi Model 101 Side-by-Side  
 Garbi Model 103A, B Side-by-Side  
 Garbi Model 200 Side-by-Side  
 Bill Hanus Birdgun Doubles  
 Hatfield Uplander Shotgun  
 Merkel Model 8, 47E Side-by-Side Shot-  
 guns  
 Merkel Model 47LSC Sporting Clays  
 Double  
 Merkel Model 47S, 147S Side-by-Sides  
 Parker Reproductions Side-by-Side  
 Piotti King No. 1 Side-by-Side  
 Piotti Lunik Side-by-Side  
 Piotti King Extra Side-by-Side  
 Piotti Piuma Side-by-Side  
 Precision Sports Model 600 Series Dou-  
 bles  
 Rizzini Bozlock Side-by-Side  
 Rizzini Sidelock Side-by-Side  
 Stoeger/IGA Uplander Side-by-Side  
 Shotgun  
 Ugartechea 10-Ga. Magnum Shotgun

#### Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun  
 Browning BT-99 Competition Trap Spe-  
 cial  
 Browning BT-99 Plus Trap Gun  
 Browning BT-99 Plus Micro  
 Browning Recoiless Trap Shotgun  
 Browning Micro Recoiless Trap Shot-  
 gun  
 Desert Industries Big Twenty Shotgun  
 Harrington & Richardson Topper Model  
 098  
 Harrington & Richardson Topper Clas-  
 sic Youth Shotgun  
 Harrington & Richardson N.W.T.F.  
 Turkey Mag  
 Harrington & Richardson Topper De-  
 luxe Model 098  
 Krieghoff KS-5 Trap Gun  
 Krieghoff KS-5 Special  
 Krieghoff K-80 Single Barrel Trap Gun  
 Ljutic Mono Gun Single Barrel  
 Ljutic LTX Super Deluxe Mono Gun  
 Ljutic Recoiless Space Gun Shotgun  
 Marlin Model 55 Goose Gun Bolt Action  
 New England Firearms Turkey and  
 Goose Gun

New England Firearms N.W.T.F. Shot-  
 gun  
 New England Firearms Tracker Slug  
 Gun  
 New England Firearms Standard Pard-  
 ner  
 New England Firearms Survival Gun  
 Perazzi TM1 Special Single Trap  
 Remington 90-T Super Single Shotgun  
 Snake Charmer II Shotgun  
 Stoeger/IGA Reuna Single Barrel Shot-  
 gun  
 Thompson/Center TCR '87 Hunter Shot-  
 gun."

#### TITLE XLVI—RECREATIONAL HUNTING SAFETY

##### SEC. 4601. SHORT TITLE.

This title may be cited as the "Recreational Hunting Safety and Preservation Act of 1993".

##### SEC. 4602. FINDINGS.

Congress finds that—  
 (1) recreational hunting, when carried out pursuant to law (as implemented by the regulations of Federal and State wildlife management agencies) is a necessary and beneficial element in the proper conservation and management of healthy, abundant, and biologically diverse wildlife resources;

(2) recreational hunters (because of a generally demonstrated concern with the conservation of wildlife resources and preservation of habitat necessary for the breeding and maintenance of healthy wildlife populations, and through a familiarity with the resources gained from experience in the field) are a valuable asset in ensuring enlightened public input into decisions regarding management and maintenance programs for wildlife resources and habitat;

(3)(A) recreational hunting supports industries highly significant to the national economy through sales in interstate commerce of sporting goods; and  
 (B) the Federal excise taxes imposed on the sales provide a major source of funding for vital programs of wildlife conservation and manage-

ment;  
 (4) various persons are engaging in (and have announced an intent to continue to engage in) a variety of disruptive activities with the premeditated purpose of preventing and interfering with the conduct of lawful recreational hunting on Federal lands, which activities—

(A) place both recreational hunters and the disruptive persons in imminent jeopardy of grave physical injury or death;

(B) disrupt the peaceful, lawful, and prudent conduct of wildlife population and habitat management programs by Federal and State wildlife management agencies; and  
 (C) ultimately may alter the planned program objectives, resulting in—

(i) undesirable patterns of activity within populations of wildlife;

(ii) the endangerment of the future viability of wildlife species; and  
 (iii) damage to habitat values;

(5) Federal lands comprise important wildlife habitat resources that—

(A) support many large, diverse, and vital populations of wildlife; and  
 (B) offer significant opportunities for legal recreational hunting as an important manage-

ment tool to ensure the future viability of the wildlife populations;

(6) it is the right of citizens of the United States freely to enjoy lawful recreational hunting on Federal lands in accordance with regulations promulgated by Federal and State wildlife management agencies; and  
 (7) in many instances under current law, vagueness and ambiguity exist regarding the application of State laws and enforcement activities relating to—

(A) the safety of hunters; and

(B) the legal rights of recreational hunters to participate peacefully in lawful hunts on Federal lands.

**SEC. 4603. DEFINITIONS.**

As used in this title:

(1) **FEDERAL LANDS.**—The term "Federal lands" means—

- (A) national forests;
- (B) public lands;
- (C) national parks; and
- (D) wildlife refuges.

(2) **LAWFUL HUNT.**—The term "lawful hunt" means an occasion when an individual is engaged in the taking or harvesting (or attempted taking or harvesting) through a legal means and during a specified legal season of a wildlife or fish, on Federal lands, which activity—

(A) is authorized by or licensed under the law of the State in which it takes place; or

(ii) is regulated by game or fishing seasons established by the State in which it takes place;

(B) is not prohibited by a law of the United States; and

(C) does not infringe upon a right of an owner of private property.

(3) **NATIONAL FOREST.**—The term "national forest" means lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(4) **NATIONAL PARK.**—The term "national park" means lands and waters included in the national park system (as defined in section 2(a) of the Act entitled "An Act to facilitate the management of the National Park System and miscellaneous areas administered in connection with that system, and for other purposes", approved August 8, 1953 (16 U.S.C. 1c(a))).

(5) **PUBLIC LANDS.**—The term "public lands" has the same meaning as is provided in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) **SECRETARY.**—The term "Secretary" means—

(A) the Secretary of Agriculture with respect to national forests; and

(B) the Secretary of the Interior with respect to—

- (i) public lands;
- (ii) national parks; and
- (iii) wildlife refuges.

(7) **WILDLIFE REFUGE.**—The term "wildlife refuge" means lands and waters included in the National Wildlife Refuge System (as established by section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd)).

**SEC. 4604. OBSTRUCTION OF A LAWFUL HUNT.**

(a) **VIOLATION.**—It is unlawful for a person knowingly and with the intent of obstructing, impeding, or interfering with a lawful hunt by an individual to—

(1) obstruct, impede, or otherwise interfere with a lawful hunt by an individual;

(2) engage in activities that prevent or impede the reasonable and usual means of access by those individuals who intend to participate in a lawful hunt, whether the activities occur on Federal lands or upon a public or private road, highway, path, trail, or other normal route of access to Federal lands;

(3) take or abuse property, equipment, or hunting dogs being used in conjunction with a lawful hunt; or

(4) enter onto Federal lands or travel in interstate commerce to further—

(A) a scheme or effort to obstruct, impede, or otherwise interfere with a lawful hunt; or

(B) the efforts of another person to obstruct, impede, or interfere with a lawful hunt.

(b) **MULTIPLE VIOLATIONS.**—The Secretary may consider participation by a person in more than one of the activities described in this section to constitute multiple violations.

**SEC. 4605. CIVIL PENALTIES.**

(a) **IN GENERAL.**—A person who engages in an activity described in section 4604 shall be assessed a civil penalty of not less than \$500, and not more than \$5,000, for each violation.

(b) **VIOLATION INVOLVING FORCE OR VIOLENCE.**—Upon a determination by a court that the activity involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person, a person who engages in an activity described in section 4604 shall be assessed a civil penalty of not less than \$1,000, and not more than \$10,000, for each violation.

(c) **RELATIONSHIP TO OTHER PENALTIES.**—The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 4604.

(d) **PROCEDURE.**—

(1) **COMPLAINTS FROM GOVERNMENT AGENTS.**—Upon receipt of a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 4604, the Secretary shall—

(A) forward the complaint to the United States Attorney for the Federal judicial district in which the violation is alleged to have occurred; and

(B) request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty specified in subsection (a) or (b).

(2) **COMPLAINTS FROM INDIVIDUALS.**—Upon receipt of a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual data to create a reasonable belief that a violation of section 4604 has occurred, the Secretary shall—

(A) forward a complaint to the United States Attorney for the Federal judicial district in which the violation is alleged to have occurred; and

(B) request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty specified in subsection (a) or (b).

(e) **USE OF PENALTY MONEY COLLECTED.**—After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September 2, 1937 (16 U.S.C. 669) (commonly known as the "Pitman-Robertson Wildlife Restoration Act"), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

**SEC. 4606. OTHER RELIEF.**

(a) **INJUNCTIVE RELIEF.**—Injunctive relief against a violation of section 4604 may be sought by—

(1) the head of a State agency with jurisdiction over fish or wildlife management;

(2) the Attorney General of the United States; or

(3) any person who is or would be adversely affected by the violation, or a hunting or sportsman's organization to which the person belongs.

(b) **DAMAGES AND ATTORNEY'S FEES.**—Any person who is or would be adversely affected by a violation of section 4604, or a hunting or sportsman's organization to which the person belongs, may bring a civil action to recover—

- (1) actual and punitive damages; and
- (2) reasonable attorney's fees.

**SEC. 4607. RELATIONSHIP TO STATE AND LOCAL LAW AND CIVIL ACTIONS.**

(a) **LAW OR ORDINANCE.**—This title is not intended to preempt a State law or local ordinance that provides for civil or criminal penalties for a person who obstructs or otherwise interferes with a lawful hunt.

(b) **CIVIL ACTION.**—The bringing of an action pursuant to this title shall not prevent an independent action against a person under a State law or local ordinance.

**SEC. 4608. REGULATIONS.**

The Secretary may issue such regulations as are necessary to carry out this title.

**TITLE XLVII—Correctional Job Training and Placement**

**SEC. 4701. SHORT TITLE.**

This title may be cited as the "Office of Correctional Job Training and Placement Act of 1993".

**SEC. 4702. CORRECTIONAL JOB TRAINING AND PLACEMENT.**

(a) **FINDINGS.**—Congress finds that—

(1) job training and placement are important to, and make a significant contribution to, the readjustment to society of incarcerated persons and ex-offenders; and

(2) there is a growing need for immediate action by the Federal Government to assist State and local job training programs, and job placement programs, that provide services to incarcerated persons or ex-offenders.

(b) **PURPOSE.**—It is the purpose of this section to encourage and support job training programs, and job placement programs, that provide services to incarcerated persons or ex-offenders.

(c) **DEFINITIONS.**—As used in this section:

(1) **CORRECTIONAL INSTITUTION.**—The term "correctional institution" means any prison, jail, reformatory, work farm, detention center, or halfway house, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) **CORRECTIONAL JOB TRAINING OR PLACEMENT PROGRAM.**—The term "correctional job training or placement program" means an activity that provides job training or job placement services to incarcerated persons or ex-offenders, or that assists incarcerated persons or ex-offenders in obtaining such services.

(3) **EX-OFFENDER.**—The term "ex-offender" means any individual who has been sentenced to a term of probation by a Federal or State court, or who has been released from a Federal, State, or local correctional institution.

(4) **INCARCERATED PERSON.**—The term "incarcerated person" means any individual incarcerated in a Federal or State correctional institution who is charged with or convicted of any criminal offense.

(d) **ESTABLISHMENT OF OFFICE.**—

(1) **IN GENERAL.**—The Attorney General shall establish within the Department of Justice an Office of Correctional Job Training and Placement. The Office shall be headed by a Director, who shall be appointed by the Attorney General.

(2) **TIMING.**—The Attorney General shall carry out this subsection not later than 6 months after the date of enactment of this section.

(e) **FUNCTIONS OF OFFICE.**—The Attorney General, acting through the Director of the Office of Correctional Job Training and Placement, in consultation with the Secretary of Labor, shall—

(1) assist in coordinating the activities of the Federal Bonding Program of the Department of

Labor, the activities of the Department of Labor related to the determination of targeted jobs credits under section 51 of the Internal Revenue Code of 1986 with respect to ex-offenders, and any other correctional job training or placement program of the Department of Justice or Department of Labor;

(2) provide technical assistance to State and local employment and training agencies that—

(A) receive financial assistance under this Act; or

(B) receive financial assistance through other programs carried out by the Department of Justice or Department of Labor, for activities related to the development of employability;

(3) prepare and implement the use of special staff training materials, and methods, for developing the staff competencies needed by State and local agencies to assist incarcerated persons and ex-offenders in gaining marketable occupational skills and job placement;

(4) prepare and submit to Congress an annual report on the activities of the Office of Correctional Job Training and Placement, and the status of correctional job training or placement programs in the United States;

(5) cooperate with other Federal agencies carrying out correctional job training or placement programs throughout the United States;

(6) consult with, and provide outreach to—

(A) State job training coordinating councils, administrative entities, and private industry councils, with respect to programs carried out under this Act; and

(B) other State and local officials, with respect to other employment or training programs carried out by the Department of Justice or Department of Labor;

(7) collect from States information on the training accomplishments and employment outcomes of a sample of incarcerated persons and ex-offenders who were served by employment or training programs carried out, or that receive financial assistance through programs carried out, by the Department of Justice or Department of Labor; and

(8)(A) collect from States and local governments information on the development and implementation of correctional job training or placement programs; and

(B) disseminate such information, as appropriate.

#### TITLE XLVIII—POLICE PARTNERSHIPS FOR CHILDREN

##### SEC. 4801. SHORT TITLE.

This title may be cited as the "Police Partnerships for Children Act of 1993".

##### SEC. 4802. FINDINGS.

Congress finds the following:

(1) Homicide is the second leading cause of juvenile injury deaths for all youth 15 to 24 years of age.

(2) Homicide rates for children and youth have more than doubled since 1950.

(3) Teenagers are more than twice as likely as adults to be victims of violent crime, such as rape, robbery or assault.

(4) Physical fighting severe enough to require medical treatment for at least one participant occurs among high school students in patterns similar to those of homicide. The incidence rates of such physical fighting are higher for males than females, higher for minorities than for nonminorities, and more frequent between acquaintances than among strangers.

(5) Children increasingly live amidst chronic community violence and experience trauma as a result of such violence. One survey of inner-city children 6 to 10 years of age found that over 90 percent had witnessed some type of violence. A Chicago housing project survey found that virtually all children in such survey had firsthand experiences with shootings by the age of 5.

(6) Children who have been the victims of, or who have witnessed violence, are at risk of becoming involved in further violence if the trauma such children have experienced is not addressed.

(7) Police frequently encounter children who have been the victims of violence or who have witnessed violence in the course of the police work, but the police often lack the resources necessary to adequately respond to such children's needs. Child and family service agencies have expertise in child development and family issues that could support police efforts.

(8) Community-based police, by their visibility at the neighborhood level and their engagement in benign activities, can provide role models and resources to promote the well-being of children and families, as well as to identify and refer those at risk for behavioral problems.

##### SEC. 4803. PURPOSES.

The purposes of this title are to—

(1) augment law enforcement services and community policing efforts by providing accessible crisis intervention services for children who are involved in violent incidents, and training for law enforcement officers in child development, family, and cultural issues;

(2) identify children and families at high risk for developing behavioral or emotional problems resulting from exposure to community violence and provide mental health and other support services to such children and families, including crisis intervention for child witnesses and victims of violence;

(3) facilitate interaction between law enforcement agencies, child and family service organizations, local educational agencies, and other community members for the purpose of building coalitions for the prevention of community violence; and

(4) provide role models for high-risk children and youth and promote conflict resolution training for children and youth in local educational agencies.

##### SEC. 4804. DEFINITIONS.

For purposes of this title:

(1) **CHILD AND FAMILY SERVICE ORGANIZATION.**—The term "child and family service organization" means a public or private nonprofit entity (such as child guidance centers, child psychiatry or child psychology departments of hospitals or university medical centers, or community mental health centers providing child and family services) that provides mental health services to children and families and that meets nationally recognized guidelines (such as guidelines prescribed for mental health centers and for child welfare and family service agencies) with respect to the services provided to children and families.

(2) **COMMUNITY-BASED POLICING.**—The term "community-based policing" means a commitment and an effort (within the confines of budget restrictions) made by a law enforcement agency to establish or expand cooperative efforts between the police and a community in order to increase police presence in the community, including—

(A) developing innovative neighborhood-oriented policing programs and community-based crime-prevention programs; and

(B) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level, including the permanent assignment of officers to a specific neighborhood or substation.

(3) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an entity that serves a specific community and has the routine responsibility of policing the activities of such community.

##### SEC. 4805. GRANTS AUTHORIZED.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT GRANTS.**—The Attorney General, in consultation with the Secretary of Health and Human Services, and where appropriate the Secretary of Education, shall, subject to availability of appropriations, award grants to law enforcement agencies determined to be eligible under section 4806 for the establishment of law enforcement and child and family services partnership programs to carry out activities described in section 4806.

(2) **PRIORITY.**—In awarding grants described in paragraph (1), the Attorney General shall give priority to a law enforcement agency that—

(A) is engaged in community-based policing; and

(B) intends to target such agency's programs at disadvantaged communities.

(b) **GRANT AMOUNT.**—

(1) **IN GENERAL.**—A grant awarded under this section shall be of sufficient size and scope to adequately support all anticipated activities.

(2) **ADDITIONAL AMOUNTS.**—

(A) **IN GENERAL.**—The Attorney General may award additional grant amounts for the purpose of enabling a law enforcement agency (as described in section 4806(a)(1)) to provide mentoring or conflict resolution services.

(B) **SPECIAL RULES.**—

(i) **PRIORITY FOR MENTORING SERVICES.**—In awarding additional grant funds for the provision of mentoring services under subparagraph (A), the Attorney General shall give priority to a law enforcement agency (as described in section 4806(a)(1)) that demonstrates commitments from a broad spectrum of community groups to participate in mentoring programs.

(ii) **CONFLICT RESOLUTION SERVICES.**—In awarding additional grant funds for the provision of conflict resolution services under subparagraph (A), the Attorney General may not award grant funds to a law enforcement agency (as described in section 4806(a)(1)) unless such agency demonstrates a commitment from the local educational agency to provide conflict resolution programs in the schools in participation with such agency.

(c) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of a grant made under this section may not exceed—

(A) with respect to the first fiscal year, 80 percent of the total costs of the projects described in the application submitted under section 4806 for such fiscal year;

(B) with respect to the second fiscal year, 70 percent of the total costs of the projects described in the application submitted under section 4806 for such fiscal year; and

(C) with respect to the third fiscal year, 60 percent of the total costs of the projects described in the application submitted under section 4806 for such fiscal year.

(2) **IN-KIND CONTRIBUTIONS.**—The Attorney General shall accept the value of in-kind contributions made by the grant recipient as a part or all of the non-Federal share of grants.

(d) **GRANT DURATION.**—A grant awarded under this title shall be for a period of not less than 3 years.

##### SEC. 4806. APPLICATIONS.

(a) **IN GENERAL.**—To be eligible for a grant under this section an entity shall—

(1) be a law enforcement agency that has entered into a partnership with a child and family service organization to carry out a program under this title; and

(2) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish.

(b) **ASSURANCES.**—Each application submitted under subsection (a) shall provide the following assurances:

(1) There is a partnership established between the law enforcement agency and a child and family service organization.

(2) The management at the highest level of the law enforcement agency and the child and family service organization agrees to the establishment of such partnership, and ensures that such agency and such organization of such partnership will cooperate in carrying out the program.

(3) In developing the program, the applicant has coordinated with other segments of the community to ensure that the partnership efforts complement existing community anti-violence efforts.

(4) Programs established from funds received under grants awarded under this title will do the following:

(A) Be collaborative in nature, with respect to organizing and providing the necessary services to children and families.

(B) Provide response to crisis situations 24 hours a day.

(C) Provide confidentiality.

(D) Be able to provide adequate resources for training of law enforcement officers and for support of professional consultation services for children and families, including professionals licensed to provide child and family evaluations and treatment.

(E) Be able to respond to community needs in a manner reflecting sensitivity to the cultural diversity of that community.

(5) The partnership will provide the following program components:

(A) 24-hour consultation service that includes a team of child guidance professionals and specially trained law enforcement officers to respond to incidents where a child has been a perpetrator, a witness, or a victim of violence. Services by child guidance professionals may include in-home assessments, expedited referrals for treatment, treatment in a community where resources are not already available, consultations with parents and teachers, and on-the-spot crisis intervention.

(B) Training for law enforcement officers that includes instruction by child and family service organizations in the basic principles of human behavior, child psychology, and family systems. All training will be interactive and jointly taught by law enforcement officers and child guidance professionals, in order to make use of real-life examples drawn from officers' experience in the field.

(C) Weekly case conferences by the team of child guidance professionals and law enforcement officers described in subparagraph (A).

(D) Community activities for children and families that are designed jointly by the law enforcement and child and family services partnership, including conflict resolution training programs for children and youth, after-school activity and neighborhood recreation programs, and parent support groups co-led by child guidance and law enforcement professionals.

(6) The partnership will provide local matching funds in accordance with the Federal share requirements under section 4805(c).

(7) The applicant will submit to the Attorney General, for each fiscal year for which a grant is received, a report in accordance with uniform standards prescribed by the Attorney General.

(c) ADDITIONAL ASSURANCES FOR MENTORING AND CONFLICT RESOLUTION SERVICES.—

(1) IN GENERAL.—Each application submitted under subsection (a) for additional funding for the provision of mentoring or conflict resolution services under section 4805(b)(2) shall provide assurances described in paragraph (2) or (3), whichever is applicable.

(2) MENTORING.—With respect to the provision of mentoring services, an applicant shall provide assurances that the partnership of the applicant and the child and family service organization will—

(A) provide formal mentoring programs that will include mentors such as police officers,

child and family services staff, and community and business leaders provided through a partnership with corporations, universities, labor organizations, nonprofit entities (such as professional societies) or government agencies;

(B) recruit mentors who are representative of the cultural mix of the community such mentors serve;

(C) provide ongoing support services to mentors through the partnership, including a framework for understanding the issues such mentors may encounter in working with youth from deprived environments and ongoing support groups to provide mentors an opportunity to discuss the problems encountered in working with children;

(D) provide practical work experience and, to the extent possible, permanent career opportunities to older youth; and

(E) collaborate, when possible, with elementary and secondary schools, universities, corporations, labor organizations, or government agencies with respect to matters relating to the partnership's mentoring program.

(3) CONFLICT RESOLUTION.—With respect to the provision of conflict resolution services, an applicant shall provide an assurance that the child and family service organization and the law enforcement agency partnership, in collaboration with the local educational agency (hereafter referred to in this subparagraph as the "LEA") will support the LEA in the development and implementation of conflict resolution programs. The support provided to the LEA in the preceding sentence shall be tailored to the needs and resources of the local school district, and may include providing assistance to an ongoing conflict resolution program operated by such LEA, developing curricula for such a program in cooperation with the LEA, and providing such a program to an LEA.

#### SEC. 4807. TRAINING AND TECHNICAL ASSISTANCE.

The Attorney General shall provide training and technical assistance to grantees and child and family service organization with which such grantees have formed a partnership.

#### SEC. 4808. EVALUATION AND REPORTS.

(a) EVALUATION.—The Attorney General shall conduct evaluations to determine the effectiveness of the programs funded under this title.

(b) SUBMISSION OF REPORTS AND EVALUATIONS.—

(1) INTERIM.—Not later than December 31, 1995, the Attorney General shall prepare and submit to the appropriate committees of Congress an interim progress report based on information reported by the grantees and the results (as of the date of the submission of such report) of the evaluation conducted under subsection (a).

(2) FINAL.—Not later than December 31, 1998, the Attorney General shall prepare and submit to the appropriate committees of Congress a review and summary of the results of the evaluation conducted under subsection (a).

#### SEC. 4809. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, \$20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, of which not more than 10 percent shall be used for the mentoring and conflict resolution activities described in section 4806(c).

### TITLE XLIX—NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

#### SEC. 4901. SHORT TITLE.

This title may be cited as the "National Community Economic Partnership Act of 1993".

#### Subtitle A—Community Economic Partnership Investment Funds

#### SEC. 4911. PURPOSE.

It is the purpose of this subtitle to increase private investment in distressed local commu-

nities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

#### SEC. 4912. PROVISION OF ASSISTANCE.

(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary") is authorized, in accordance with this subtitle, to provide non-refundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income, unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas.

(b) REVOLVING LOAN FUNDS.—

(1) COMPETITIVE ASSESSMENT OF APPLICATIONS.—In providing assistance under subsection (a), the Secretary shall establish and implement a competitive process for the solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a line of credit under this subtitle an applicant shall—

(A) be a community development corporation;

(B) prepare and submit an application to the Secretary that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income, underemployed, and unemployed individuals in the target area;

(C) demonstrate previous experience in the development of low-income housing or community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

(3) EXCEPTION.—Notwithstanding the provisions of paragraph (2)(D), the Secretary may reduce local contributions to not less than 25 percent of the amount of the line of credit requested by the community development corporation if the Secretary determines such to be appropriate in accordance with section 4916.

#### SEC. 4913. APPROVAL OF APPLICATIONS.

(a) IN GENERAL.—In evaluating applications submitted under section 4912(b)(2)(B), the Secretary shall ensure that—

(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Secretary);

(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

(B) local and regional job training programs;

(4) the applicant community development corporation will target job opportunities that arise from revolving loan fund investments under this subtitle so that 75 percent of the jobs retained or created under such investments are provided to—

(A) individuals with—  
(i) incomes that do not exceed the Federal poverty line; or

(ii) incomes that do not exceed 80 percent of the median income of the area;

(B) individuals who are unemployed or underemployed;

(C) individuals who are participating or have participated in job training programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Family Support Act of 1988 (Public Law 100-485);

(D) individuals whose jobs may be retained as a result of the provision of financing available under this subtitle; or

(E) individuals who have historically been underrepresented in the local economy; and

(5) a representative cross section of applicants are approved, including large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

(b) PRIORITY.—In determining which application to approve under this subtitle the Secretary shall give priority to those applicants proposing to serve a target area—

(1) with a median income that does not exceed 80 percent of the median for the area (as determined by the Secretary); and

(2) with a high rate of unemployment, as determined by the Secretary or in which the population loss is at least 7 percent from April 1, 1980, to April 1, 1990, as reported by the Bureau of the Census.

#### SEC. 4914. AVAILABILITY OF LINES OF CREDIT AND USE.

(a) APPROVAL OF APPLICATION.—The Secretary shall provide a community development corporation that has an application approved under section 4913 with a line of credit in an amount determined appropriate by the Secretary, subject to the limitations contained in subsection (b).

(b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide in excess of \$2,000,000 in lines of credit under this subtitle to a single applicant.

(2) PERIOD OF AVAILABILITY.—A line of credit provided under this subtitle shall remain available over a period of time established by the Secretary, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), if a recipient of a line of credit under this subtitle has made full and productive use of such line of credit, can demonstrate the need and demand for additional assistance, and can meet the requirements of section 4912(b)(2), the amount of such line of credit may be increased by not more than \$1,500,000.

(c) AMOUNTS DRAWN FROM LINE OF CREDIT.—Amounts drawn from each line of credit under this subtitle shall be used solely for the purposes described in section 4911 and shall only be drawn down as needed to provide loans, investments, or to defray administrative costs related to the establishment of a revolving loan fund.

(d) USE OF REVOLVING LOAN FUNDS.—Revolving loan funds established with lines of credit provided under this subtitle may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 4913(a)(4).

#### SEC. 4915. LIMITATIONS ON USE OF FUNDS.

(a) MATCHING REQUIREMENT.—Not to exceed 50 percent of the total amount to be invested by an entity under this subtitle may be derived

from funds made available from a line of credit under this subtitle.

(b) TECHNICAL ASSISTANCE AND ADMINISTRATION.—Not to exceed 10 percent of the amounts available from a line of credit under this subtitle shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Secretary to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Secretary shall assist in the identification and facilitation of such technical assistance.

(c) LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—To receive funds available under a line of credit provided under this subtitle, an entity, using procedures established by the Secretary, shall demonstrate to the community development corporation that such entity agrees to provide local and private sector contributions in accordance with section 4912(b)(2)(D), will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made using funds made available under this subtitle may be used only for the purposes described in section 4911 and shall be reinvested in the community in which they were generated.

#### SEC. 4916. PROGRAM PRIORITY FOR SPECIAL EMPHASIS PROGRAMS.

(a) IN GENERAL.—The Secretary shall give priority in providing lines of credit under this subtitle to community development corporations that propose to undertake economic development activities in distressed communities that target women, Native Americans, at risk youth, farmworkers, population-losing communities, very low-income communities, single mothers, veterans, and refugees; or that expand employee ownership of private enterprises and small businesses, and to programs providing loans of not more than \$35,000 to very small business enterprises.

(b) RESERVATION OF FUNDS.—Not less than 5 percent of the amounts made available under section 4932(a)(2)(A) may be reserved to carry out the activities described in subsection (a).

#### Subtitle B—Emerging Community Development Corporations

#### SEC. 4921. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

(a) PURPOSE.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

(b) SKILL ENHANCEMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or

(B) to acquire such assistance from other highly successful community development corporations.

(c) OPERATING GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under subtitle A;

(B) to develop a business plan related to such a potential project; or

(C) to mobilize resources to be contributed to a planned low-income community economic development project or strategy.

(d) APPLICATIONS.—A community development corporation that desires to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) AMOUNT AVAILABLE FOR A COMMUNITY DEVELOPMENT CORPORATION.—Amounts provided under this section to a community development corporation shall not exceed \$75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corporation desires to receive and compete on the basis of such applications in the selection process.

#### SEC. 4922. EMERGING COMMUNITY DEVELOPMENT CORPORATION REVOLVING LOAN FUNDS.

(a) AUTHORITY.—The Secretary is authorized to award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a community development corporation;

(2) have completed not less than one nor more than two community economic development projects or related projects that improve or provide job and employment opportunities to low-income individuals;

(3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals; and

(4) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit, or letters of commitment) in an amount that is equal to at least 10 percent of the amounts requested in the application submitted under paragraph (2).

(c) USE OF THE REVOLVING LOAN FUND.—

(1) IN GENERAL.—A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

(A) finance projects intended to provide business and employment opportunities for low-income individuals and to improve the quality of life in urban and rural areas; and

(B) build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

(2) **TECHNICAL ASSISTANCE.**—The Secretary shall encourage emerging community development corporations that receive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

(3) **LIMITATION.**—Not to exceed 10 percent of the amounts received under this section by a grantee shall be used for training, technical assistance and administrative purposes.

(d) **USE OF PROCEEDS FROM INVESTMENTS.**—Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this subtitle and shall be reinvested in the community in which they were generated.

(e) **AMOUNTS AVAILABLE.**—Amounts provided under this section to a community development corporation shall not exceed \$500,000 per year.

#### Subtitle C—Miscellaneous Provisions

#### SEC. 4931. DEFINITIONS.

As used in this title:

(1) **COMMUNITY DEVELOPMENT CORPORATION.**—The term "community development corporation" means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

(2) **LOCAL AND PRIVATE SECTOR CONTRIBUTION.**—The term "local and private sector contribution" means the funds available at the local level (by private financial institutions, State and local governments) or by any private philanthropic organization and private, nonprofit organizations that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this title.

(3) **POPULATION-LOSING COMMUNITY.**—The term "population-losing community" means any county in which the net population loss is at least 7 percent from April 1, 1980 to April 1, 1990, as reported by the Bureau of the Census.

(4) **PRIVATE BUSINESS ENTERPRISE.**—The term "private business enterprise" means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this title to certain individuals.

(5) **TARGET AREA.**—The term "target area" means any area defined in an application for assistance under this title that has a population whose income does not exceed the median for the area within which the target area is located.

(6) **VERY LOW-INCOME COMMUNITY.**—The term "very low-income community" means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.

#### SEC. 4932. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out subtitles A and B, \$40,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 and 1996.

(b) **EARMARKS.**—Of the aggregate amount appropriated under subsection (a) for each fiscal year—

(1) 60 percent shall be available to carry out subtitle A; and

(2) 40 percent shall be available to carry out subtitle B.

(c) **AMOUNTS.**—Amounts appropriated under subsection (a) shall remain available for expenditure without fiscal year limitation.

#### SEC. 4933. PROHIBITION.

None of the funds authorized under this title shall be used to finance the construction of housing.

#### TITLE L—DEPORTATION OF ALIENS CONVICTED OF CRIMES

#### SEC. 5001. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) **EXPANSION OF DEFINITION.**—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which a sentence of 5 years' imprisonment or more may be imposed;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in—

"(i) section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations); or

"(ii) section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),

for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(L) an offense that—

"(i) relates to the owning, controlling, managing or supervising of a prostitution business;

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or

"(iii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) an offense relating to perjury or subornation of perjury for which a sentence of 5 years' imprisonment or more may be imposed;

"(N) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(O) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds \$200,000;

"(P) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage;

"(R) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and

"(S) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

#### SEC. 5002. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) **ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(c) **DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.**—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced; or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in his discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106."

(b) **LIMITED JUDICIAL REVIEW.**—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

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

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue."

(c) **TECHNICAL AMENDMENTS.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) **DEPORTATION OF PERMANENT RESIDENT ALIENS.**—

"(1) **IN GENERAL.**—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) in subsection (b)—

(A) by striking "(b) **IMPLEMENTATION.**—" and inserting "(2) **IMPLEMENTATION.**—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) by striking subsection (c);

(4) in subsection (d)—

(A) by striking "(d) **EXPEDITED PROCEEDINGS.**—(1)" and inserting "(3) **EXPEDITED PROCEEDINGS.**—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) in subsection (e)—

(A) by striking "(e) **REVIEW.**—(1)" and inserting "(4) **REVIEW.**—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)";

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

"(a) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."; and

(7) by amending the heading to read as follows:

"**EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES.**"

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

#### SEC. 5003. JUDICIAL DEPORTATION.

(a) **JUDICIAL DEPORTATION.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) **JUDICIAL DEPORTATION.**—

"(1) **AUTHORITY.**—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) **PROCEDURE.**—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) **NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.**—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) **DENIAL OF JUDICIAL ORDER.**—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a)."

(b) **TECHNICAL AMENDMENT.**—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

#### SEC. 5004. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) **DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.**—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final."

(b) **DEFENSES BASED ON WITHHOLDING OF DEPORTATION.**—Section 243(h)(2) of the Immigra-

tion and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

#### SEC. 5005. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) **FAILURE TO DEPART.**—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a)."

(b) **REENTRY.**—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) by striking "5" and inserting "10";

(2) in paragraph (2), by striking "15" and inserting "20"; and

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

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law."

(c) **COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.**—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

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

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair."

#### SEC. 5006. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) **FORM OF DEPORTATION HEARINGS.**—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien."

(b) **CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.**—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

#### SEC. 5007. CRIMINAL ALIEN TRACKING CENTER.

(a) **OPERATION.**—The Commissioner of Immigration and Naturalization, with the cooperation of the Director of the Federal Bureau of Investigation and the heads of other agencies,

shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(b) **PURPOSE.**—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 1994 and \$2,000,000 for each of fiscal years 1995, 1996, 1997, and 1998.

#### TITLE LI—GENERAL PROVISIONS

##### SEC. 5101. CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may, at the discretion of the Bureau, receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, if the Bureau of Prisons determines that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations."

##### SEC. 5102. PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) **DIRECT FINANCIAL BENEFITS.**—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, to any person not lawfully present within the United States for Aid to Dependent Children (AFDC), Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Food Stamps; Medicaid except for emergency conditions; legal services; assistance under the Job Training and Partnership Act; unemployment compensation; and postsecondary student financial aid.

(b) **UNEMPLOYMENT BENEFITS.**—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) **DEFINITION.**—In this section, "persons not lawfully present within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal benefit are not either a United States citizen, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the Immigration and Nationality Act, or admitted with temporary protected status, or temporary residents, or persons granted Family Unity Protection Status under the INA.

##### SEC. 5103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) **EXHAUSTION OF ADMINISTRATIVE REMEDIES.**—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) **PROCEEDINGS IN FORMA PAUPERIS.**—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious."

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

##### SEC. 5104. AWARDS OF ATTORNEY'S FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney, agent, or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney, agent, or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative Office of the United States Courts is entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrongdoing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorney's fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorney's fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorney's fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorney's fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorney's fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate."

##### SEC. 5105. TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) **TASK FORCE.**—

(1) **IN GENERAL.**—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) **MEMBERSHIP.**—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous species.

(3) **DUTIES.**—The task force shall—

(A) provide mutual assistance to Federal and State law enforcement agencies in the prosecution of violations of laws relating to the conveyance, sale, or introduction of nonindigenous species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous species.

(4) REPORT.—The task force shall report to the Attorney General and to the Judiciary Committees of the Senate and House of Representatives on—

(A) the progress of its enforcement efforts; and  
(B) the adequacy of existing Federal laws and laws of the State of Hawaii which relate to the introduction of nonindigenous species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) CONSULTATION.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

**“§1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants**

“A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.”

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

“1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.”

**SEC. 5106. SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.**

(a) FINDINGS.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

**SEC. 5107. TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.**

(a) TASK FORCE.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials,

to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

**SEC. 5108. REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.**

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. The report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

**SEC. 5109. INTERSTATE WAGERING.**

Section 1301 of title 18, United States Code, is amended by inserting “or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise or similar scheme conducted by another State (unless that business is per-

mitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;” after “scheme;”.

**SEC. 5110. REMOVAL OF ALIEN TERRORISTS.**

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

“REMOVAL OF ALIEN TERRORISTS

“SEC. 242C. (a) DEFINITIONS.—As used in this section—

“(1) the term ‘alien terrorist’ means any alien described in section 241(a)(4)(B);

“(2) the term ‘classified information’ has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

“(3) the term ‘national security’ has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

“(4) the term ‘special court’ means the court described in subsection (c) of this section; and

“(5) the ‘special removal hearing’ means the hearing described in subsection (e) of this section.

“(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

“(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

“(2) an alien terrorist is physically present in the United States; and

“(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

“(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

“(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 1803(a) of title 50, United States Code.

“(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

“(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

“(A) the alien who is the subject of the application has been correctly identified;

“(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

“(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

“(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

“(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte."

**SEC. 5111. MANDATORY LIFE IMPRISONMENT OF PERSONS CONVICTED OF A THIRD VIOLENT FELONY.**

Section 3581 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—

"(1) DEFINITION.—In this section, 'violent felony' means a crime of violence (as defined in section 16) under Federal or State law that—

"(A) involves the threatened use, use, or risk of use of physical force against the person of another;

"(B) is punishable by a maximum term of 5 years or more; and

"(C) is not designated as a misdemeanor by the law that defines the offense.

"(2) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life if the defendant has been convicted of a violent felony on 2 or more prior occasions.

"(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty."

**SEC. 5112. EFFICIENCY IN LAW ENFORCEMENT AND CORRECTIONS.**

(a) IN GENERAL.—In the administration of each grant program funded by appropriations authorized by this Act or by an amendment made by this Act, the Attorney General shall—

(1) encourage innovative methods for the low-cost construction of facilities to be constructed, converted, or expanded and the low-cost operation of such facilities and the reduction of administrative costs and overhead expenses; and

(2) give priority to the use of surplus Federal property.

(b) ASSESSMENT OF CONSTRUCTION COMPONENTS AND DESIGNS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall make an assessment of the cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing non-violent criminals.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that in providing assistance to State and local governments, the Attorney General should emphasize the provision of technical assistance in implementing methods to promote cost efficiency and realization of savings.

**SEC. 5113. RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.**

(a) Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners";

(2) in paragraph (1) add "(A)" after "(1)";

(3) in paragraph (1), by inserting at the end: "(B) Notwithstanding any other provision of this subchapter, no monthly benefits shall be paid under this section or under section 423 of this title to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is not guilty of such an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence, unless the payment is made directly to the public institution to compensate the institution for its expenses)."

(4) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act.

**SEC. 5114. DEFINITION.**

Section 1201 of title 18, United States Code, is amended by adding at the end thereof the following:

"(h) As used in this section, the term 'parent' does not include any person whose parental rights as to the victim of an offense under this section have been terminated by a final court order."

**SEC. 5115. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.**

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 621, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

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

"(24) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles."

**SEC. 5116. PARENTAL ACCOUNTABILITY.**

(a) IN GENERAL.—Chapter 43 of title 18, United States Code, is amended by adding at the end the following new section:

**"§5043. Civil penalties for parents of certain juvenile offenders**

"(a) IN GENERAL.—(1) The parent or legal guardians of any juvenile charged with any violation of Federal law shall attend all court proceedings involving the juvenile, and

"(2) Except as provided in subsection (b), the parents or legal guardians of a juvenile who has been convicted of a criminal offense under any Federal law may be liable to the United States for a civil penalty of not more than \$10,000.

"(b) EXERCISE OF PARENTAL RESPONSIBILITY.—The court may decline to enforce, if it would cause undue hardship, subsection (a)(1) or to impose a fine under subsection (a)(2) if the court makes an affirmative determination that under the circumstances, the parents or legal guardians exercised reasonable care, supervision and control of the juvenile and counseled the juvenile that criminal activity is not acceptable.

"(c) AMOUNT OF FINE.—

"(1) MANDATORY MINIMUM.—In no case shall a fine imposed under subsection (a) be less than \$100.

"(2) FINANCIAL HARDSHIP.—In no case shall a fine imposed under subsection (a) be less than \$500 unless the court makes a finding that a fine in that amount would impose a severe financial hardship on the family of the parent or legal guardians.

"(3) If the court determines that the parents or legal guardians are not financially able to pay the fine immediately, the court may set a schedule by which the fine will be paid over time.

"(d) COMMUNITY SERVICE OR PARENTING CLASSES IN LIEU OF CIVIL PENALTY.—A parent or legal guardian ordered to pay a civil penalty under this section may petition the court to perform such community service or attend and successfully complete parenting classes, as the court determines to be appropriate, in lieu of the civil penalty.

"(e) DEFINITIONS.—

"(1) For the purposes of this section, the term 'juvenile' means any person who is under 18 years of age.

"(2) For the purpose of this section, the term 'parent' means a biological or custodial parent who has legal responsibility for the juvenile at the time the crime was committed."

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 403 of title 18, United States Code, is amended by adding at the end the following new item:

"5043. Civil penalties for parents of certain juvenile offenders."

**SEC. 5117. PROTECTION OF RECIPIENTS IN COUNTERTERRORISM REWARDS PROGRAM.**

(a) COUNTERTERRORISM REWARDS PROGRAM.—Section 36(e) of the State Department

Basic Authorities Act (22 U.S.C. 2708) is amended—

(1) by inserting "(1)" immediately after "(e)"; and

(2) by adding the following to the end of section 36(e):

"(2) RELOCATION OF PROGRAM PARTICIPANTS.—(A) Whenever the information that would justify a reward under subsection (a) is furnished by an alien, and the Secretary of State and Attorney General jointly determine that the protection of such alien or members of the immediate family of the alien requires the admission of such alien or aliens to the United States, then such alien and the members of the immediate family of the alien, if necessary, may be admitted to the United States without regard to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and shall be eligible for permanent residence as provided in paragraph (4)(A) below.

"(B) The total number of aliens admitted to the United States under subparagraph (A) shall not exceed 25 in any fiscal year.

"(3) CONDITIONS OF ENTRY FOR REWARDS FOR PROGRAM PARTICIPANTS.—(A) Any alien admitted under subsection (e) who otherwise would be inadmissible under section 212(a)(2) or 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182) shall be admitted and permitted to remain in the United States on the condition that the person: (i) shall have executed a form that waives the alien's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status, (ii) is not convicted of any criminal offense in the United States since the date of such admission, and (iii) shall report not less often than quarterly to the Commissioner of the Immigration and Naturalization Service such information concerning the alien's whereabouts and activities as the Secretary of State and the Attorney General may require.

"(B) The Secretary of State and the Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (i) the number of such aliens admitted, (ii) the number of terrorist acts prevented, frustrated, or thwarted or prosecutions or investigations resulting from cooperation of such aliens, and (iii) the number of such aliens who have failed to report quarterly (as required under paragraph (3)(A)(i)(I) or who have been convicted of crimes in the United States after the date of their admission.

"(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—(A) If, in the opinion of the Attorney General, in consultation with the Secretary of State, the alien admitted into the United States under section 36(e) of the State Department Basic Authorities Act has supplied information that has contributed to the prevention, frustration, or favorable resolution of a terrorist act or has substantially contributed to an authorized investigation or the prosecution of an individual described in section 36(a) (1) and (2) of such section, the Attorney General may adjust the status of the alien (and the alien's immediate relatives if admitted under such section) to that of an alien admitted for permanent residence if the alien is not described in section 212(a)(3)(E) of the Immigration and Nationality Act: provided further, That if the alien is subject to paragraph (3)(A) above, such adjustment may be made not earlier than 3 years after the date of admission and upon a determination by the Attorney General in consultation with the Secretary of State that the conditions of paragraph (3)(A) (i) through (iii) have been met.

"(B) Upon the approval of adjustment of status under subparagraph (A), the Attorney Gen-

eral shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) of the Immigration and Nationality Act for the fiscal year then current."

(b) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), as amended by section 725, is further amended by striking "or" before "(5)" and by inserting before the period the following: "; or (6) an alien who was admitted pursuant to section 36(e) of the State Department Basic Authorities Act".

(c) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)), as amended by section 725, is further amended by inserting "or section 36(e)(4)(A) of the State Department Basic Authorities Act" after section 245(h) in the parenthetical "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))".

#### SEC. 5118. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) DEFINITION.—In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, in consultation with the Attorney General, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS.—If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be deemed to include the District of Columbia and any United States territory or possession.

(c) PROCEDURE.—

(1) IN GENERAL.—A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) FINDING.—A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) IRRELEVANCY OF POPULATION DENSITY.—The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) REQUIREMENTS.—As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) REVIEW PERIOD.—The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) FEDERAL ASSISTANCE.—The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information; and

(h) DURATION OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) EXTENSION.—The chief executive officer of a jurisdiction may apply to the Attorney General for an extension of assistance beyond 1 year. The President, in consultation with the Attorney General, may extend the provision of Federal assistance for not more than an additional 180 days.

(i) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this section.

(j) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section shall diminish or detract from existing authority possessed by the President or Attorney General.

#### SEC. 5119. STATE AND LOCAL COOPERATION WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

(a) STATE AND LOCAL COOPERATION.—Notwithstanding any law, ordinance or regulation of any State or subdivision thereof to the contrary, officials of any State or local government or agency, upon the request of any duly authorized official of the United States Immigration and Naturalization Service, shall provide information regarding the identification, location, arrest, prosecution, detention, and deportation of an alien or aliens who are not lawfully present in the United States.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Attorney General, in concert with the Commissioner of the Immigration and Naturalization Service, shall report to the Congress and the President on the extent to which State and local governments are not cooperating with the United States Immigration and Naturalization Service. This report shall identify any State or local governments that have adopted laws, policies or practices of non-cooperation with the United States Immigration and Naturalization Service, the specific nature of those laws, policies or practices, and their impact on the enforcement of the immigration laws.

(c) FUNDING BASED ON COOPERATION.—No State or local government or agency which has been identified in the Attorney General's report

required by the preceding paragraph, which has a policy or practice of refusing to cooperate with the Immigration and Naturalization Service regarding the identification, location, arrest, prosecution, detention, or deportation of aliens who are not lawfully present in the United States, shall be eligible for any Federal funds from appropriations made pursuant to a provision of this Act or of an amendment made by this Act authorizing appropriations, as long as such policy or practice remains in effect.

**SEC. 5120. AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT AND THE NATIONAL LITERACY ACT OF 1991.**

(a) **TECHNICAL AMENDMENT.**—The matter preceding paragraph (1) of section 214(d) of the Department of Education Organization Act (20 U.S.C. 3423a(d)) is amended by striking "under subsection (a)" and inserting "under subsection (c)".

(b) **ESTABLISHMENT OF A PANEL AND USE OF FUNDS.**—Section 601 of the National Literacy Act of 1991 (20 U.S.C. 1211-2) is amended by—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) **PANEL.**—The Secretary is authorized to consult with and convene a panel of experts in correctional education, including program administrators and field-based professionals in adult corrections, juvenile services, jails, and community corrections programs, to—

"(1) develop measures for evaluating the effectiveness of the programs funded under this section; and

"(2) evaluate the effectiveness of such programs."

"(h) **USE OF FUNDS.**—Notwithstanding any other provision of law, the Secretary may use not more than five percent of funds appropriated under subsection (i) in any fiscal year to carry out grant-related activities such as monitoring, technical assistance, and replication and dissemination."

**SEC. 5121. PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS.**

(a) **GUIDELINES.**—The Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Justice, shall develop and disseminate to appropriate entities, including State and local correctional institutions and the Immigration and Naturalization Service, guidelines for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions and persons held in holding facilities operated by or under contract with the Immigration and Naturalization Service.

(b) **COMPLIANCE.**—The Attorney General shall ensure that prisons in the Federal prison system and holding facilities operated by or under contract with the Immigration and Naturalization Service comply with the guidelines described in subsection (a).

(c) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General shall make grants to State and local correction authorities and public health authorities to assist in establishing and operation programs for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions.

(2) **FEDERAL SHARE.**—The Federal share of funding of a program funded with a grant under paragraph (1) shall not exceed 50 percent.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 to carry out this section.

**SEC. 5122. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.**

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

**"SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.**

"(a) **IN GENERAL.**—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) **ELIGIBILITY.**—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence;

"(2) shall include representatives of pertinent sectors of the local community, which may include the following—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) **APPLICATIONS.**—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) **TERM.**—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) **CONDITIONS ON PAYMENT.**—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) **GEOGRAPHICAL DISPERSION.**—The Secretary shall award grants under this section to

organizations in communities geographically dispersed throughout the country.

"(g) **USE OF GRANT MONIES.**—

"(1) **IN GENERAL.**—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) **REQUIREMENTS.**—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

"(1) \$20,000,000 for fiscal year 1995; and

"(2) such sums as are necessary for fiscal years 1996, 1997, and 1998,

to remain available until expended.

**SEC. 5123. HATE CRIMES STATISTICS ACT.**

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 104 Stat. 140) is amended by adding "disability," after "religion."

**SEC. 5124. PENALTIES FOR DOCUMENT FRAUD.**

(a) **IN GENERAL.**—Section 274C(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(3)) is amended—

(1) in subparagraph (A), by striking "not less than \$250 and not more than \$2,000" and inserting "not less than \$1,000 and not more than \$5,000"; and

(2) in subparagraph (B), by striking "not less than \$2,000 and not more than \$5,000" and inserting "not less than \$5,000 and not more than \$10,000".

(b) **FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.**—(1) Section 1546 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "not more than five years" and inserting "not more than ten years"; and

(B) in subsection (b), by striking "not more than two years" and inserting "not more than five years".

(2) Whoever commits an offense under section 1546(a) or 1546(b) of title 18, United States Code, shall be fined, in addition to the fines provided under such section, \$10,000 or \$5,000, respectively.

(c) **APPLICABILITY.**—This section, and the amendments made by this section, shall apply to offenses committed on or after the date of enactment of this Act.

**SEC. 5125. USE OF ANTILOITERING LAWS TO FIGHT CRIME.**

The Attorney General shall—

(1) study the ways in which antiloitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity;

(2) prepare a model antiloitering statute and guidelines for enforcing the statute in such a manner as to prevent, deter, and punish illegal drug activity and other criminal activity; and

(3) make the results of the study and the model statute and guidelines available to Federal, State, and local law enforcement authorities.

**SEC. 5126. VICTIMS OF CHILD ABUSE PROGRAMS.**

(a) **COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**—

(1) **REAUTHORIZATION.**—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and  
 "(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and  
 "(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR TELEVIEWED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

"(A) \$3,500,000 for fiscal year 1995; and  
 "(B) \$5,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) in section 1401 (42 U.S.C. 3796aa) by striking "and units of local government" and inserting "units of local government, and other public and private organizations";

(3) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(4) in section 1403 (42 U.S.C. 3796aa-2)—

(A) by inserting "unit of local government, or other public or private organization" after "of a State"; and

(B) in paragraphs (3) and (4) by inserting "in the case of an application by a State," before "an assurance";

(5) by striking section 1405 (42 U.S.C. 3796aa-4); and

(6) in the table of contents by striking the item for section 1405.

#### SEC. 5127. LAW DAY U.S.A.

(a) FINDINGS.—Congress finds that—

(1) the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

(2) each day, police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

(3) each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

(4) law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

(5) law enforcement personnel perform their duties without adequate recognition.

(b) EXPRESSION OF GRATITUDE.—In celebration of "Law Day, U.S.A.", May 1, 1994, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquility and guarantee the legal rights of all individuals of this Nation.

#### SEC. 5128. TREATMENT OF INDIAN TRIBES UNDER TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) MATCHING FUND SOURCE.—

(1) IN GENERAL.—Section 817 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789m) is amended—

(A) by amending the heading to read as follows:

"DISTRICT OF COLUMBIA AND INDIAN TRIBE MATCHING FUND SOURCE";

(B) by inserting "(a) DISTRICT OF COLUMBIA—" before "Funds"; and

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

"(b) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by amending the item relating to section 817 to read as follows:

"Sec. 817. District of Columbia and Indian tribe matching fund source."

(b) DEFINITION.—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (23) and inserting "and"; and

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

"(24) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

#### SEC. 5129. AGREEMENT TO ASSIST IN LOCATING MISSING CHILDREN UNDER THE PARENT LOCATOR SERVICE.

(a) IN GENERAL.—Section 463 of the Social Security Act (42 U.S.C. 663) is amended by adding at the end the following new subsection:

"(f) The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Parent Locator Service established under section 653 of this title shall be made available to the Office of Juvenile Justice and Delinquency Prevention upon its request for the purpose of locating any parent or child on behalf of the Office of Juvenile Justice and Delinquency Prevention. The Parent Locator Service shall charge no fees for services requested pursuant to this subsection."

(b) CONFORMING AMENDMENT.—Section 463(c) of such Act (42 U.S.C. 663(c)) is amended by striking "(a), (b) or (e)" and inserting "(a), (b), (e), or (f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1994.

#### SEC. 5130. SOLICITATION OF MINOR TO COMMIT CRIME.

(a) DIRECTIVE TO SENTENCING COMMISSION.—(1) The United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant 18 years of age or older who has been convicted of an offense shall receive an appropriate sentence enhancement if the defendant involved a minor in the commission of the offense.

(2) The Commission shall provide that the guideline enhancement promulgate pursuant to paragraph (1) shall apply for any offense in relation to which the defendant has solicited, procured, recruited, counseled, encouraged, trained, directed, commanded, intimidated, or otherwise used or attempted to use any person

less than 18 years of age with the intent that the minor would commit a Federal offense.

(b) RELEVANT CONSIDERATIONS.—In implementing the directive in subsection (a), the Sentencing Commission shall consider—

(1) the severity of the crime that the defendant intended the minor to commit;

(2) the number of minors that the defendant used or attempted to use in relation to the offense;

(3) the fact that involving a minor in a crime of violence is frequently of even greater seriousness than involving a minor in a drug trafficking offense, for which the guidelines already provide a two-level enhancement; and

(4) the possible relevance of the proximity in age between the offender and the minor(s) involved in the offense.

#### SEC. 5131. ASYLUM.

(a) FINDINGS.—The Congress finds that—(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in fiscal year 1993, and the backlog of cases growing to 340,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including—

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multi-layered system; and

(D) an erosion of public support for asylum, which is a treaty obligation.

(4) asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures; and

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Congress that—

(1) asylum is a process intended to protect aliens in the United States who, because of events occurring after their arrival here, cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad;

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide—

(A) a procedure for the expeditious exclusion of any asylum applicant who arrives at a port-of-entry with fraudulent documents, or no documents, and makes a non-credible claim of asylum; and

(B) the immigration, refugee and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

#### SEC. 5132. FEDERAL JUDICIARY.

(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—There is authorized to be appropriated for the activities of the Federal Judiciary not to exceed \$20,000,000 for fiscal year 1994, and not to exceed \$70,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for judicial activities which will result from enactment into law of this Act.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—There is authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, not to exceed \$25,000,000 for fiscal year 1994, not to exceed \$125,000,000 for fiscal year 1995, and not to exceed \$150,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Department of Justice activities which will result from enactment into law of this Act.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—There is authorized to be appropriated for the activities of the Federal Bureau of Investigation not to exceed \$20,000,000 for fiscal year 1994, not to exceed \$50,000,000 for fiscal year 1995, and not to exceed \$60,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Federal Bureau of Investigation activities which will result from enactment into law of this Act.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—There is authorized to be appropriated for the account Department of Justice, Legal Activities, "Salaries and expenses, United States Attorneys" not to exceed \$10,000,000 for fiscal year 1994, and not to exceed \$35,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for litigation and related activities which will result from enactment into law of this Act.

(e) Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(f) Funds authorized under this section may be appropriated from the Trust Fund established by section 1321C of this Act.

**SEC. 5133. CONTROL AND PREVENTION OF CRIME IN INDIAN COUNTRY.**

(a) DEFINITION.—As used in this Act, the term "Indian tribal government" means the governing body of a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 35 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) CONFORMING DEFINITION.—As used in this Act, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and Indian tribal governments.

(c) MATCHING REQUIREMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

(d) NONSUPPLANTING REQUIREMENT.—Funds made available to Indian tribal governments shall not be used to supplant funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this Act, be made available from funds supplied by the Department of the Interior.

**SEC. 5134. CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.**

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law.";

and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

**SEC. 5135. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.**

(a) IN GENERAL.—Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal, State or local penal institution."

(b) CONFORMING AMENDMENTS.—

(1) COST OF ATTENDANCE.—Section 472 of such Act (20 U.S.C. 10871) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7), (8), (9), (10) and (11) as paragraphs (6), (7), (8), (9) and (10), respectively.

(2) TECHNICAL AMENDMENTS.—Section 401(b)(3)(B) of such Act (20 U.S.C. 1070a(b)(3)(B)) is amended—

(A) by striking "472(8)" and inserting "472(7)"; and

(B) by striking "472(9)" and inserting "472(8)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

**SEC. 5136. TRANSFER OF CERTAIN ALIEN CRIMINALS TO FEDERAL FACILITIES.**

(a) DEFINITION.—In this section, "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the immigration laws; or

(B) is deportable or excludable under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—Subject to the availability of appropriations, at the request of a State or political subdivision of a State, the Attorney General may—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or

(2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

**SEC. 5137. FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.**

(a) IN GENERAL.—The Attorney General, acting through the Director of the Bureau of Justice Assistance (the Director), shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

(b) APPLICATIONS.—In carrying out this section, the Director is authorized to make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Director shall have final authority over all funds awarded under this section.

(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Director may require to facilitate an effective audit.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, to remain available for obligation until expended.

(2) USE OF TRUST FUND.—Funds authorized to be appropriated under paragraph (1) may be appropriated from the trust fund established by section 1321C.

**SEC. 5138. TO IMPROVE FEDERAL AND STATE AUTOMATED FINGERPRINT SYSTEMS TO IDENTIFY MORE CRIMINAL SUSPECTS.**

The FBI shall report by June 1994 to the Congress regarding how it can accelerate and improve automatic fingerprint systems at the State and Federal level in order to use fingerprints found at the scene of a crime to identify more criminal suspects more quickly and effectively.

**SEC. 5139. APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.**

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of part 2 of title 18, United States Code, is amended by adding at the end the following new section:

**"§3626. Appropriate remedies with respect to prison crowding**

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for

conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1), including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) **PERIODIC REOPENING.**—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals."

(b) **APPLICATION OF AMENDMENT.**—Section 3626 of title 18, United States Code, as added by paragraph (1), shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) **TECHNICAL AMENDMENT.**—The subchapter analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding."

(d) **SUNSET PROVISION.**—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

**SEC. 5140. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.**

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

**"SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.**

"(a) **IN GENERAL.**—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) **ELIGIBILITY.**—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence;

"(2) shall include representatives of pertinent sectors of the local community, which may include the following—

- "(A) health care providers;
- "(B) the education community;
- "(C) the religious community;
- "(D) the justice system;
- "(E) domestic violence program advocates;
- "(F) human service entities such as State child services divisions;
- "(G) business and civic leaders; and
- "(H) other pertinent sectors.

"(c) **APPLICATIONS.**—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) **TERM.**—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) **CONDITIONS ON PAYMENT.**—Payments under a grant under this section shall be subject to—

- "(1) annual approval by the Secretary; and
- "(2) availability of appropriations.

"(f) **GEOGRAPHICAL DISPERSION.**—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) **USE OF GRANT MONIES.**—

"(1) **IN GENERAL.**—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) **REQUIREMENTS.**—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- "(1) \$20,000,000 for fiscal year 1995; and
- "(2) such sums as are necessary for fiscal years 1996, 1997, and 1998,

to remain available until expended.

"(i) **REGULATIONS.**—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section."

**SEC. 5141. SENSE OF THE SENATE.**

(a) **DECLARATIONS.**—The Congress declares that—

(1) it is the stated purpose of this Act, in part, to rehire law enforcement officers who have been laid off as a result of State and local budget reductions in community-oriented policing and to hire new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

(2) this affirms that local law enforcement must remain the sole prerogative of local government under their respective jurisdictions and authorities;

(3) a key element to fighting crime in America is to put more police officers on the street, and

the Senate, in an effort to help the States and localities hire additional police officers in the short term, will, through the trust fund established by this Act, make funds available to local units of government for this purpose;

(4) The Senate should not add to the financial burden on local communities is reduced so that essential local services can be paid for by local government;

(5) the United States Conference of Mayors, on October 27, 1993, issued a study outlining the cost of just 10 unfunded Federal mandates on the reporting cities, and found the cost to those cities to be \$54,000,000,000.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) local law enforcement must remain the sole prerogative of local government under their respective jurisdictions and authorities; and

(2) one way of providing more funds to units of local government for law enforcement is to aggressively address the issue of unfunded Federal mandates.

**SEC. 5142. CHILD-CENTERED ACTIVITIES.**

(a) **SHORT TITLE.**—This section may be cited as the "Community Schools Youth Services and Supervision Grant Program Act of 1993".

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) public-private partnerships between government and community-based organizations offer an opportunity to—

(A) empower distressed and disconnected communities to develop their resources and abilities in order to meet the needs of children;

(B) forge innovative solutions to the challenges confronting the development of the children in such communities; and

(C) create environments where children grow up learning a healthy respect for themselves, for neighbors, and for their communities;

(2) increased resources should be invested in public-private partnerships; and

(3) community-based organizations, acting through such public-private partnerships—

(A) should provide year-round supervised sports programs, and extracurricular and academic programs, for children in the communities; and

(B) in providing such extracurricular and academic programs, should promote the positive character development of such children through programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, and health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities.

(c) **FINDINGS.**—The Congress finds that—

(1) parents are devoting less time than in previous generations to the supervision, education, and nurturing of their children;

(2) the lack of supervision and meaningful activity after school contributes to the spread of violent juvenile delinquency in the form of youth and gang violence, drug trafficking, dangerous and self-destructive behavior, and lack of hope among children in our Nation;

(3) every child has the capacity to be productive and law abiding and deserves to grow in a safe and protected environment;

(4) communities have a responsibility to develop the children of our Nation into productive adults;

(5) because of their centrality, public schools are among the best facilities that communities can use to provide needed space and support services for programs for children;

(6) schools are most effective at serving a community when the people of the community are involved in activities designed to fulfill the needs of children in the community; and

(7) activities provided in community centers, recreational facilities, and other places where

children gather, have a significant impact and influence on the behavior and attitudes of children.

(d) DEFINITIONS.—As used in this section:

(1) COUNCIL.—The term "Council" means the Office of Prevention Council.

(2) CHILD.—The term "child" means an individual who is not younger than 5 and not older than 18.

(3) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private, locally initiated community-based organization that—

(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

- (i) Residents of the community.
- (ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.
- (iii) Educators.
- (iv) Religious organizations.
- (v) Law enforcement agencies.
- (vi) Public housing agencies.
- (vii) State government.
- (viii) Other public agencies.
- (ix) Other interested parties.

(4) ELIGIBLE COMMUNITY.—The term "eligible community" means an area identified pursuant to subsection (g).

(5) POVERTY LINE.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PUBLIC SCHOOL.—The term "public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of such Act.

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

(e) PROGRAM AUTHORITY.—

(1) IN GENERAL.—

(A) ALLOCATIONS FOR STATES.—For any fiscal year in which the sums appropriated to carry out this section equal or exceed \$20,000,000, from the sums appropriated to carry out this subsection, the Council shall allocate, for grants under subparagraph (B) to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line.

(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS FROM ALLOCATIONS.—For such a fiscal year, the Council may award grants from the appropriate State allocation determined under subparagraph (A) to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(C) REALLOCATION.—If, at the end of such a fiscal year, the Council determines that funds allocated for community-based organizations in a State under subparagraph (B) remain unobligated, the Council may use such funds to award grants to eligible community-based organizations in another State to pay for such Federal share. In awarding such grants, the Council shall consider the need to maintain geographic diversity among the recipients of such grants.

Amounts made available through such grants shall remain available until expended.

(2) OTHER FISCAL YEARS.—For any fiscal year in which the sums appropriated to carry out this section are less than \$20,000,000, the Council may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(f) PROGRAM REQUIREMENTS.—

(1) LOCATION.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

(A) where appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility in a State, such as a college or university, a local or State park or recreation center, church, or military base, that is—

- (i) in a location that is easily accessible to children in the community; and
- (ii) in compliance with all applicable local ordinances.

(2) USE OF FUNDS.—Such community-based organization—

(A) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

(i) shall include supervised sports programs, and extracurricular and academic programs, that are offered—

(I) after school and on weekends and holidays, during the school year; and

(II) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months; and

(B) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, and health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

(C) may use—

(i) such funds for the renovation of facilities that are in existence prior to the operation of the program for which the organization receives the grant, purchase of sporting and recreational equipment and supplies, purchase (or lease) and repair of vehicles for transporting participants in the program, hiring of instructors and other staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, provision of first aid and nutrition guidance, and substance abuse treatment where appropriate; and

(ii) not more than 10 percent of such funds to pay for the administrative costs of the program; and

(D) may not use such funds to provide sectarian worship or instruction.

(g) ELIGIBLE COMMUNITY IDENTIFICATION.—

(1) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

(2) CRITERIA.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Council may by regulation require.

(h) APPLICATIONS.—

(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Council at such time, in such manner, and accompanied by such information, as the Council may reasonably require, and obtain approval of such application.

(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

(C) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

(D) set forth measurable goals and outcomes for the program that—

(i) will—

(I) where appropriate, make a public school the focal point of the eligible community; or

(II) make a local facility described in subsection (f)(1)(B) such a focal point; and

(ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

(E) provide evidence of support for accomplishing such goals and outcomes from—

(i) community leaders;

(ii) businesses;

(iii) a school district;

(iv) local officials;

(v) State officials; and

(vi) other organizations that the community-based organization determines to be appropriate;

(F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (f)(2);

(G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

(i) extracurricular and academic programs, such as programs described in subsection (f)(2)(B); and

(ii) activities that address specific needs in the community;

(H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

(J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

(L) contain an assurance that the program will maintain a ratio of at least 1 staff member (including volunteers) for each 20 participants in the program;

(M) contain an assurance that the program will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

(N) contain an assurance that the community-based organization will comply with any evaluation under subsection (m), any research effort authorized under Federal law, and any investigation by the Council;

(O) contain an assurance that the community-based organization shall prepare and submit to

the Council an annual report regarding any program conducted under this section;

(P) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are—

(i) provided by program volunteers, parents, adult mentors, drug and alcohol abuse counselors, teachers, clergy, or other persons providing tutoring and college or vocational preparation; and

(ii) provided solely through non-Federal private or nonprofit sources; and

(Q) contain an assurance that the community-based organization will maintain separate accounting records for the program.

(3) PRIORITY.—In awarding grants to carry out programs under this section, the Council shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

(i) ELIGIBILITY OF PARTICIPANTS.—

(1) IN GENERAL.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

(2) EXCLUSION.—

(A) NONDISCRIMINATION.—Except as provided in subparagraph (B), in selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(B) EXCEPTION.—In selecting children to so participate, a community-based organization may exclude a child from participation in such a program if the organization determines that the child has behavior problems that pose an unacceptable risk of injury or illness to other participants or has a physical or mental disability so serious that the child would be unable to participate in the program with reasonable accommodation.

(C) PARENTAL APPROVAL.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.

(j) PEER REVIEW PANEL.—

(1) ESTABLISHMENT.—The Council shall establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

(2) COMPOSITION.—Such panel shall include at least 1 representative from each of the following:

(A) A community-based organization.

(B) A local government.

(C) A school district.

(D) The private sector.

(E) A charitable organization.

(F) A representative of the United States Olympic Committee, at the option of such Committee.

(3) FUNCTIONS.—Such panel shall conduct the initial review of all grant applications received by the Council under subsection (h), make recommendations to the Council regarding—

(A) grant funding under this section;

(B) a design for the evaluation of programs assisted under this section; and

(C) methods for achieving effective coordination between programs carried out under this section and programs carried out through Olympic Youth Development Centers under section 5143.

(k) INVESTIGATIONS AND INSPECTIONS.—The Council may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

(l) FEDERAL SHARE.—

(1) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(A) PAYMENTS.—The Council shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under subsection (h) the Federal share of the costs of developing and carrying out programs referred to in subsection (e).

(B) FEDERAL SHARE.—The Federal share of such costs shall be—

(i) 75 percent for each of the fiscal years 1994 and 1995;

(ii) 70 percent for fiscal year 1996; and

(iii) 60 percent for fiscal year 1997.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (h)(2)(P)).

(B) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

(m) EVALUATION.—The Council shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

(1) the number of children participating in each program assisted under this section;

(2) the academic achievement of such children;

(3) school attendance and graduation rates of such children; and

(4) the number of such children being processed by the juvenile justice system.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from the amounts in the Violent Crime Reduction Trust Fund established under section 1115 of title 31, United States Code, \$100,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997 to carry out this section.

#### SEC. 5143. OLYMPIC YOUTH DEVELOPMENT CENTERS.

(a) DEFINITIONS.—As used in this section:

(1) COUNCIL.—The term "Council" means the Ounce of Prevention Council.

(2) CHILD.—The term "child" means an individual who is not younger than 8 and not older than 18.

(3) COMMITTEE.—The term "Committee" means the United States Olympic Committee.

(b) GRANT.—The Council may make a grant to United States Olympic Committee for the purpose of establishing Olympic Youth Development Centers and carrying out programs through such centers.

(c) PROGRAM REQUIREMENTS.—

(1) LOCATION.—The Committee, on receiving a grant under this section to establish such a center shall ensure that the center is established in an appropriate facility in a State, such as a college or university, a local or State park or recreation center, church, or military base, that is—

(A) in a location that is easily accessible to children in the community; and

(B) in compliance with all applicable local ordinances.

(2) CENTERS.—The Committee shall, subject to the availability of appropriations, not later than 1 year after the date of enactment of this Act, establish not fewer than 6 such centers, and shall, subject to the availability of appropriations, to the extent possible, establish not less than 1 such center in each State by fiscal year 1997. In selecting locations for such centers, the Committee shall consider the need to maintain geographic diversity, and to maintain a balance of urban and rural locations for such centers.

(3) USE OF FUNDS.—The Committee—

(A) may use funds made available through the grant to provide supervised sports and recreation programs that are offered—

(i) after school and on weekends and holidays, during the school year; and

(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

(B) may use—

(i) such funds for the renovation of facilities that are in existence prior to the operation of the program for which the Committee receives the grant, purchase of sporting and recreational equipment and supplies, purchase (or lease) and repair of vehicles for transporting participants in the program, hiring of instructors and other staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, and provision of first aid and nutrition guidance; and

(ii) not more than 10 percent of such funds to pay for the administrative costs of the program; and

(C) may not use such funds to provide sectarian worship or instruction.

(4) DESIGNATION.—The Committee may, at the discretion of the Committee, designate facilities through which programs are carried out under the Community Schools Youth Services and Supervision Grant Program Act of 1993 as Olympic Youth Development Centers. Such designation shall not entitle the programs to receive assistance under this section.

(5) EXECUTIVE DIRECTOR.—The Committee shall appoint an Executive Director to coordinate the centers and programs described in subsection (b), and shall appoint a Director for each such center to carry out such programs at the center.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, the Committee shall submit an application to the Council at such time, in such manner, and accompanied by such information, as the Council may reasonably require, and obtain approval of such application.

(2) CONTENTS OF APPLICATION.—The application submitted pursuant to paragraph (1) shall—

(A) contain an assurance that the program to be carried out through the center for which the grant is sought will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

(B) contain an assurance that the Committee will comply with any evaluation under subsection (i), any research effort authorized under Federal law, and any investigation by the Administrator;

(C) contain an assurance that the Committee shall prepare and submit to the Administrator an annual report regarding any program conducted under this section;

(D) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are—

(i) provided by program volunteers, parents, adult mentors, drug and alcohol abuse counselors, teachers, clergy, or other persons providing tutoring and college or vocational preparation; and

(ii) provided solely through non-Federal private or nonprofit sources;

(E) contain an assurance that the Committee will maintain separate accounting records for the program; and

(F) contain an assurance that the program will include outreach efforts in order to encourage participation in the program.

(e) ELIGIBILITY OF PARTICIPANTS.—

(1) IN GENERAL.—The Committee shall select children to participate in programs that receive assistance under this section without regard to the athletic ability of the children. In selecting children to participate in programs that receive assistance under this section, the Committee

shall give priority to children from low-income communities and high-crime areas with demonstrated gang activity, as determined in accordance with regulations issued by the Council.

(2) EXCLUSION.—

(A) NONDISCRIMINATION.—Except as provided in subparagraph (B), in selecting children to participate in a program that receives assistance under this section, the Committee shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(B) EXCEPTION.—In selecting children to so participate, the Committee may exclude a child from participation in such a program if the Committee determines that the child has behavior problems that pose an unacceptable risk of injury or illness to other participants or has a physical or mental disability so serious that the child would be unable to participate in the program with reasonable accommodation.

(C) PARENTAL APPROVAL.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.

(f) INVESTIGATIONS AND INSPECTIONS.—The Council may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

(g) FEDERAL SHARE.—

(1) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(A) PAYMENTS.—On approval of an application under subsection (d), the Council shall, subject to the availability of appropriations pay to the Committee the Federal share of the costs of establishing the centers and carrying out the programs described in subsection (b).

(B) FEDERAL SHARE.—The Federal share of such costs shall be—

- (i) 75 percent for fiscal years 1994 and 1995;
- (ii) 70 percent for fiscal year 1996; and
- (iii) 60 percent for fiscal year 1997.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (d)(2)(D)).

(B) SPECIAL RULE.—The Committee may not charge fees for the participation of children in programs carried out under this section.

(h) REPORTS.—At the end of each fiscal year, the Council shall submit to Congress a report on the activities conducted under this section, including a summary of the information in the report submitted under subsection (d)(2)(C).

(i) EVALUATION.—The Council shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

- (1) the number of children participating in each program assisted under this section;
- (2) the academic achievement of such children;
- (3) school attendance and graduation rates of such children; and
- (4) the number of such children being processed by the juvenile justice system.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated, from the amounts in the Violent Crime Reduction Trust Fund established under section 1115 of title 31, United States Code, \$50,000,000 for fiscal year 1994 and \$25,000,000 for each of fiscal years 1995, 1996, and 1997, to carry out this section.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available until expended.

SEC. 5144. AUTHORITY TO RELEASE CERTAIN CONFIDENTIAL INFORMATION RELATING TO ALIENS.

Section 245A(c)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)(C)) is amended by striking out "except that the Attorney General" and all that follows through "section 8 of title 13, United States Code." and inserting in lieu thereof "except that the Attorney General—

"(i) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien (as a result of an investigation of the alien by an investigative officer or law enforcement officer) that is necessary to locate and identify the alien if (1) such disclosure may result in the discovery of information leading the location and identity of the alien, and (2) such disclosure (and the information discovered as a result of such disclosure) will be used only for criminal law enforcement purposes as against the alien whose file is being accessed;

"(ii) may furnish information under this section with respect to an alien to an official coroner (upon the written request of the coroner) for the purposes of permitting the coroner to identify a deceased individual; and

"(iii) may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed to the Secretary of Commerce under section 8 of title 13, United States Code."

SEC. 5145. CHILDREN AND YOUTH UTILIZING FEDERAL LAND.

(a)(1) Various Federal land, especially environmentally sensitive Federal land, should be made available to the States and territories for certain programs for children and youth;

(2) Federally owned land, such as national parks, fish and wildlife refuges, Bureau of Land Management land, and National Forest Service land, offer an excellent option to solve the problems of siting and zoning commonly faced by programs for neglected, abused, runaway, homeless, disturbed, "at-risk", and delinquent children and teenagers;

(3) Federal land and personnel administering it offer great educational and personal development opportunities for our young people, who offer in return significant work on the ecology and the promise of a planet-sensitive next generation;

(4) Wilderness settings provide the public security from seriously delinquent, violent teenagers for whom constructive discipline and a challenging environment are proven, effective correctional tools;

(5) Programs for youngsters who pose no threat to the public or themselves may be placed in less remote sites, even within communities.

(b) It is the sense of the Senate that—

(1) the Departments of Justice, Interior, Defense, Agriculture, Commerce, Labor, Education, Health and Human Services, and any other executive branch agencies having properties or resources to devote to a project to make such properties and resources available to programs for children and youth are urged to act cooperatively in the establishment and ongoing support of such programs; and

(2) a nationwide network of small, specialized, residential or nonresidential programs, principally operated by the private sector, under State or local control, and Federal approval and supervision should be established and supported.

SEC. 5146. BANKRUPTCY FRAUD.

(a) IN GENERAL.—

(1) OFFENSES.—Chapter 9 of title 18, United States Code, is amended—

(A) by amending sections 152, 153, and 154 to read as follows:

"§152. Concealment of assets; false oaths and claims; bribery

"A person who—

"(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with a case under title 11, from creditors or the United States Trustee, any property belonging to the estate of a debtor;

"(2) knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;

"(3) knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, in or in relation to any case under title 11;

"(4) knowingly and fraudulently presents any false claim for proof against the estate of a debtor, or uses any such claim in any case under title 11, in a personal capacity or as or through an agent, proxy, or attorney;

"(5) knowingly and fraudulently receives any material amount of property from a debtor after the filing of a case under title 11, with intent to defeat the provisions of title 11;

"(6) knowingly and fraudulently gives, offers, receives, or attempts to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof for acting or forbearing to act in any case under title 11;

"(7) in a personal capacity or as an agent or officer of any person or corporation, in contemplation of a case under title 11 by or against the person or any other person or corporation, or with intent to defeat the provisions of title 11, knowingly and fraudulently transfers or conceals any of his property or the property of such other person or corporation;

"(8) after the filing of a case under title 11 or in contemplation thereof, knowingly and fraudulently conceals, destroys, mutilates, falsifies, or makes a false entry in any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor; or

"(9) after the filing of a case under title 11, knowingly and fraudulently withholds from a custodian, trustee, marshal, or other officer of the court or a United States Trustee entitled to its possession, any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor.

shall be fined not more than \$5,000, imprisoned not more than 5 years, or both.

"§153. Embezzlement against estate

"(a) OFFENSE.—A person described in subsection (b) who knowingly and fraudulently appropriates to the person's own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor shall be fined not more than \$5,000, imprisoned not more than 5 years, or both.

"(b) PERSON TO WHOM SECTION APPLIES.—A person described in this subsection is one who has access to property or documents belonging to an estate by virtue of the person's participation in the administration of the estate as a trustee, custodian, marshal, attorney, or other officer of the court or as an agent, employee, or other person engaged by such an officer to perform a service with respect to the estate.

"§154. Adverse interest and conduct of officers

"A person who, being a custodian, trustee, marshal, or other officer of the court—

"(1) knowingly purchases, directly or indirectly, any property of the estate of which the person is such an officer in a case under title 11;

"(2) knowingly refuses to permit a reasonable opportunity for the inspection by parties in interest of the documents and accounts relating to

the affairs of estates in the person's charge by parties when directed by the court to do so; or

"(3) knowingly refuses to permit a reasonable opportunity for the inspection by the United States Trustee of the documents and accounts relating to the affairs of an estate in the person's charge,

shall be fined not more than \$5000 and shall forfeit the person's office, which shall thereupon become vacant."; and

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

**"§ 156. Knowing disregard of bankruptcy law or rule**

"(a) DEFINITIONS.—In this section—

"'bankruptcy petitioner preparer' means a person, other than the debtor's attorney or an employee of such an attorney, who prepares for compensation a document for filing.

"'document for filing' means a petition or any other document prepared for filing by a debtor in a United States bankruptcy court or a United States district court in connection with a case under this title.

"(b) OFFENSE.—If a bankruptcy case or related proceeding is dismissed because of a knowing attempt by a bankruptcy petitioner preparer in any manner to disregard the requirements of title 11, United States Code, or the Bankruptcy Rules, the bankruptcy petitioner preparer shall be fined under this title, imprisoned not more than 1 year, or both.

**"§ 157. Bankruptcy fraud**

"(a) OFFENSE.—A person who, having devised or intending to devise a scheme or artifice to defraud, or for obtaining money or property by means of a false or fraudulent pretense, representation, or promise, for the purpose of executing or concealing such a scheme or artifice or attempting to do so—

"(1) files a petition under title 11;

"(2) files a document in a proceeding under title 11; or

"(3) makes a false or fraudulent representation, claim, or promise concerning or in relation to a proceeding under title 11, at any time before or after the filing of the petition, or in relation to a proceeding falsely asserted to be pending under that title,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) REQUIREMENT OF INTENT.—

"(1) IN GENERAL.—The degree of intent required to be shown in the case of an offense described in subsection (a) is that which is generally required to be shown in cases of fraud.

"(2) VIOLATION NOT ESTABLISHED.—A violation of subsection (a) is not established if the defendant committed the act that is alleged to constitute fraud for a lawful purpose.

"(3) VIOLATION ESTABLISHED.—A violation of subsection (a) may be established if the defendant committed the act that is alleged to constitute fraud with a purpose of—

"(A) preventing the proper application of title 11 in a particular case; or

"(B) using a proceeding under title 11 in a manner that, while on its face may appear to be legitimate, is in fact part of a scheme to defraud.".

(2) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 9 of title 18, United States Code, is amended—

(A) by amending the item relating to section 153 to read as follows:

"Sec. 153. Embezzlement against estate.";

and

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

"Sec. 156. Knowing disregard of bankruptcy law or rule.

"Sec. 157. Bankruptcy fraud.".

(b) RICO.—Section 1961(1)(D) of title 18, United States Code, is amended by inserting "(except a case under section 157 of that title)" after "title 11".

**SEC. 5147. HANDGUNS IN SCHOOLS.**

**HANDGUNS IN SCHOOLS.—**

(1) IN GENERAL.—In any year after the first day of the first fiscal year after the expiration of the next regular session of the State legislature following the date of enactment of this subpart, the Administrator may award to a State that meets the requirement of paragraph (2) additional grant funds, from the funds reserved for the special discretionary fund established under subsection (e), in an amount equal to 25 percent of the amount of the grant that would be made without regard to this subsection.

(2) STATE LAW.—A State meets the requirement of this paragraph if the law of the State provides that—

(A) on receipt of notification from the principal (or equivalent official) of an elementary school or a secondary school in the State that a person was found in possession of a handgun on the premises of the school, the head of the State entity responsible for issuing driver's licenses shall, pursuant to such procedures as the State legislature and the head (or appropriate State entity) establishes—

(i) in the case of a person who holds a driver's license issued by the State, revoke the person's driver's license for a period of 5 years, during which period the license may not be reissued except as provided under paragraph (3); and

(ii) in the case of a person who does not hold a driver's license issued by the State, except as provided under paragraph (3), withhold for a period of 5 years or until the date on which the person attains the age of 18 years, whichever is longer, the issuance of a driver's license for which application may subsequently be made;

(B) on receipt of notification from the principal (or equivalent official) of an elementary school or a secondary school in the State that a person was found in possession of a handgun on the premises of the school during a period of revocation or withholding of the issuance of a person's driver's license under subparagraph (A), the head of the State entity responsible for issuing driver's licenses shall, pursuant to such procedures as the State legislature and the head (or appropriate State entity) establishes, extend the period of revocation or withholding for an additional 10 years, during which period the license may not be reissued except as provided in paragraph (3); and

(C) subparagraphs (A) and (B) do not apply to the possession of a handgun—

(i) on private property that is not part of the premises of a school;

(ii) if—

(I) the person possessing the handgun is licensed to possess the handgun by the State in which the elementary school or secondary school is located or by a political subdivision of the State; and

(II) the State or political subdivision of the State requires that, as a condition of the issuance of a driver's license, an appropriate law enforcement authority of the State or political subdivision of the State verify that the person is qualified under applicable law to hold the firearm license;

(iii) that is—

(I) not loaded; and

(II) in a locked container or in a locked firearm rack that is on a motor vehicle;

(iv) by a person for use in a program approved by the appropriate official of an elementary school or secondary school (or entity of the State or political subdivision of the State responsible for the administration of the elementary school or secondary school);

(v) by a person in accordance with a contract that the appropriate official of the elementary

school or secondary school (or entity of the State or political subdivision of the State responsible for the administration of the elementary school or secondary school) has entered into with the person or employer of the person;

(vi) by a law enforcement officer acting in an official capacity; or

(vii) that is unloaded and possessed by a person while traversing the premises of the elementary or secondary school for the purpose of gaining access to public or private lands open to hunting, if the entry on the premises of the elementary school or secondary school is authorized by the appropriate official of the school (or entity of the State or political subdivision of the State responsible for the administration of the elementary school or secondary school).

(3) WAIVER.—A State law described in paragraph (2) may provide for a procedure under which the application of a portion of a revocation or withholding period under paragraph (2)(A) or (B) may be waived if—

(A) at least 50 percent of the withholding or revocation period has expired; and

(B) the person subject to the revocation or withholding period establishes, in a manner satisfactory to the head the State entity described in paragraph (2), that—

(i) the person is not the subject of any criminal charge (other than a charge related to the possession of a handgun that resulted in the revocation or withholding);

(ii) the person has not been the subject of a criminal conviction for engaging in a criminal activity during the withholding or revocation period (other than a conviction directly related to the possession of a handgun that resulted in the revocation or withholding); and

(iii) there is a compelling reason to waive the remainder of the revocation or withholding period.

(4) DUE PROCESS.—A State, in implementing a law described in paragraph (2), shall follow such procedures (including procedures to ensure that affected persons are afforded due process of law) as the Constitution may require.

(5) DEFINITIONS.—In this subsection—

"elementary school" has the meaning stated in 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"handgun" means—

(i) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; or

(ii) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

"premises", in reference to an elementary school or secondary school, includes the school building and the grounds of the school.

"secondary school" has the meaning stated in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the government of a State or political subdivision of a State to enact and enforce a law that imposes a penalty that exceeds or supplements the penalties authorized under this subsection.

**SEC. 5148. SENSE OF THE SENATE REGARDING A STUDY ON OUT-OF-WEDLOCK BIRTHS.**

(a) FINDINGS.—The Senate finds the following:

(1) The National Center for Health Statistics has just reported that the out-of-wedlock birth rate reached 29.5 percent in 1991 (66.3 percent in Washington, D.C., 71.0 percent in Detroit).

(2) The out-of-wedlock birth rate has increased without interruption since 1970, and, as pointed out recently by George Will, "the rate of increase is not slowing even at extraordinarily high levels".

(3) Dr. Lee Rainwater of Harvard University predicts that the rate will reach 40 percent within 7 years.

(4) Professor James Q. Wilson has described the erosion of the family structure in the United States and many Western nations as "a major cultural convulsion" that is inextricably associated with the rise of violent urban crime.

(5) President Clinton has stated on the national television program "Meet the Press" that there is "absolutely" a correlation between crime and drugs and the breakdown of the family.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, in consultation with the National Center for Health Statistics, should prepare an analysis of the causes of the increase in out-of-wedlock births, and determine whether there is any historical precedent for such increase, as well as any equivalent among foreign nations, and

(2) the Secretary of Health and Human Services should report to Congress within 12 months after the date of the enactment of this Act on the Secretary's analysis of the out-of-wedlock problem and its causes, as well as possible remedial measures that could be taken.

**SEC. 5149. CONGRESSIONAL APPROVAL OF ANY EXPANSION AT LORTON AND CONGRESSIONAL HEARINGS ON FUTURE NEEDS.**

(a) **CONGRESSIONAL APPROVAL.**—Notwithstanding any other provision of law, the existing prison facilities and complex at the District of Columbia Corrections Facility at Lorton in Virginia shall not be expanded unless such expansion has been approved by the Congress under the authority provided to Congress in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(b) **CONGRESSIONAL HEARINGS.**—The Subcommittee on the District of Columbia of the Committee on Appropriations of the Senate shall conduct hearings regarding expansion of the prison complex in Lorton, Virginia, prior to any approval granted pursuant to subsection (a). The subcommittee shall permit interested parties, including appropriate officials from the County of Fairfax, Virginia, to testify at such hearings.

(c) **DEFINITION.**—For purposes of this section, the terms "expanded" and "expansion" mean any alteration of the physical structure of the prison complex that is made to increase the number of inmates incarcerated at the prison.

**SEC. 5150. NATIONAL NARCOTICS LEADERSHIP ACT.**

(a) Section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1506) is amended by striking "the date which is 5 years after the date of the enactment of this subtitle" and inserting "September 30, 1994".

(b) Section 1008(d)(1) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(d)(1)) is amended by striking "of such", and inserting, "subject to the availability of appropriations, of not less than 75 and such additional"

**SEC. 5151. SUPREME COURT MARSHALS AND POLICE.**

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States," approved August 18, 1949 (40 U.S.C. 13n(c)), is amended in the first sentence by striking out "1993" and inserting in lieu thereof "1996".

**SEC. 5152. EXTENSION OF FULL-TIME STATUS OF MEMBERS OF THE UNITED STATES SENTENCING COMMISSION.**

Section 992(c) of title 28, United States Code, is amended in the second sentence by striking "six years" and inserting "seven years".

**SEC. 5153. SENSE OF THE SENATE THAT ABLE-BODIED CONVICTED FELONS IN THE FEDERAL PRISON SYSTEM WORK.**

(a) **FINDINGS.**—The Senate finds that—  
(1) Federal Prison Industries was created by Congress in 1934 as a wholly owned, nonprofit

government corporation directed to train and employ Federal prisoners;

(2) traditionally, one-half of the Federal prison inmates had meaningful prison jobs; now, with the increasing prison population, less than one-quarter are employed in prison industry positions; and

(3) expansion of the product lines and services of Federal Prison Industries beyond its traditional lines of business will enable more Federal prison inmates to work, and such expansion must occur so as to minimize any adverse impact on the private sector and labor.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) all able-bodied Federal prison inmates should work;

(2) in an effort to achieve the goal of full Federal prison inmate employment, the Attorney General, in consultation with the Director of the Bureau of Prisons, the Secretary of Labor, the Secretary of Defense, the Administrator of the General Services Administration, and the private sector and labor, shall submit a report to Congress not later than March 31, 1994, that describes a strategy for employing more Federal prison inmates;

(3) the report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;

(B) consider the findings and recommendations of the final report of the Summit on Federal Prison Industries (June 1992-July 1993); and

(C) make recommendations for legislation and changes in existing law that may be necessary for the Federal Prison Industries to employ more Federal prison inmates; and

(4) the report shall focus on—

(A) the creation of new job opportunities for Federal prison inmates;

(B) the degree to which any expansion of lines of business of Federal Prison Industries may adversely affect the private sector or displace domestic labor; and

(C) the degree to which opportunities for partnership between Federal Prison Industries and small business can be fostered.

**SEC. 5154. FIRST TIME DOMESTIC VIOLENCE OFFENDER REHABILITATION PROGRAM.**

(a) Section 3561 of title 18, United States Code, is amended by—

(1) redesignating subsection (b) as subsection (c);

(2) inserting the following new subsection after subsection (a):

"(b) **DOMESTIC VIOLENCE OFFENDERS.**—A defendant who has been convicted for the first time of a domestic violence crime shall be sentenced to a term of probation if not sentenced to a term of imprisonment. The term 'domestic violence crime' means a crime of violence for which the defendant may be prosecuted in a court of the United States in which the victim or intended victim is the spouse, former spouse, intimate partner, former intimate partner, child, or former child of the defendant, or any relative defendant, child, or former child of the defendant, or any other relative of the defendant."

(b) Section 3563(a) of title 18, United States Code, is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting the following new paragraph:

"(4) for a domestic violence crime as defined in section 3561(b) by a defendant convicted of such an offense for the first time that the defendant attend a court-approved public, private, or private non-profit program, that has been authorized by that State Coalition Against Domestic Violence, and which is designed to rehabilitate such a defendant if an approved program is

readily available within a 50-mile radius of the legal residence of the defendant."

(c) Section 3583 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting "or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b)" after "statute"; and

(2) in subsection (d) by inserting the following after the first sentence: "The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a court-approved public, private, or private non-profit program, that has been authorized by that State Coalition Against Domestic Violence, and which is designed to rehabilitate such a defendant if an approved program is readily available within a 50-mile radius of the legal residence of the defendant."

**SEC. 5155. ASSET FORFEITURE.**

(a) Section 524 of title 28, United States Code, is amended—

(1) by redesignating subsection (c)(1)(H) to be subsection (c)(1)(I); and

(2) by inserting a new subsection (c)(1)(H) as follows:

"(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and"

(b) The provisions of this section shall apply to all claims pending at the time of or commenced subsequent to the date of the enactment of this Act.

**SEC. 5156. CLARIFICATION OF DEFINITION OF A "COURT OF THE UNITED STATES" TO INCLUDE THE DISTRICT COURTS FOR GUAM, THE NORTHERN MARIANA ISLANDS, AND THE VIRGIN ISLANDS.**

(a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**"§23. Court of the United States defined**

As used in this title, except where otherwise expressly provided the term 'court of the United States' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands."

(b) The analysis for chapter 1 of title 18, United States Code, is amended by inserting at the end the following:

**"23. Court of the United States Defined."**

**SEC. 5157. EXTRADITION.**

(a) **SCOPE.**—Section 3181 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "The provisions of this chapter"; and

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

"(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

"(1) evidence has been presented by the foreign government which indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

"(2) the offenses charged are not of a political nature.

"(c) As used in this section, the term 'national of the United States' shall have the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b).";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b)."; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b)."

**SEC. 5158. EXPEDITED DEPORTATION FOR DENIED ASYLUM APPLICANTS.**

(a) Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end thereof the following: "An applicant for asylum is not entitled to engage in employment in the United States. The Attorney General may authorize an alien who has filed an application for asylum to engage in employment in the United States, in the discretion of the Attorney General. The Attorney General may provide for the expedited deportation of asylum applicants whose applications have been finally denied, unless the applicant remains in an otherwise valid nonimmigrant status."

(b) There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

**SEC. 5159. IMPROVING BORDER CONTROLS.**

There are authorized to be appropriated such sums as are necessary to increase INS's resources for the Border Patrol and the Inspections Program to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents.

**SEC. 5160. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.**

(1) Subject to the availability of appropriations, the Attorney General may expand the program authorized by section 242A(d) of the Immigration and Nationality Act to ensure that such aliens are immediately deportable upon their release from incarceration.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 1995 through 1998.

**SEC. 5161. CONSTRUCTION OF INS SERVICE PROCESSING CENTERS TO DETAIN CRIMINAL ALIENS.**

AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in fiscal year 1995 to construct or contract for the construction of two INS Service Processing Centers to detain criminal aliens and such sums as are necessary in fiscal year 1996 to construct or contract for the construction of two additional Service Processing Centers.

**SEC. 5162. ASSISTANT UNITED STATES ATTORNEY RESIDENCY.**

Section 545(a) of title 28, United States Code, is amended—

(1) by striking "and assistant United States attorney"; and

(2) by inserting the following after the first sentence: "Each assistant United States attorney shall reside in the district for which he or she is appointed or within 50 miles thereof."

**SEC. 5163. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS**

(a) Authorization of appropriations for the Department of the Treasury for each of the fiscal years 1994, 1995, 1996, 1997, and 1998.

(b)(1) The Secretary of the Treasury shall establish no less than 50 Gang Resistance Education and Training (GREAT) projects to be located in communities across the country. Such amount shall be in addition to the number of projects currently funded.

(2) Communities identified for such GREAT projects shall be selected by the Director of the

Bureau of Alcohol, Tobacco and Firearms, acting through the Secretary of the Treasury, on the basis of gang-related activity in that particular community.

(3) The Secretary of the Treasury shall make available no less than \$800,000 per project, subject to appropriation, and such funds shall be allocated fifty percent to the affected State and local law enforcement and prevention organizations participating in such projects, and fifty percent to the Bureau of Alcohol, Tobacco and Firearms for salaries, expenses, and associated administrative costs for operating and overseeing such projects.

(c) There are authorized to be appropriated \$30,000,000 for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms for the hiring, training, and equipping of no less than 200 full-time equivalent agent positions for the investigation of the trafficking of guns to juveniles and gangs, and the tracing of firearms used in the commission of violent crimes, and no less than 100 full-time equivalent inspector positions for the Firearms Compliance program and dealer policing activities.

(d) There are authorized to be appropriated \$6,000,000 for the salaries and expenses of the United States Secret Service for the hiring, training and equipping of additional full-time equivalent positions to supplement current investigative authorities.

**SEC. 5164. LAW ENFORCEMENT PERSONNEL.**

(a)(1) Since we are losing control of our streets and our neighborhoods to gangs, drugs and violent crime;

(2) Since Americans tolerate a level of violence 5 times that of Canada and 10 times that of England;

(3) Since the Senate is about to adopt the Comprehensive Crime Control and Law Enforcement Act which establishes a \$22,268,000,000 Violent Crime Reduction Trust Fund to combat the violent crime epidemic in this country;

(4) Since the Comprehensive Crime Control and Law Enforcement Act authorizes the revenues to fund the Trust Fund be derived from savings resulting from a reduction in Federal personnel; and

(5) Since the Federal law enforcement agencies charged with carrying out the provisions of the Comprehensive Crime Control and Law Enforcement Act will require substantial manpower to implement the Act.

(b) It is the sense of the Senate that law enforcement personnel should not be reduced and calls upon the President of the United States to exempt Federal law enforcement positions from Executive Order 12839 and other Executive memoranda mandating reductions in the Federal workforce.

**SEC. 5165. REVIEW BY THE ATTORNEY GENERAL OF FEDERAL PRISON CAPACITY AND CONSTRUCTION AND OPERATIONAL STANDARDS FOR STATE AND LOCAL CORRECTIONS FACILITIES.**

(a) REVIEW OF FEDERAL PRISON CAPACITY.—The Attorney General shall conduct a review of—

(1) the capacity of the facilities of the Federal Bureau of Prisons;

(2) the number of inmates in those facilities; and

(3) the characteristics of those inmates relative to their likelihood of criminal behavior, and especially violent criminal behavior, if released from custody under supervision.

(b) REVIEW OF STANDARDS.—The Attorney General shall review the standards for construction and operation of State and local corrections facilities contained in the publications entitled "Standards for Small Jail Facilities" and "Standards for Adult and Local Detention Facilities" (3d ed.)

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall report to Congress on the reviews required under subsections (a) and (b).

(2) CONTENTS.—The report under paragraph (1) shall contain the Attorney General's recommendations for administrative and congressional initiatives to—

(A) release space in the Federal Bureau of Prisons for occupancy by inmates transferred from State correctional facilities, pursuant to section 1321; and

(B) modify standards for construction and operation of local and State correctional facilities.

**SEC. 5166. COORDINATION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAMS.**

The Attorney General shall consult with the Secretary of the Department of Health and Human Services in establishing and carrying out the substance abuse treatment and prevention components of the programs authorized under this Act, to assure coordination of programs, eliminate duplication of efforts and enhance the effectiveness of such services.

**SEC. 5167. JUVENILE ANTI-DRUG AND ANTI-GANG GRANTS IN FEDERALLY ASSISTED LOW-INCOME HOUSING.**

Grants authorized in this Act to reduce or prevent juvenile drug and gang-related activity in "public housing" may be used for such purposes in federally assisted, low-income housing.

**SEC. 5168. DEFINITIONS.**

Section 921(a)(17) of title 18, United States Code, is amended by revising subparagraph (B) and adding a new subparagraph (C) to read as follows:

"(B) The term 'armor piercing ammunition' means—

(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(ii) a jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

"(C) The term 'armor piercing ammunition' does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device."

**INVESTMENT ADVISER OVERSIGHT ACT OF 1993**

The text of the bill (S. 423) to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 423

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Investment Adviser Oversight Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the activities of investment advisers are of continuing national concern;

(2) increased supervision of investment advisers by the Securities and Exchange Commission (hereafter in this Act referred to as

the "Commission") is necessary to protect investors from fraud and other illegal conduct;

(3) additional resources are necessary to recover the Commission's costs of an enhanced program for the oversight of investment advisers and their activities, including the costs of registration and inspections; and

(4) because the direct beneficiaries of these activities are investment advisers, it is appropriate for investment advisers to pay fees for such activities.

**SEC. 3. REGISTERED INVESTMENT ADVISER FEES.**

(a) **IN GENERAL.**—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 203 the following new section:

**"SEC. 203A. FEES FOR REGISTRANTS AND APPLICANTS.**

"(a) **IN GENERAL.**—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of enhanced efforts to register all persons required to be registered under this title and enhanced supervision and regulation of investment advisers and their activities. Such fees shall be collected and shall be made available only to the extent provided in advance in appropriations Acts. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and shall remain available until expended. The costs covered by such fees shall be the costs of Commission expenses for the registration and inspection of investment advisers and related activities.

"(b) **TIME FOR PAYMENT.**—

"(1) **APPLICANTS.**—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee directed in advance in appropriations Acts to be collected as specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) **INVESTMENT ADVISERS.**—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay such fee to the Commission not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) **SCHEDULE OF FEES.**—The amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

Assets under management	Fee due:
Less than \$10,000,000	\$300
\$10,000,000 or more, but less than \$25,000,000	\$500
\$25,000,000 or more, but less than \$50,000,000	\$1,000
\$50,000,000 or more, but less than \$100,000,000	\$2,500
\$100,000,000 or more, but less than \$250,000,000	\$4,000
\$250,000,000 or more, but less than \$500,000,000	\$5,000
\$500,000,000 or more	\$7,000.

"(d) **SUSPENSION FOR FAILURE TO PAY.**—The Commission, by order, may suspend the registration of any investment adviser if it finds (after notice) that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the

fee (and any penalties due), if such suspension was based solely on the failure to pay the fee.

"(e) **RULEMAKING.**—The Commission may adopt such rules and regulations as are necessary to carry out this section."

(b) **EFFECTIVE DATE.**—This section (and the amendment made by this section) shall become effective upon the adoption by the Commission of implementing rules and regulations, under section 203A(e) of the Investment Advisers Act of 1940, as added by subsection (a).

**SEC. 4. FACILITIES FOR FILING RECORDS AND REPORTS.**

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by inserting "(a)" after "SEC. 204."; and

(2) by adding at the end the following:

"(b) The Commission, by rule, may require any investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any person designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing."

**SEC. 5. BOND REQUIREMENT.**

(a) **IN GENERAL.**—Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-8) is amended by adding at the end the following:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.

"(4) The Commission shall not require investment advisers to obtain a fidelity bond if—

"(A) fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment advisers are located; or

"(B) the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment advisers' competitive positions."

**EGG RESEARCH AND CONSUMER INFORMATION IMPROVEMENT ACT**

The text of the bill (S. 717) to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such act, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 717

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Egg Research and Consumer Information Act Amendments of 1993".

**SEC. 2. ASSESSMENT RATE.**

(a) **IN GENERAL.**—Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended—

(1) by designating the first and second sentences as paragraph (1);

(2) by designating the fifth and sixth sentences as paragraph (3); and

(3) by striking the third and fourth sentences and inserting the following new paragraph:

"(2)(A) The assessment rate shall be prescribed by the order. The rate shall not exceed 20 cents per case (or the equivalent of a case) of commercial eggs.

"(B) The order may be amended to increase the rate of assessment if the increase is recommended by the Egg Board and approved by egg producers in a referendum conducted under section 9(b).

"(C) The order may be amended to decrease the assessment rate after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title."

(b) **REFERENDUM.**—Section 9 of such Act (7 U.S.C. 2708) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the last sentence as subsection (c); and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following new subsection:

"(b)(1) If the Egg Board determines, based on a scientific study, marketing analysis, or other similar competent evidence, that an increase in the assessment rate is needed to ensure that assessments under the order are set at an appropriate level to effectuate the policy declared in section 2, the Egg Board may request that the Secretary conduct a referendum, as provided in paragraph (2).

"(2)(A) If the Egg Board requests the Secretary to conduct a referendum under paragraph (1) or (3), the Secretary shall conduct a referendum among egg producers not exempt from this Act who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the producers approve the change in the assessment rate proposed by the Egg Board.

"(B) The change in the assessment rate shall become effective if the change is approved or favored by—

"(i) not less than two-thirds of the producers voting in the referendum; or

"(ii) a majority of the producers voting in the referendum, if the majority produced not less than two-thirds of all the commercial eggs produced by the producers voting during a representative period defined by the Secretary.

"(3)(A) In the case of the order in effect on the date of enactment of this subsection, the Egg Board shall determine under paragraph (1), as soon as practicable after such date of enactment, whether to request that the Secretary conduct a referendum under paragraph (2).

"(B) If the Egg Board makes such a request on the basis of competent evidence, as provided in paragraph (1), the Secretary shall conduct the referendum as soon as practicable, but not later than—

"(i) 120 days after receipt of the request from the Egg Board; or

"(ii) if the Director of the Office of Management and Budget determines that the change in the assessment rate is a significant action that requires review by the Director, 170 days after receipt of the request from the Egg Board.

"(4) Notwithstanding any other provision of this Act, if an increase in the assessment rate and the authority for additional increases is approved by producers in a referendum conducted under this subsection, the Secretary shall amend the order to reflect the vote of the producers. The amendment to the order shall become effective on the date of issuance of the amendment."

#### SEC. 3. RESEARCH.

Section 8(d) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(d)) is amended by adding at the end the following new sentence: "In preparing a budget for each of the 1994 and subsequent fiscal years, the Egg Board shall, to the maximum extent practicable, allocate a proportion of funds for research projects under this Act that is comparable to the proportion of funds that were allocated for research projects under this Act in the budget of the Egg Board for fiscal year 1993."

#### SEC. 4. EXEMPTED PRODUCERS.

Section 12(a)(1) of the Egg Research and Consumer Information Act (7 U.S.C. 2711(a)(1)) is amended by striking "30,000 laying hens" and inserting "75,000 laying hens".

#### SEC. 5. AMENDMENT TO ORDER.

Notwithstanding any other provision of law:

(1) IN GENERAL.—The Secretary of Agriculture shall issue amendments to the egg promotion and research order issued under the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) to implement the amendments made by this Act. The amendments shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title. The Secretary shall issue the proposed amendments to the order not later than 80 days after the date of enactment of this Act.

(2) EFFECTIVE DATE.—The amendments to the egg promotion and research order required by paragraph (1) shall become effective not later than—

(A) 30 days after the proposed amendments are issued; or

(B) if the Director of the Office of Management and Budget determines that the amendments are a significant action that requires review by the Director, 50 days after the proposed amendments are issued.

(3) REFERENDUM.—The amendments referred to in paragraph (2) shall not be subject to a referendum conducted under the Egg Research and Consumer Information Act.

#### RELIEF OF NATHAN C. VANCE

The text of the bill (S. 871) for the relief of Nathan C. Vance, and for other

purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 871

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

#### SECTION 1. PAYMENT TO NATHAN C. VANCE.

(a) PAYMENT.—Subject to subsections (b) and (c), the Secretary of Agriculture shall pay \$4,850.00 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Fire in and around Yellowstone National Park in 1988.

(b) SOURCE OF FUNDS.—The Secretary shall make the payment pursuant to subsection (a) out of the regional fire budget of the Forest Service prior to making any other fire-related payment for fiscal year 1994.

(c) CONDITION OF PAYMENT.—The payment made pursuant to subsection (a) shall be in full satisfaction of all claims of Nathan C. Vance against the United States for the fire loss described in subsection (a), including Forest Service claim file number 6570.

#### ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT ACT

The text of the bill (S. 1059) to include Alaska Natives in a program for Native culture and arts development, as passed by the Senate on November 20, 1993, is as follows:

S. 1059

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

#### SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

##### "PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

#### "SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under sub-

section (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture.

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii.

"(C) include the president of the University of Hawaii.

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture.

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term."

#### AMENDING THE ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT

The text of the bill (S. 1457) to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II, as passed by the Senate on November 20, 1993, is as follows:

S. 1457

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

#### SECTION 1. INCREASE IN AUTHORIZATIONS.

Subsection (d) of section 205 of the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383) is amended by striking "\$1,400,000" and inserting in lieu thereof "\$4,700,000".

#### STEWART B. MCKINNEY HOMELESS ASSISTANCE REAUTHORIZATION ACT

The text of the bill (S. 1523) to reauthorize certain programs under the Stewart B. McKinney Homeless Assistance Act, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 1523

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewart B. McKinney Homeless Assistance Reauthorization Act of 1993".

#### SEC. 2. PRIMARY HEALTH SERVICES FOR HOMELESS CHILDREN.

Section 340(s)(8) of the Public Health Service Act (42 U.S.C. 256(s)(8)) is amended by striking "1993" and inserting "1994".

#### SEC. 3. COMMUNITY DEMONSTRATION PROJECTS.

Section 612(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa-3 note) is amended by striking "1993" and inserting "1994".

**SEC. 4. ADULT EDUCATION ASSISTANCE TO HOMELESS PERSONS.**

Section 702(c)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421(c)(1)) is amended by striking "and 1993" and inserting "through 1994".

**SEC. 5. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 722(g)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(g)(1)) is amended by striking "and 1993" and inserting "through 1994".

(b) **LOCAL EDUCATIONAL AGENCY GRANTS.**—Section 723(b) of such Act (42 U.S.C. 11433(b)) is amended—

(1) by inserting after the subsection heading the following: "Authorized activities may include—";

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) by striking "(2)" and all that follows in the matter preceding subparagraph (A);

(B) by redesignating subparagraphs (A) through (O) as paragraphs (2) through (16), respectively; and

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following new paragraph:

"(1) the provision of tutoring, remedial education services, or other education services to homeless children or homeless youths"; and

(4) by realigning the margins of paragraphs (1) through (15) (as redesignated by paragraph (3)(B)) so as to align with paragraph (3) of subsection (a).

**SEC. 6. JOB TRAINING FOR THE HOMELESS.**

(a) **REPORT.**—Section 736(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11446(a)) is amended by striking "the termination date specified in section 741" and inserting "the end of the last fiscal year specified in section 739(a)".

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 739(a) of such Act (42 U.S.C. 11449(a)) is amended by inserting after paragraph (3), the following new paragraph:

"(4) Such sums as may be necessary for fiscal year 1994."

(c) **REPEAL.**—Section 741 of such Act (42 U.S.C. 11450) is repealed.

**SEC. 7. EMERGENCY COMMUNITY SERVICES FOR THE HOMELESS.**

Section 754 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11464) is amended by striking "and 1993" and inserting "1993 and 1994".

**SEC. 8. FAMILY SUPPORT CENTERS.**

Section 779 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11489) is amended by striking "fiscal year 1993" and inserting "each of the fiscal years 1993 and 1994".

**AMENDING THE THOMAS JEFFERSON COMMEMORATION COMMISSION ACT**

The text of the bill (S. 1716) to amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports, as passed by the Senate on November 20, 1993, is as follows:

S. 1716

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

**SECTION 1. REPORTS FROM THE COMMISSION.**

Section 9 of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

(1) in subsection (a), by striking "December 31, 1992" and inserting "March 15, 1994"; and

(2) in subsection (b), by striking "December 31, 1993" and inserting "December 31, 1994".

**SEC. 2. AUDIT OF FINANCIAL TRANSACTIONS.**

Section 10(b) of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

(1) by striking "December 31, 1992" each place it appears and inserting "March 15, 1994";

(2) by striking "March 4, 1994" and inserting "March 3, 1995"; and

(3) by striking "1993" and inserting "1994".

**THE DIETARY SUPPLEMENTAL REGULATION MORATORIUM ACT**

The text of the bill (S. 1762) to amend the Nutrition Labeling and Education Act of 1990 to impose a moratorium with respect to the issuance of regulations on dietary supplements, as passed by the Senate on November 20, 1993, is as follows:

S. 1762

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Dietary Supplement Regulation Moratorium Act of 1993".

**SEC. 2. PROHIBITION OF IMPLEMENTATION.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services may not implement the Nutrition Labeling and Education Act of 1990 (Public Law 101-535; 104 Stat. 2353), or any amendment made by such Act, earlier than April 15, 1994, with respect to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances.

**SEC. 3. ISSUANCE OF FINAL REGULATIONS.**

(a) **NUTRITIONAL LABELING REGULATIONS.**—The second sentence of section 2(b)(1) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended by striking "except" and all that follows through the period and inserting "except that the Secretary shall not issue any final regulations applicable to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances before April 15, 1994."

(b) **CLAIMS REGULATION.**—Section 3(b)(1)(B) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended by striking "except" and all that follows through the period and inserting "except that the Secretary shall not issue any final regulations applicable to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances before April 15, 1994."

**SEC. 4. REGULATIONS CONSIDERED TO BE FINAL.**

(a) **NUTRITIONAL LABELING.**—The first sentence of section 2(b)(2) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended by striking "except" and all that follows through the period and inserting "except that the proposed regulations applicable to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances shall not be considered to be final regulations until April 30, 1994."

(b) **CLAIMS REGULATIONS.**—The first sentence of section 3(b)(2) of the Nutrition La-

beling and Education Act of 1990 (21 U.S.C. 343 note) is amended by striking "except" and all that follows through the period and inserting "except that the proposed regulations applicable to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances shall not be considered to be final regulations until April 30, 1994."

**SEC. 5. STATE ENFORCEMENT.**

Section 10(a)(1)(C) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended by striking "except" and all that follows through "1993" and inserting "except that such amendments shall take effect with respect to dietary supplements of vitamins, minerals, herbs, amino acids, or other similar nutritional substances on April 30, 1994".

**EXTENDING THE AUTHORITY OF THE MARSHAL OF THE SUPREME COURT**

The text of the bill (S. 1764) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police, as passed by the Senate on November 20, 1993, is as follows:

S. 1764

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States," approved August 18, 1949 (40 U.S.C. 13n(c)), is amended in the first sentence by striking out "1993" and inserting in lieu thereof "1996".

**DANIEL WEBSTER SENATE PAGE RESIDENCE**

The text of the bill (S. 1765) to designate the Federal building located at 300 4th Street, Northeast, in the District of Columbia, as the "Daniel Webster Senate Page Residence," and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 1765

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

**SECTION 1. DESIGNATION OF DANIEL WEBSTER SENATE PAGE RESIDENCE.**

The Federal building located at 300 4th Street, Northeast, in the District of Columbia, shall be known and designated as the "Daniel Webster Senate Page Residence".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Daniel Webster Senate Page Residence".

**EXPRESSING THE SENSE-OF-THE-CONGRESS THAT U.S. TRUCK SAFETY STANDARDS ARE OF PARAMOUNT IMPORTANCE TO THE IMPLEMENTATION OF NAFTA**

The text of the concurrent resolution (S. Con. Res. 36) expressing the sense of

the Congress that U.S. truck safety standards are of paramount importance to the implementation of the North American Free-Trade Agreement, as agreed to by the Senate on November 20, 1993, is as follows:

S. CON. RES. 36

Whereas the North American Free Trade Agreement in requiring the United States, Mexico, and Canada to "harmonize" their trucking safety standards should ensure the continuing application of vital United States safety standards;

Whereas the North American Free Trade Agreement will permit Mexican trucking companies and Mexican drivers to operate in Texas, New Mexico, Arizona, and California after 3 years and throughout the United States after 6 years;

Whereas the United States truck driver fatigue rules limit drivers to 10 hours per day behind the wheel, Canada allows 13 hours without rest, and Mexico has no limitations on truck driver time;

Whereas front brakes are required on United States trucks but are not required on Mexican trucks, and the lack of front brakes reduces stopping ability and increases a truck's susceptibility to jackknifing;

Whereas the United States maximum gross vehicle weight limit is 80,000 pounds without a special permit, compared to 137,000 pounds in Canada and 171,000 pounds in Mexico;

Whereas Mexico does not have a truck driver records system and the Canadian system does not link with the United States system, thereby making it impossible for enforcement officials in the United States to identify suspended or revoked drivers, or drivers with disqualifying offenses such as drunk, drugged, or reckless driving; and

Whereas only the United States requires industry-wide random testing for drugs and alcohol: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the intent of the Congress that the Secretary of Transportation, in carrying out harmonization negotiations under the auspices of the Land Transportation Standards Subcommittee established under article 913 of the North American Free Trade Agreement, shall uphold all United States truck safety standards, including truck sizes and weights, and safety standards such as truck driver hours of service, front brake and other safety equipment requirements, and the truck driver record system.

#### VEHICLE DAMAGE DISCLOSURE ACT

The text of the bill (S. 431) to amend the Motor Vehicle Information and Cost Savings Act to provide for vehicle damage disclosure and consumer protection, as passed by the Senate on November 20, 1993, is as follows:

S. 431

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Vehicle Damage Disclosure and Consumer Protection Act of 1993".

#### SEC. 2. PURPOSE.

Section 401 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1981) is amended by inserting after the second sentence the following new sentences: "It is also

the purpose of this title to protect purchasers with respect to motor vehicles for which States have previously issued a title brand indicating prior damage. It is further the purpose of this title to protect purchasers with respect to motor vehicles which have been repurchased, replaced, or reacquired under a State lemon law."

#### SEC. 3. DEFINITIONS.

Section 402 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1982) is amended by adding at the end the following new paragraphs:

"(9) The term 'manufacturer buyback vehicle' means a motor vehicle that has been repurchased, replaced, or reacquired pursuant to a State lemon law.

"(10) The term 'State lemon law' means a State law requiring that a motor vehicle manufacturer, distributor, or dealer repurchase, replace, or reacquire a new motor vehicle due to a nonconformity in materials or workmanship that renders the vehicle unfit for ordinary use or reasonably intended purposes."

#### SEC. 4. DISCLOSURE REQUIREMENTS UPON TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE.

Section 408 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988) is amended by adding at the end the following new subsection:

"(h)(1) Any motor vehicle the ownership of which is transferred may not be licensed for use in any State unless the State discloses on the title whether records readily accessible to it indicate—

"(A) whether the vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'junk', 'reconstructed', or 'rebuilt', that it has been damaged by flood, or that it was a manufacturer buyback vehicle, and

"(B) if it was issued such a title, which State first issued such a title.

"(2) The Secretary shall—

"(A) not later than 90 days after the date of enactment of the Vehicle Damage Disclosure and Consumer Protection Act of 1993, prescribe by rule the manner in which, and the date by which, a State shall disclose the information described in paragraph (1)(A) and the manner in which such information shall be retained.

"(B) not later than 12 months after such date of enactment, in consultation with the task force established under section 140(a) of the Anti Car Theft Act of 1992 (15 U.S.C. 2041 note), prescribe by rule uniform minimum standards and procedures relating to the disclosure by a State on a vehicle certificate of title that a vehicle has sustained severe damage,

"(C) study and develop recommendations (in consultation, to the extent practicable, with the task force described in subparagraph (B)) concerning whether, in order to maximize consumer protection, a disclosure of the dollar value of damage to a motor vehicle should be included on all of its certificates of title, at times of title transfer, in any case in which the motor vehicle has neither been declared a total loss by an insurer or vehicle owner nor had its title branded with any word or symbol signifying that the vehicle was 'salvage', 'junk', 'reconstructed', or 'rebuilt' or that it was damaged by flood, and

"(D) not later than 12 months after the date of enactment of the Vehicle Damage Disclosure and Consumer Protection Act of 1993, prescribe by rule the minimum requirements of form and content for State certificates of title."

#### SEC. 5. DISCLOSURE OF MANUFACTURER BUYBACK VEHICLES.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the various means that may be required by Federal law for disclosing to prospective purchasers that a motor vehicle is a manufacturer buyback vehicle. The study shall include a consideration of the advantages and disadvantages of each alternative, taking into account the cost to the vehicle manufacturer, distributor, or dealer of complying with such requirement and the effectiveness of the requirement in informing purchasers.

(b) MEANS FOR DISCLOSURE.—Among the means for disclosure that shall be the subject of the study required by this section are the following:

(1) A national uniform sticker, affixed to the windshield of a motor vehicle prior to a purchaser's agreement to purchase the vehicle, that States that the vehicle is a manufacturer buyback vehicle.

(2) A national uniform consumer disclosure statement, provided to any prospective purchaser before the purchase agreement occurs, that—

(A) includes the motor vehicle make, model, year, vehicle identification number, and any prior title numbers and prior States of title; and

(B) discloses that the motor vehicle is (according to records available to the State issuing the certificate of title, including records from any State in which a certificate of title has previously been issued for such motor vehicle) a manufacturer buyback vehicle.

(c) REPORT TO CONGRESS.—The Secretary of Transportation shall, not later than 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of the study required by this section.

(d) DEFINITIONS.—The terms "manufacturer buyback vehicle", "dealer", and "distributor" have the meanings those terms have under section 402 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988), as amended by this Act.

#### WATERMELON RESEARCH AND PROMOTION IMPROVEMENT ACT OF 1993

The text of the bill (S. 778) to amend the Watermelon Research and Promotion Act to expand the operation of the Act to the entire United States, to authorize the revocation of the refund provision of the act, to modify the referendum procedures of the act, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 778

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Watermelon Research and Promotion Improvement Act of 1993".

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

Sec. 1. Short title and table of contents.  
Sec. 2. Change to majority vote in referendum procedures.  
Sec. 3. Expansion of watermelon plans to entire United States.

Sec. 4. Clarification of differences between producers and handlers.

Sec. 5. Clarification of collection of assessments by the Board.

Sec. 6. Changes to assessment rate not subject to formal rulemaking.

Sec. 7. Elimination of watermelon assessment refund.

Sec. 8. Equitable treatment of watermelon plans.

Sec. 9. Definition of producer.

Sec. 10. Amendment procedure.

## SEC. 2. CHANGE TO MAJORITY VOTE IN REFERENDUM PROCEDURES.

Section 1653 of the Watermelon Research and Promotion Act (7 U.S.C. 4912) is amended—

(1) by inserting "(a)" after "SEC. 1653.";

(2) by striking the third sentence; and

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

"(b) A plan issued under this subtitle shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers who are subject to the plan) voting in the referendum."

## SEC. 3. EXPANSION OF WATERMELON PLANS TO ENTIRE UNITED STATES.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902) is amended—

(1) in paragraph (3), by striking "the forty-eight contiguous States of"; and

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

"(10) The term 'United States' means each of the several States and the District of Columbia."

(b) ISSUANCE OF PLANS.—The last sentence of section 1644 of such Act (7 U.S.C. 4903) is amended by striking "the forty-eight contiguous States of".

## SEC. 4. CLARIFICATION OF DIFFERENCES BETWEEN PRODUCERS AND HANDLERS.

Section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c)) is amended by adding at the end the following new paragraph:

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

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

"(2) A producer shall be eligible to serve on the Board only as a representative of handlers, and not as a representative of producers, if—

"(A) the producer purchases watermelons from other producers, in a combined total volume that is equal to 25 percent or more of the producer's own production; or

"(B) the combined total volume of watermelons handled by the producer from the producer's own production and purchases from other producers' production is more than 50 percent of the producer's own production."

## SEC. 5. CLARIFICATION OF COLLECTION OF ASSESSMENTS BY THE BOARD.

Section 1647 of the Watermelon Research and Promotion Act (7 U.S.C. 4906) is amended—

(1) in subsection (f), by striking "collection of the assessments by the Board" and inserting "payment of the assessments to the Board."; and

(2) in paragraphs (1) and (3) of subsection (g), by striking "collected" each place it appears and inserting "received".

## SEC. 6. CHANGES TO ASSESSMENT RATE NOT SUBJECT TO FORMAL RULEMAKING.

Section 1647(f) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(f)) is

amended by adding at the end the following new sentences: "In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment."

## SEC. 7. ELIMINATION OF WATERMELON ASSESSMENT REFUND.

Section 1647(h) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(h)) is amended—

(1) by striking "(h) The" and inserting "(h)(1) Except as provided in paragraph (2), the"; and

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

"(2) If approved in the referendum required by section 1655(b) relating to the elimination of the assessment refund under paragraph (1), the Secretary shall amend the plan that is in effect on the day before the date of the enactment of the Watermelon Research and Promotion Improvement Act of 1993 to eliminate the refund provision.

"(3)(A) Notwithstanding paragraph (2) and subject to subparagraph (B), if importers are subject to the plan, the plan shall provide that an importer of less than 150,000 pounds of watermelons per year shall be entitled to apply for a refund that is based on the rate of assessment paid by domestic producers.

"(B) The Secretary may adjust the quantity of the weight exemption specified in subparagraph (A) on the recommendation of the Board after an opportunity for public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title, to reflect significant changes in the 5-year average yield per acre of watermelons produced in the United States."

## SEC. 8. EQUITABLE TREATMENT OF WATERMELON PLANS.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902), as amended by section 3(a), is further amended—

(1) in paragraph (3), by striking the semicolon at the end and inserting the following: "or imported into the United States.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'importer' means any person who imports watermelons into the United States.

"(7) The term 'plan' means an order issued by the Secretary under this subtitle."

(b) ISSUANCE OF PLANS.—Section 1644 of such Act (7 U.S.C. 4903), as amended by section 3(b), is further amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers";

(2) by striking the second sentence; and

(3) in the last sentence, by inserting "or imported into the United States" before the period.

(c) NOTICE AND HEARINGS.—Section 1645(a) of such Act (7 U.S.C. 4904(a)) is amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers"; and

(2) in the last sentence, by striking "or handlers" and inserting ", handlers, or importers".

(d) MEMBERSHIP OF BOARD.—Section 1647(c) of such Act (7 U.S.C. 4906(c)), as amended by section 4, is further amended—

(1) in the second sentence of paragraph (1), by striking "producer and handler members" and inserting "other members"; and

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

"(3)(A) If importers are subject to the plan, the Board shall also include 1 or more representatives of importers, who shall be appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary.

"(B) Importer representation on the Board shall be proportionate to the percentage of assessments paid by importers to the Board, except that at least 1 representative of importers shall serve on the Board.

"(C) If importers are subject to the plan and fail to select nominees for appointment to the Board, the Secretary may appoint any importers as the representatives of importers.

"(D) Not later than 5 years after the date that importers are subjected to the plan, and every 5 years thereafter, the Secretary shall evaluate the average annual percentage of assessments paid by importers during the 3-year period preceding the date of the evaluation and adjust, to the extent practicable, the number of importer representatives on the Board."

(e) ASSESSMENTS.—Section 1647(g) of such Act (7 U.S.C. 4906(g)) is amended—

(1) in paragraph (4)—

(A) by striking "(4) assessments" and inserting "(4) Assessments"; and

(B) by inserting "in the case of producers and handlers" after "such assessments"; and

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

"(5) If importers are subject to the plan, an assessment shall also be made on watermelons imported into the United States by the importers. The rate of assessment for importers who are subject to the plan shall be equal to the combined rate for producers and handlers."

(f) REFUNDS.—Paragraph (1) of section 1647(h) of such Act (7 U.S.C. 4906(h)), as amended by section 7, is further amended—

(1) by inserting after "or handler" the first two places it appears the following: "(or importer who is subject to the plan)"; and

(2) by striking "or handler" the last place it appears and inserting ", handler, or importer".

(g) ASSESSMENT PROCEDURES.—Section 1649 of such Act (7 U.S.C. 4908) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

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

"(2)(A) If importers are subject to the plan, each importer required to pay assessments under the plan shall be responsible for payment of the assessment to the Board, as the Board may direct.

"(B) The assessment on imported watermelons shall be equal to the combined rate for domestic producers and handlers and shall be paid by the importer to the Board at the time of the entry of the watermelons into the United States.

"(C) Each importer required to pay assessments under the plan shall maintain a separate record that includes a record of—

"(i) the total quantity of watermelons imported into the United States that are included under the terms of the plan;

"(ii) the total quantity of watermelons that are exempt from the plan; and

"(iii) such other information as may be prescribed by the Board.

"(D) No more than 1 assessment shall be made on any imported watermelon."

(2) in subsection (b), by inserting "and importers" after "handlers"; and

(3) in subsection (c)(1), by inserting "or importers" after "handlers";

(h) INVESTIGATIONS.—Section 1652(a) of such Act (7 U.S.C. 4911(a)) is amended—

(1) in the first sentence, by striking "a handler or any other person" by inserting "a person";

(2) in the fourth sentence, by inserting "(or an importer who is subject to the plan)" after "a handler"; and

(3) in the last sentence, by striking "the handler or other person" and inserting "the person".

(i) REFERENDUM.—Subsection (a) of section 1653 of such Act (7 U.S.C. 4912), as amended by section 2, is further amended—

(1) in the first sentence—

(A) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(B) by striking "or handling" and inserting ", handling, or importing";

(2) by striking the second sentence; and

(3) in the sentence beginning with "The ballots"—

(A) by striking "or handler" and inserting ", handler, or importer"; and

(B) by striking "or handled" and inserting ", handled, or imported";

(j) TERMINATION OF PLANS.—Section 1654(b) of such Act (7 U.S.C. 4913(b)) is amended—

(1) in the first sentence—

(A) by striking "10 per centum or more" and inserting "at least 10 percent of the combined total"; and

(B) by striking "and handlers" both places it appears and inserting ", handlers, and importers";

(2) in the second sentence—

(A) by striking "or handle" and inserting ", handle, or import";

(B) by striking "50 per centum" and inserting "50 percent of the combined total"; and

(C) by striking "or handled by the handlers," and inserting ", handled by the handlers, or imported by the importers"; and

(3) by striking the last sentence.

(k) CONFORMING AND TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1642(a)(5) (7 U.S.C. 4901(a)(5)), by striking "and handling" and inserting "handling, and importing";

(2) in the first sentence of section 1642(b) (7 U.S.C. 4901(b))—

(A) by inserting ", or imported into the United States," after "harvested in the United States"; and

(B) by striking "produced in the United States";

(3) in section 1643 (7 U.S.C. 4902), as amended by subsection (a) and section 3(a)—

(A) by striking "subtitle—" and inserting "subtitle";

(B) in paragraphs (1) through (5), by striking "the term" each place it appears and inserting "The term";

(C) in paragraphs (1), (2), (4), and (5), by striking the semicolon at the end of each paragraph and inserting a period;

(D) in paragraph (8), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "; and" and inserting a period; and

(E) in paragraph (9), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "1644" and inserting "1647"; and

(4) in section 1647(g) (7 U.S.C. 4906(g)), as amended by subsection (e) and section 5(2)—

(A) by striking "that—" and inserting "the following";

(B) in paragraph (1)—

(i) by striking "(1) funds" and inserting "(1) Funds"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "(2) no" and inserting "(2) No"; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking "(3) no" and inserting "(3) No"; and

(ii) by striking "; and" and inserting a period.

#### SEC. 9. DEFINITION OF PRODUCER.

(a) IN GENERAL.—Section 1643(5) of the Watermelon Research and Promotion Act (7 U.S.C. 4902(5)) is amended by striking "five" and inserting "10".

(b) CERTIFICATION.—Section 1647 of such Act (7 U.S.C. 4906) is amended by adding at the end the following new subsection:

"(1) The plan shall provide that the Board shall have the authority to establish rules for certifying whether a person meets the definition of a producer under section 1643(5)."

#### SEC. 10. AMENDMENT PROCEDURE.

Section 1655 of the Watermelon Research and Promotion Act (7 U.S.C. 4914) is amended to read as follows:

##### "SEC. 1655. AMENDMENT PROCEDURE.

"(a) IN GENERAL.—Before a plan issued by the Secretary under this subtitle may be amended, the Secretary shall publish the proposed amendments for public comment and conduct a referendum in accordance with section 1653.

"(b) SEPARATE CONSIDERATION OF AMENDMENTS.—

"(1) IN GENERAL.—The amendments described in paragraph (2) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act of 1993 shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 1653 before the Secretary alters the plan as in effect on the day before the date of the enactment of such Act.

"(2) AMENDMENTS.—The amendments referred to in paragraph (1) are the amendments to a plan required under—

"(A) section 7 of the Watermelon Research and Promotion Improvement Act of 1993 relating to the elimination of the assessment refund; and

"(B) section 8 of such Act relating to subjecting importers to the terms and conditions of the plan.

"(3) IMPORTERS.—When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments to a plan were approved."

#### FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ACT OF 1993

The text of the bill (S. 994) to authorize the establishment of fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry, and other persons, and for other pur-

poses, as passed by the Senate on November 20, 1993, is as follows:

S. 994

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993".

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of policy.
- Sec. 3. Definitions.
- Sec. 4. Issuance of orders.
- Sec. 5. Required terms in orders.
- Sec. 6. Exclusion; determinations.
- Sec. 7. Referenda.
- Sec. 8. Petition and review.
- Sec. 9. Enforcement.
- Sec. 10. Investigations and power to subpoena.
- Sec. 11. Confidentiality.
- Sec. 12. Authority for Secretary to suspend or terminate order.
- Sec. 13. Construction.
- Sec. 14. Regulations.
- Sec. 15. Authorization of appropriations.

#### SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment;

(2)(A) cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses; and

(B) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers—

(A) purchase most of the cut flowers and cut greens marketed by producers;

(B) prepare the cut flowers and cut greens for retail consumption;

(C) serve as an intermediary between the source of the product and the retailer;

(D) otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce; and

(E) add efficiencies to the market process that ensure the availability of a much greater variety of the product to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(5)(A) cut flowers and cut greens move in interstate and foreign commerce; and

(B) cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in cut flowers and cut greens;

(6) the maintenance and expansion of markets in existence on the date of enactment of

this Act, and the development of new or improved markets or uses for cut flowers and cut greens, are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of markets in existence on the date of enactment of this Act and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this Act in that the program will enhance the market development efforts of the programs for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for cut flowers and cut greens; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point at which the flowers and greens are sold by handlers into the retail market.

(b) **POLICY AND PURPOSE.**—It is the policy of Congress that it is in the public interest, and it is the purpose of this Act, to authorize the establishment, through the exercise of the powers provided in this Act, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of the cut flowers and cut greens industry in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) **CONSUMER INFORMATION.**—The term "consumer information" means any action or program that provides information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

(2) **CUT FLOWERS AND CUT GREENS.**—

(A) **IN GENERAL.**—

(i) **CUT FLOWERS.**—The term "cut flowers" includes all flowers cut from growing plants that are used as fresh-cut flowers and that are produced under cover or in field operations.

(ii) **CUT GREENS.**—The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants that are used as fresh-cut decorative foliage (except Christmas trees) and that are produced under cover or in field operations.

(iii) **EXCLUSIONS.**—The terms "cut flowers" and "cut greens" do not include a foliage plant, floral supply, or flowering plant.

(B) **SUBSTANTIAL PORTION.**—In any case in which a handler packages cut flowers or cut greens with hard goods in an article (such as a gift basket or similar presentation) for sale to a retailer, the PromoFlor Council may determine, under procedures specified in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on the determination, the article shall not be treated as an article of cut flowers or cut greens subject to assessment under the order.

(3) **GROSS SALES PRICE.**—The term "gross sales price" means the total amount of the transaction in a sale of cut flowers or cut greens from a handler to a retailer or exempt handler.

(4) **HANDLER.**—

(A) **QUALIFIED HANDLER.**—

(i) **IN GENERAL.**—The term "qualified handler" means a person (including a cooperative) operating in the cut flowers or cut greens marketing system—

(I) that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers; and

(II) whose annual sales of cut flowers and cut greens to retailers and exempt handlers are \$750,000 or more.

(ii) **INCLUSIONS AND EXCLUSIONS.**—

(I) **IN GENERAL.**—The term "qualified handler" includes—

(aa) bouquet manufacturers (subject to paragraph (2)(B));

(bb) an auction house that clears the sale of cut flowers and cut greens to retailers and exempt handlers through a central clearinghouse; and

(cc) a distribution center that is owned or controlled by a retailer if the predominant retail business activity of the retailer is floral sales.

(II) **TRANSFERS.**—For the purpose of determining sales of cut flowers and cut greens to a retailer from a distribution center described in subclause (I)(cc), each non-sale transfer to a retailer shall be treated as a sale in an amount calculated as provided in subparagraph (C).

(III) **TRANSPORTATION OR DELIVERY.**—The term "qualified handler" does not include a person who only physically transports or delivers cut flowers or cut greens.

(iii) **CONSTRUCTION.**—

(I) **IN GENERAL.**—The term "qualified handler" includes an importer or producer that sells cut flowers or cut greens that the importer or producer has imported into the United States or produced, respectively, directly to consumers and whose sales of the cut flowers and cut greens (as calculated under subparagraph (C)), together with sales of cut flowers and cut greens to retailers or exempt handlers, annually are \$750,000 or more.

(II) **SALES.**—Each direct sale to a consumer by a qualified handler described in subclause (I) shall be treated as a sale to a retailer or exempt handler in an amount calculated as provided in subparagraph (C).

(III) **DEFINITIONS.**—As used in this paragraph:

(aa) **IMPORTER.**—The term "importer" has the meaning provided in section 5(b)(2)(B)(i)(I).

(bb) **PRODUCER.**—The term "producer" has the meaning provided in section 5(b)(2)(B)(ii)(I).

(B) **EXEMPT HANDLER.**—The term "exempt handler" means a person who would otherwise be considered to be a qualified handler, except that the annual sales by the person of cut flowers and cut greens to retailers and other exempt handlers are less than \$750,000.

(C) **ANNUAL SALES DETERMINED.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), for the purpose of determining the amount of annual sales of cut flowers and cut greens under subparagraphs (A) and (B), the amount of a sale shall be determined on the basis of the gross sales price of the cut flowers and cut greens sold.

(ii) **TRANSFERS.**—

(I) **NON-SALE TRANSFERS AND DIRECT SALES BY IMPORTERS.**—Subject to subclause (III), in the case of a non-sale transfer of cut flowers or cut greens from a distribution center (as described in subparagraph (A)(ii)(II)), or a direct sale to a consumer by an importer (as described in subparagraph (A)(iii)), the amount of the sale shall be equal to the sum of—

(aa) the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens; and

(bb) an amount determined by multiplying the acquisition price referred to in item (aa) by a uniform percentage established by an order to represent the mark-up of a wholesale handler on a sale to a retailer.

(II) **DIRECT SALES BY PRODUCERS.**—Subject to subclause (III), in the case of a direct sale to a consumer by a producer (as described in subparagraph (A)(iii)), the amount of the sale shall be equal to an amount determined by multiplying the price paid by the consumer by a uniform percentage established by an order to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer.

(III) **CHANGES IN UNIFORM PERCENTAGES.**—Any change in a uniform percentage referred to in subclause (I) or (II) may become effective after—

(aa) recommendation by the PromoFlor Council; and

(bb) approval by the Secretary after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(5) **ORDER.**—The term "order" means an order issued under this Act (other than sections 9, 10, and 12).

(6) **PERSON.**—The term "person" means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, society, cooperative, or other legal entity.

(7) **PROMOFLOL COUNCIL.**—The term "PromoFlor Council" means the Fresh Cut Flowers and Fresh Cut Greens Promotion Council established under section 5(b).

(8) **PROMOTION.**—The term "promotion" means any action determined by the Secretary to advance the image, desirability, or marketability of cut flowers or cut greens, including paid advertising.

(9) **RESEARCH.**—The term "research" means market research and studies limited to the support of advertising, market development, and other promotion efforts and consumer information efforts relating to cut flowers or cut greens, including educational activities.

(10) **RETAILER.**—

(A) **IN GENERAL.**—The term "retailer" means a person (such as a retail florist, supermarket, mass market retail outlet, or other end-use seller), as described in an

order, that sells cut flowers or cut greens to consumers, and a distribution center described in subparagraph (B)(i).

(B) DISTRIBUTION CENTERS.—

(i) IN GENERAL.—The term "retailer" includes a distribution center that is—

(I) owned or controlled by a person described in subparagraph (A), or owned or controlled cooperatively by a group of the persons, if the predominant retail business activity of the person is not floral sales; or

(II) independently owned but operated primarily to provide food products to retail stores.

(ii) IMPORTERS AND PRODUCERS.—An independently owned distribution center described in clause (i)(II) that also is an importer or producer of cut flowers or cut greens shall be subject to the rules of construction specified in paragraph (4)(A)(iii) and, for the purpose of the rules of construction, be considered to be the seller of the articles directly to the consumer.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(12) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (until such time as the Compact of Free Association is ratified).

(13) UNITED STATES.—The term "United States" means the States collectively.

SEC. 4. ISSUANCE OF ORDERS.

(a) IN GENERAL.—

(1) ISSUANCE.—To effectuate the policy of this Act specified in section 2(b), the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this Act applicable to qualified handlers of cut flowers and cut greens.

(2) SCOPE.—Any order shall be national in scope.

(3) ONE ORDER.—Not more than 1 order shall be in effect at any 1 time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—

(A) SECRETARY.—The Secretary may propose the issuance of an order.

(B) OTHER PERSONS.—An industry group that represents a substantial number of the industry members who are to be assessed under the order, or any other person who will be affected by this Act, may request the issuance of, and submit a proposal for, an order.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish a proposed order and give notice and opportunity for public comment on the proposed order not later than 60 days after the earlier of—

(A) the date on which the Secretary proposes an order, as provided in paragraph (1)(A); and

(B) the date of the receipt by the Secretary of a proposal for an order, as provided in paragraph (1)(B).

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this Act.

(B) EFFECTIVE DATE.—The order shall be issued and become effective not later than 180 days after publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order. The provisions of this Act applicable to an order shall be applicable to any amendment to an order.

visions of this Act applicable to an order shall be applicable to any amendment to an order.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order shall contain the terms and provisions specified in this section.

(b) PROMOFLOL COUNCIL.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Fresh Cut Flowers and Fresh Cut Greens Promotion Council, consisting of 25 members, to administer the order.

(B) MEMBERSHIP.—

(i) APPOINTMENT.—The order shall provide that members of the PromoFlor Council shall be appointed by the Secretary from nominations submitted as provided in paragraphs (2) and (3).

(ii) COMPOSITION.—The PromoFlor Council shall consist of—

(I) participating qualified handlers representing qualified wholesale handlers and producers and importers that are qualified handlers;

(II) representatives of traditional retailers; and

(III) representatives of persons who produce fresh cut flowers and fresh cut greens.

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) IN GENERAL.—The order shall provide that the membership of the PromoFlor Council shall consist of—

(i) 14 members representing qualified wholesale handlers of domestic or imported cut flowers and cut greens;

(ii) 3 members representing producers that are qualified handlers of cut flowers and cut greens;

(iii) 3 members representing importers that are qualified handlers of cut flowers and cut greens;

(iv) 3 members representing traditional cut flowers and cut greens retailers; and

(v) 2 members representing persons who produce fresh cut flowers and fresh cut greens, of whom—

(I) 1 member shall represent persons who produce the flowers or greens in locations that are east of the Mississippi River; and

(II) 1 member shall represent persons who produce the flowers or greens in locations that are west of the Mississippi River.

(B) DEFINITIONS.—As used in this subsection:

(i) IMPORTER THAT IS A QUALIFIED HANDLER.—The term "importer that is a qualified handler" means an entity—

(I) whose principal activity is the importation of cut flowers or cut greens into the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles cut flowers or cut greens outside the United States for sale in the United States); and

(II) that is subject to assessments as a qualified handler under the order.

(ii) PRODUCER THAT IS A QUALIFIED HANDLER.—The term "producer that is a qualified handler" means an entity that—

(I) is engaged—

(aa) in the domestic production, for sale in commerce, of cut flowers or cut greens and that owns or shares in the ownership and risk of loss of the cut flowers or cut greens; or

(bb) as a first processor of noncultivated cut greens, in receiving the cut greens from a person who gathers the cut greens for handling; and

(II) is subject to assessments as a qualified handler under the order.

(iii) QUALIFIED WHOLESALE HANDLER.—

(I) IN GENERAL.—The term "qualified wholesale handler" means a person in business as a floral wholesale jobber or floral supplier that is subject to assessments as a qualified handler under the order.

(II) DEFINITIONS.—As used in this clause:

(aa) FLORAL SUPPLIER.—The term "floral supplier" means a person engaged in acquiring cut flowers or cut greens to be manufactured into floral articles or otherwise processed for resale.

(bb) FLORAL WHOLESALE JOBBER.—The term "floral wholesale jobber" means a person who conducts a commission or other wholesale business in buying and selling cut flowers or cut greens.

(C) DISTRIBUTION OF QUALIFIED WHOLESALE HANDLER APPOINTMENTS.—The order shall provide that the appointments of qualified wholesale handlers to the PromoFlor Council made by the Secretary shall take into account the geographical distribution of cut flowers and cut greens markets in the United States.

(3) NOMINATION PROCESS.—The order shall provide that—

(A) 2 nominees shall be submitted for each appointment to the PromoFlor Council;

(B) nominations for each appointment of a qualified wholesale handler, producer that is a qualified handler, or importer that is a qualified handler to the PromoFlor Council shall be made by qualified wholesale handlers, producers that are qualified handlers, or importers that are qualified handlers, respectively, through an election process, in accordance with regulations issued by the Secretary;

(C) nominations for—

(i) 1 of the retailer appointments shall be made by the American Floral Marketing Council or a successor entity; and

(ii) 2 of the retailer appointments shall be made by traditional retail florist organizations, in accordance with regulations issued by the Secretary;

(D) nominations for each appointment of a representative of persons who produce fresh cut flowers and fresh cut greens shall be made by the persons through an election process, in accordance with regulations issued by the Secretary; and

(E) in any case in which qualified wholesale handlers, producers that are qualified handlers, importers that are qualified handlers, persons who produce fresh cut flowers and fresh cut greens, or retailers fail to nominate individuals for an appointment to the PromoFlor Council, the Secretary may appoint an individual to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the PromoFlor Council by the Secretary in accordance with procedures specified in the order.

(5) TERMS; COMPENSATION.—The order shall provide that—

(A) each term of appointment to the PromoFlor Council shall be for 3 years, except that, of the initial appointments, 9 of the appointments shall be for 2-year terms, 8 of the appointments shall be for 3-year terms, and 8 of the appointments shall be for 4-year terms;

(B) no member of the PromoFlor Council may serve more than 2 consecutive terms of 3 years, except that any member serving an initial term of 4 years may serve an additional term of 3 years; and

(C) members of the PromoFlor Council shall serve without compensation, but shall

be reimbursed for the expenses of the members incurred in performing duties as members of the PromoFlor Council.

(6) EXECUTIVE COMMITTEE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The order shall authorize the PromoFlor Council to appoint, from among the members of the Council, an executive committee of not more than 9 members.

(ii) INITIAL MEMBERSHIP.—The membership of the executive committee initially shall be composed of—

(I) 4 members representing qualified wholesale handlers;

(II) 2 members representing producers that are qualified handlers;

(III) 2 members representing importers that are qualified handlers; and

(IV) 1 member representing traditional retailers.

(iii) SUBSEQUENT MEMBERSHIP.—After the initial appointments, each appointment to the executive committee shall be made so as to ensure that the committee reflects, to the maximum extent practicable, the membership composition of the PromoFlor Council as a whole.

(iv) TERMS.—Each initial appointment to the executive committee shall be for a term of 2 years. After the initial appointments, each appointment to the executive committee shall be for a term of 1 year.

(B) AUTHORITY.—The PromoFlor Council may delegate to the executive committee the authority of the PromoFlor Council under the order to hire and manage staff and conduct the routine business of the PromoFlor Council consistent with such policies as are determined by the PromoFlor Council.

(c) GENERAL RESPONSIBILITIES OF THE PROMOFLOR COUNCIL.—The order shall define the general responsibilities of the PromoFlor Council, which shall include the responsibility to—

(1) administer the order in accordance with the terms and provisions of the order;

(2) make rules and regulations to effectuate the terms and provisions of the order;

(3) appoint members of the PromoFlor Council to serve on an executive committee;

(4) employ such persons as the PromoFlor Council determines are necessary, and set the compensation and define the duties of the persons;

(5)(A) develop budgets for the implementation of the order and submit the budgets to the Secretary for approval under subsection (d); and

(B) propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(6)(A) implement plans and projects for cut flowers or cut greens promotion, consumer information, or related research, as provided in subsection (d); or

(B) contract or enter into agreements with appropriate persons to implement the plans and projects, as provided in subsection (e), and pay the costs of the implementation, or contracts and agreements, with funds received under the order;

(7) evaluate on-going and completed plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(8) receive, investigate, and report to the Secretary complaints of violations of the order;

(9) recommend to the Secretary amendments to the order;

(10) invest, pending disbursement under a plan or project, funds collected through assessments authorized under this Act only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States.

except that income from any such invested funds may be used only for a purpose for which the invested funds may be used; and

(11) provide the Secretary such information as the Secretary may require.

(d) BUDGETS; PLANS AND PROJECTS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the PromoFlor Council to submit to the Secretary for approval budgets, on a fiscal year basis, of the anticipated expenses and disbursements of the Council in the implementation of the order, including the projected costs of cut flowers and cut greens promotion, consumer information, and related research plans and projects.

(2) PLANS AND PROJECTS.—

(A) PROMOTION AND CONSUMER INFORMATION.—The order shall provide—

(i) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to cut flowers and cut greens, and for the disbursement of necessary funds for the purposes described in this clause;

(ii) that any plan or project referred to in clause (i) shall be directed toward increasing the general demand for cut flowers or cut greens and may not make reference to a private brand or trade name, point of origin, or source of supply, except that this clause shall not preclude the PromoFlor Council from offering the plans and projects of the Council for use by commercial parties, under terms and conditions prescribed by the PromoFlor Council and approved by the Secretary; and

(iii) that no plan or project may make use of unfair or deceptive acts or practices with respect to quality or value.

(B) RESEARCH.—The order shall provide for—

(i) the establishment, implementation, administration, and evaluation of plans and projects for—

(I) market development research;

(II) research with respect to the sale, distribution, marketing, or use of cut flowers or cut greens; and

(III) other research with respect to cut flowers or cut greens marketing, promotion, or consumer information;

(ii) the dissemination of the information acquired through the plans and projects; and

(iii) the disbursement of such funds as are necessary to carry out this subparagraph.

(C) SUBMISSION TO SECRETARY.—The order shall provide that the PromoFlor Council shall submit to the Secretary for approval a proposed plan or project for cut flowers or cut greens promotion, consumer information, or related research, as described in subparagraphs (A) and (B).

(3) APPROVAL BY SECRETARY.—A budget, or plan or project for cut flowers or cut greens promotion, consumer information, or related research may not be implemented prior to approval of the budget, plan, or project by the Secretary.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, AND RELATED RESEARCH PLANS AND PROJECTS.—

(A) IN GENERAL.—To ensure efficient use of funds, the order shall provide that the PromoFlor Council, with the approval of the Secretary, may enter into a contract or an agreement for the implementation of a plan or project for promotion, consumer information, or related research with respect to cut flowers or cut greens, and for the payment of the cost of the contract or agreement with funds received by the PromoFlor Council under the order.

(B) REQUIREMENTS.—The order shall provide that any contract or agreement entered into under this paragraph shall provide that—

(i) the contracting or agreeing party shall develop and submit to the PromoFlor Council a plan or project, together with a budget that includes the estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the contracting or agreeing party shall—

(I) keep accurate records of all of the transactions of the party;

(II) account for funds received and expended;

(III) make periodic reports to the PromoFlor Council of activities conducted; and

(IV) make such other reports as the PromoFlor Council or the Secretary may require.

(2) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the PromoFlor Council may enter into a contract or agreement for administrative services. Any contract or agreement entered into under this paragraph shall include provisions comparable to the provisions described in paragraph (1)(B).

(f) BOOKS AND RECORDS OF THE PROMOFLOR COUNCIL.—

(1) IN GENERAL.—The order shall require the PromoFlor Council to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may require;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may require; and

(C) account for the receipt and disbursement of all funds entrusted to the PromoFlor Council.

(2) AUDITS.—The PromoFlor Council shall cause the books and records of the Council to be audited by an independent auditor at the end of each fiscal year. A report of each audit shall be submitted to the Secretary.

(g) CONTROL OF ADMINISTRATIVE COSTS.—The order shall provide that the PromoFlor Council shall, as soon as practicable after the order becomes effective and after consultation with the Secretary and other appropriate persons, implement a system of cost controls based on normally accepted business practices that will ensure that the annual budgets of the PromoFlor Council include only amounts for administrative expenses that cover the minimum administrative activities and personnel needed to properly administer and enforce the order, and conduct, supervise, and evaluate plans and projects under the order.

(h) ASSESSMENTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The order shall provide that each qualified handler shall pay to the PromoFlor Council, in the manner provided in the order, an assessment on each sale of

cut flowers or cut greens to a retailer or an exempt handler (including each transaction described in subparagraph (C)(ii)), except to the extent that the sale is excluded from assessments under section 6(a).

(B) PUBLISHED LISTS.—To facilitate the payment of assessments under this paragraph, the PromoFlor Council shall publish lists of qualified handlers required to pay assessments under the order and exempt handlers.

(C) MAKING DETERMINATIONS.—

(i) QUALIFIED HANDLER STATUS.—The order shall contain provisions regarding the determination of the status of a person as a qualified handler or exempt handler that include the rules and requirements specified in sections 3(4) and 6(b).

(ii) CERTAIN COVERED TRANSACTIONS.—

(I) IN GENERAL.—The order shall provide that each non-sale transfer of cut flowers or cut greens to a retailer from a qualified handler that is a distribution center (as described in section 3(4)(A)(i)(II)), and each direct sale of cut flowers or cut greens to a consumer by a qualified handler that is an importer or a producer (as described in section 3(4)(A)(iii)), shall be treated as a sale of cut flowers or cut greens to a retailer subject to assessments under this subsection.

(II) AMOUNT OF SALE IN THE CASE OF NON-SALE TRANSFERS AND DIRECT SALES BY IMPORTERS.—Subject to subclause (IV), in the case of a non-sale transfer of cut flowers or cut greens from a distribution center, or a direct sale to a consumer by an importer, the amount of the sale shall be equal to the sum of—

(aa) the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens; and

(bb) an amount determined by multiplying the acquisition price referred to in item (aa) by a uniform percentage established by the order to represent the mark-up of a wholesale handler on a sale to a retailer.

(III) DIRECT SALES BY PRODUCERS.—Subject to subclause (IV), in the case of a direct sale to a consumer by a producer, the amount of the sale shall be equal to an amount determined by multiplying the price paid by the consumer by a uniform percentage established by the order to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer.

(IV) CHANGES IN UNIFORM PERCENTAGES.—Any change in a uniform percentage referred to in subclause (II) or (III) may become effective after—

(aa) recommendation by the PromoFlor Council; and

(bb) approval by the Secretary after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(2) ASSESSMENT RATES.—With respect to assessment rates, the order shall contain the following terms:

(A) INITIAL RATE.—During the first 3 years the order is in effect, the rate of assessment on each sale or transfer of cut flowers or cut greens shall be ½ of 1 percent of—

(i) the gross sales price of the cut flowers or cut greens sold; or

(ii) in the case of transactions described in paragraph (1)(C)(ii), the amount of each transaction calculated as provided in paragraph (1)(C)(i).

(B) CHANGES IN THE RATE.—

(i) IN GENERAL.—After the first 3 years the order is in effect, the uniform assessment rate may be increased or decreased annually by not more than .25 percent of—

(I) the gross sales price of a product sold; or

(II) in the case of transactions described in paragraph (1)(C)(ii), the amount of each transaction calculated as provided in paragraph (1)(C)(i),

except that the assessment rate may in no case exceed 1 percent of the gross sales price or 1 percent of the transaction amount.

(ii) REQUIREMENTS.—Any change in the rate of assessment under this subparagraph—

(I) may be made only if adopted by the PromoFlor Council by at least a ¾ majority vote and approved by the Secretary as necessary to achieve the objectives of this Act (after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title);

(II) shall be announced by the PromoFlor Council not less than 30 days prior to going into effect; and

(III) shall not be subject to a vote in a referendum conducted under section 7.

(3) TIMING OF SUBMITTING ASSESSMENTS.—The order shall provide that each person required to pay assessments under this subsection shall remit, to the PromoFlor Council, the assessment due from each sale by the person of cut flowers or cut greens that is subject to an assessment within such time period after the sale (not to exceed 60 days after the end of the month in which the sale took place) as is specified in the order.

(4) REFUNDS FROM ESCROW ACCOUNT.—

(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The order shall provide that the PromoFlor Council shall—

(i) establish an escrow account to be used for assessment refunds, as needed; and

(ii) place into the account an amount equal to 10 percent of the total amount of assessments collected during the period beginning on the date the order becomes effective, as provided in section 4(b)(3)(B), and ending on the date the initial referendum on the order under section 7(a) is completed.

(B) RIGHT TO RECEIVE REFUND.—

(i) IN GENERAL.—The order shall provide that, subject to subparagraph (C) and the conditions specified in clause (ii), any qualified handler shall have the right to demand and receive from the PromoFlor Council out of the escrow account a one-time refund of any assessments paid by or on behalf of the qualified handler during the time period specified in subparagraph (A)(ii), if—

(I) the qualified handler is required to pay the assessments;

(II) the qualified handler does not support the program established under this Act;

(III) the qualified handler demands the refund prior to the conduct of the referendum on the order under section 7(a); and

(IV) the order is not approved by qualified handlers in the referendum.

(ii) CONDITIONS.—The right of a qualified handler to receive a refund under clause (i) shall be subject to the following conditions:

(I) The demand shall be made in accordance with regulations, on a form, and within a time period specified by the PromoFlor Council.

(II) The refund shall be made only on submission of proof satisfactory to the PromoFlor Council that the qualified handler paid the assessment for which the refund is demanded.

(III) If the amount in the escrow account required under subparagraph (A) is not sufficient to refund the total amount of assessments demanded by all qualified handlers determined eligible for refunds and the order is not approved in the referendum on the order

under section 7(a), the PromoFlor Council shall prorate the amount of all such refunds among all eligible qualified handlers that demand the refund.

(C) PROGRAM APPROVED.—The order shall provide that, if the order is approved in the referendum conducted under section 7(a), there shall be no refunds made, and all funds in the escrow account shall be returned to the PromoFlor Council for use by the PromoFlor Council in accordance with the other provisions of the order.

(5) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds (less any refunds expended under the terms of the order required under paragraph (4)) shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover the administrative costs incurred by the Secretary in implementing and administering this Act.

(6) POSTPONEMENT OF COLLECTIONS.—

(A) AUTHORITY.—

(i) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of this Act, the PromoFlor Council may grant a postponement of the payment of an assessment under this subsection for any qualified handler that establishes that the handler is financially unable to make the payment.

(ii) REQUIREMENTS AND PROCEDURES.—A handler described in clause (i) shall establish that the handler is financially unable to make the payment in accordance with application and documentation requirements and review procedures established under rules recommended by the PromoFlor Council, approved by the Secretary, and issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(B) CRITERIA AND RESPONSIBILITY FOR DETERMINATIONS.—The PromoFlor Council may grant a postponement under subparagraph (A) only if the handler demonstrates by the submission of an opinion of an independent certified public accountant, and by submission of other documentation required under the rules established under subparagraph (A)(ii), that the handler is insolvent or will be unable to continue to operate if the handler is required to pay the assessment when otherwise due.

(C) PERIOD OF POSTPONEMENT.—

(i) IN GENERAL.—The time period of a postponement and the terms and conditions of the payment of each assessment that is postponed under this paragraph shall be established by the PromoFlor Council, in accordance with rules established under the procedures specified in subparagraph (A)(ii), so as to appropriately reflect the demonstrated needs of the qualified handler.

(ii) EXTENSIONS.—A postponement may be extended under rules established under the procedures specified in subparagraph (A)(ii) for the grant of initial postponements.

(i) PROHIBITION.—The order shall prohibit the use of any funds received by the PromoFlor Council in any manner for the purpose of influencing legislation or government action or policy, except that the funds may be used by the PromoFlor Council for the development and recommendation to the Secretary of amendments to the order.

(j) BOOKS AND RECORDS; REPORTS.—

(1) IN GENERAL.—The order shall provide that each qualified handler shall maintain, and make available for inspection, such books and records as are required by the order and file reports at the time, in the

manner, and having the content required by the order, to the end that such information is made available to the Secretary and the PromoFlor Council as is appropriate for the administration or enforcement of this Act, the order, or any regulation issued under this Act.

(2) CONFIDENTIALITY REQUIREMENT.—

(A) IN GENERAL.—Information obtained from books, records, or reports under paragraph (1) or subsection (h)(6), or from reports required under section 6(b)(3), shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the PromoFlor Council.

(B) SUITS AND HEARINGS.—Information described in subparagraph (A) may be disclosed to the public only—

(i) in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, involving the order; and

(ii) to the extent the Secretary considers the information relevant to the suit or hearing.

(C) GENERAL STATEMENTS AND PUBLICATIONS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person who violates the order, together with a statement of the particular provisions of the order violated by the person.

(3) LISTS OF IMPORTERS.—

(A) REVIEW.—The order shall provide that the staff of the PromoFlor Council shall periodically review lists of importers of cut flowers and cut greens to determine whether persons on the lists are subject to the order.

(B) CUSTOMS SERVICE.—On the request of the PromoFlor Council, the Commissioner of the United States Customs Service shall provide to the PromoFlor Council lists of importers of cut flowers and cut greens.

(k) CONSULTATIONS WITH INDUSTRY EXPERTS.—

(1) IN GENERAL.—The order shall provide that the PromoFlor Council, from time to time, may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the cut flowers and cut greens industry to assist in the development of promotion, consumer information, and related research plans and projects.

(2) SPECIAL COMMITTEES.—

(A) IN GENERAL.—For the purposes described in paragraph (1), the order shall authorize the appointment of special committees composed of persons other than PromoFlor Council members.

(B) CONSULTATION.—A committee appointed under subparagraph (A)—

(i) may not provide advice or recommendations to a representative of an agency, or an officer, of the Federal Government; and

(ii) shall consult directly with the PromoFlor Council.

(1) OTHER TERMS OF THE ORDER.—The order shall contain such other terms and provisions, consistent with this Act, as are necessary to carry out this Act (including provision for the assessment of interest and a charge for each late payment of assessments under subsection (h) and for carrying out section 6).

SEC. 6. EXCLUSION; DETERMINATIONS.

(a) EXCLUSION.—An order shall exclude from assessments under the order any sale of

cut flowers or cut greens for export from the United States.

(b) MAKING DETERMINATIONS.—

(1) IN GENERAL.—For the purpose of applying the \$750,000 annual sales limitation to a specific person in order to determine the status of the person as a qualified handler or an exempt handler under section 3(4), or to a specific facility in order to determine the status of the facility as an eligible separate facility under section 7(b)(2), an order issued under this Act shall provide that—

(A) a determination of the annual sales volume of a person or facility shall be based on the sales of cut flowers and cut greens by the person or facility during the most recently-completed calendar year, except as provided in subparagraph (B); and

(B) in the case of a new business or other operation for which complete data on sales during all or part of the most recently-completed calendar year are not available to the PromoFlor Council, the determination may be made using an alternative time period or other alternative procedure specified in the order.

(2) RULE OF ATTRIBUTION.—

(A) IN GENERAL.—For the purpose of determining the annual sales volume of a person or a separate facility of a person, sales attributable to a person shall include—

(i) in the case of an individual, sales attributable to the spouse, children, grandchildren, parents, and grandparents of the person;

(ii) in the case of a partnership or member of a partnership, sales attributable to the partnership and other partners of the partnership;

(iii) in the case of an individual or a partnership, sales attributable to any corporation or other entity in which the individual or partnership owns more than 50 percent of the stock or (if the entity is not a corporation) that the individual or partnership controls; and

(iv) in the case of a corporation, sales attributable to any corporate subsidiary or other corporation or entity in which the corporation owns more than 50 percent of the stock or (if the entity is not a corporation) that the corporation controls.

(B) STOCK AND OWNERSHIP INTEREST.—For the purpose of this paragraph, stock or an ownership interest in an entity that is owned by the spouse, children, grandchildren, parents, grandparents, or partners of an individual, or by a partnership in which a person is a partner, or by a corporation more than 50 percent of the stock of which is owned by a person, shall be treated as owned by the individual or person.

(3) REPORTS.—For the purpose of this subsection, the order may require a person who sells cut flowers or cut greens to retailers to submit reports to the PromoFlor Council on annual sales by the person.

SEC. 7. REFERENDA.

(a) REQUIREMENT FOR INITIAL REFERENDUM.—

(1) IN GENERAL.—Not later than 3 years after the issuance of an order under section 4(b)(3), the Secretary shall conduct a referendum among qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether the order then in effect shall be continued.

(2) APPROVAL OF ORDER NEEDED.—The order shall be continued only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum. If the order is not approved, the

Secretary shall terminate the order as provided in subsection (d).

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each qualified handler eligible to vote in a referendum conducted under this section shall be entitled to cast 1 vote for each separate facility of the person that is an eligible separate facility, as defined in paragraph (2).

(2) ELIGIBLE SEPARATE FACILITY.—For the purpose of paragraph (1):

(A) SEPARATE FACILITY.—A handling or marketing facility of a qualified handler shall be considered to be a separate facility if the facility is physically located away from other facilities of the qualified handler or the business function of the facility is substantially different from the functions of other facilities owned or operated by the qualified handler.

(B) ELIGIBILITY.—A separate facility of a qualified handler shall be considered to be an eligible separate facility if the annual sales of cut flowers and cut greens to retailers and exempt handlers from the facility are \$750,000 or more.

(C) ANNUAL SALES DETERMINED.—For the purpose of determining the amount of annual sales of cut flowers and cut greens under subparagraph (B), subparagraphs (A) and (C) of section 3(4) shall apply.

(c) SUSPENSION OR TERMINATION REFERENDA.—If an order is approved in a referendum conducted under subsection (a), effective beginning on the date that is 3 years after the date of the approval, the Secretary—

(1) at the discretion of the Secretary, may conduct at any time a referendum of qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether qualified handlers favor suspension or termination of the order; and

(2) if requested by the PromoFlor Council or by a representative group comprising 30 percent or more of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), shall conduct a referendum of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether qualified handlers favor suspension or termination of the order.

(d) SUSPENSION OR TERMINATION.—If, as a result of the referendum conducted under subsection (a), the Secretary determines that the order has not been approved by a simple majority of all votes cast in the referendum, or as a result of a referendum conducted under subsection (c), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) not later than 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order as soon as practicable and in an orderly manner.

(e) MANNER OF CONDUCTING REFERENDA.—Referenda under this section shall be conducted in such manner as is determined appropriate by the Secretary.

SEC. 8. PETITION AND REVIEW.

(a) PETITION AND HEARING.—

(1) PETITION.—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 10(b)(2) and be held within the United States judicial district in which the residence or principal place of business of the person is located.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed not later than 20 days after the date of the entry of the ruling by the Secretary.

(2) PROCESS.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMAND.—If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) ENFORCEMENT.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 9.

#### SEC. 9. ENFORCEMENT.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this Act or an order or regulation issued by the Secretary under this Act.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action brought under subsection (a) shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this Act, or an order or regulation issued under this Act, if the Secretary believes that the administration and enforcement of this Act would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—A person who violates a provision of this Act, or an order or regulation issued by the Secretary under this Act, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person under an order or regulation issued under this Act, may be assessed by the Secretary—

(i) a civil penalty of not less than \$500 nor more than \$5,000 for each violation; and

(ii) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) SEPARATE OFFENSES.—Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this Act, or an order or regulation issued under this Act.

(3) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the violation. Any such hearing shall be conducted in accordance with section 10(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person is located.

(4) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—

(A) IN GENERAL.—Any person against whom a violation is found and a civil penalty is assessed or a cease and desist order is issued under subsection (c) may obtain review of the penalty or order by, within the 30-day period beginning on the date the penalty is assessed or order issued—

(i) filing a notice of appeal in the district court of the United States for the district in which the person resides or conducts business, or in the United States District Court for the District of Columbia; and

(ii) sending a copy of the notice by certified mail to the Secretary.

(B) COPY OF RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY AN ORDER.—

(1) IN GENERAL.—A person who fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary of not more than \$5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d).

(2) SEPARATE VIOLATIONS.—Each day during which the person fails to obey an order described in paragraph (1) shall be considered as a separate violation of the order.

(f) FAILURE TO PAY A PENALTY.—

(1) IN GENERAL.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) SCOPE OF REVIEW.—In an action by the Attorney General under paragraph (1), the validity and appropriateness of the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this Act shall be in addition to,

and not exclusive of, other remedies that may be available.

#### SEC. 10. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this Act, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this Act or any order or regulation issued under this Act.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) INVESTIGATIONS.—For the purpose of making an investigation under subsection (a), the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 8(a)(2) or 9(c)(3), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

(2) ORDER.—The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) FAILURE TO OBEY.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business or wherever the person may be found.

#### SEC. 11. CONFIDENTIALITY.

(a) PROHIBITION.—No information on how a person voted in a referendum conducted under this Act shall be made public.

(b) PENALTY.—Any person who knowingly violates subsection (a) or the confidentiality terms of an order, as described in section 5(j)(2), shall be subject to a fine of not less than \$1,000 nor more than \$10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person shall be removed from office.

(c) ADDITIONAL PROHIBITION.—No information obtained under this Act may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this Act or an investigatory or enforcement action necessary for the implementation of this Act.

(d) WITHHOLDING INFORMATION FROM CONGRESS PROHIBITED.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.

#### SEC. 12. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER.

If the Secretary finds that an order, or any provision of the order, obstructs or does not

tend to effectuate the policy of this Act specified in section 2(b), the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

#### SEC. 13. CONSTRUCTION.

(a) **TERMINATION OR SUSPENSION NOT AN ORDER.**—The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this Act.

(b) **PRODUCER RIGHTS.**—This Act—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order in an equitable manner.

(c) **OTHER PROGRAMS.**—Nothing in this Act may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

#### SEC. 14. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this Act and the powers vested in the Secretary by this Act, including regulations relating to the assessment of late payment charges and interest.

#### SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

(b) **ADMINISTRATIVE EXPENSES.**—Funds appropriated under subsection (a) may not be used for the payment of the expenses or expenditures of the PromoFlor Council in administering a provision of an order.

### LIME RESEARCH ACT

The text of the bill (S. 1766) to amend the Lime Research, Promotion, and Consumer Information Act of 1990 to cover seedless and not seeded limes, to increase the exemption level, to delay the initial referendum date, and to alter the composition of the Lime Board, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 1766

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lime Research, Promotion, and Consumer Information Improvement Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Lime Research, Promotion, and Consumer Information Act of 1990 was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

(3) Although the intent of such Act was to cover seedless limes, the definition of the

term "lime" in section 1953(6) of such Act applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

(4) Since the enactment of the Lime Research, Promotion, and Consumer Information Act of 1990, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the United States production of limes is in Florida.

(b) **PURPOSES.**—The purpose of this Act is—

(1) to revise the definition of the term "lime" in order to cover seedless and not seeded limes;

(2) to increase the exemption level;

(3) to delay the initial referendum date; and

(4) to alter the composition of the Lime Board.

#### SEC. 3. DEFINITION OF LIME.

Section 1953(6) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6202(6)) is amended by striking "citrus aurantifolia" and inserting "citrus latifolia".

#### SEC. 4. REQUIRED TERMS IN ORDERS.

(a) **COMPOSITION OF LIME BOARD.**—Subsection (b) of section 1955 of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204) is amended—

(1) in paragraph (1)(A), by striking "7" and inserting "3";

(2) in paragraph (2)(B), by striking "7" and inserting "3";

(3) in paragraph (2)(F), by adding at the end the following new sentence: "The Secretary shall terminate the initial Board established under this subsection as soon as practicable after the date of the enactment of the Lime Research, Promotion, and Consumer Information Improvement Act."; and

(4) by inserting after paragraph (2)(F) the following new paragraph:

"(G) **BOARD ALLOCATION.**—The producer and importer representation on the Board shall be allocated on the basis of 2 producer members and 1 importer member from the district east of the Mississippi River and 1 producer member and 2 importer members from the district west of the Mississippi River."

(b) **TERMS OF MEMBERS.**—Subsection (b)(4) of such section is amended—

(1) by striking "The Secretary" and all that follows through "shall—" and inserting "The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—";

(2) in subparagraph (A), by striking "3" and inserting "2";

(3) in subparagraph (B), by striking "4" and inserting "2"; and

(4) in subparagraph (C), by striking "4" and inserting "3".

(c) **DE MINIMIS EXCEPTION.**—Subsection (d)(5) of such section is amended by striking "35,000" each place it appears and inserting "200,000".

#### SEC. 5. INITIAL REFERENDUM.

Section 1960(a) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6209(a)) is amended by striking "Not later than 2 years after the date on

which the Secretary first issues an order under section 1954(a)," and inserting "Not later than 30 months after the date on which the collection of assessments begins under the order pursuant to section 1955(d)."

### LOWER MISSISSIPPI DELTA INITIATIVES ACT

The text of the bill (S. 991) to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta region, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 991

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

#### SECTION 1. SHORT TITLE.

That this Act may be referred to as the "Lower Mississippi Delta Initiatives Act of 1993".

#### SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short Title.  
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Sec. 3. Findings.  
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#### TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

Sec. 101. Definitions.  
Sec. 102. Natural Resources and Environmental Educational Initiatives.  
Sec. 103. Lower Mississippi Delta Region Heritage Study.  
Sec. 104. Delta Region Heritage Corridors and Heritage and Cultural Centers.  
Sec. 105. Historic and Prehistoric Structures and Sites Survey.  
Sec. 106. Delta Antiquities Survey.  
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#### TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

Sec. 201. Definitions.  
Sec. 202. Delta Energy Technology and Business Development Center.  
Sec. 203. Institutional Conservation Program for the Delta Region.  
Sec. 204. Energy Related Educational Initiatives.  
Sec. 205. Integrated Biomass Energy Systems.  
Sec. 206. Weatherization Assistance Program for the Delta Region.  
Sec. 207. Renewable Energy Production Incentives.

#### SEC. 3. FINDINGS.

(a) The Congress finds that—  
(1) in 1988, Congress enacted Public Law 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational

and other opportunities in the areas of mathematics and science and technology transfer for Delta residents;

(4) the Delta Initiatives Report recommended—

(A) the implementation of pre-college education programs in mathematics and science as well as other initiatives to enhance the educational and technical capabilities of the Delta Region's workforce;

(B) that States and local school systems seek ways to expand the pool of qualified educators in mathematics and sciences;

(C) that institutions of higher education in the Delta Region work with local school districts to promote mathematics and science education;

(D) that Federal grant-making agencies target more research and development monies in selected areas to institutions of higher education in the Delta Region, including Historically Black Colleges and Universities;

(E) that institutions of higher education establish a regional consortium to provide technical assistance and training to increase international trade between businesses in the Delta Region and foreign countries;

(F) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(G) that the Federal Government identify sites and structures of historic and pre-historic importance throughout the Delta Region;

(H) the further study of potential new units of the National Park System within the Delta Region;

(I) that the Federal Government should create economic incentives to encourage the location of value-added facilities for processing agricultural products within the Delta Region; and

(J) that Congress provide practical incentives to encourage the construction of alternative fuel production facilities in the Delta Region.

#### SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the May 14 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";

(3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region was defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this Act;

(4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

#### TITLE I—INITIATIVES WITHIN THE DEPARTMENT OF THE INTERIOR

##### SEC. 101. DEFINITIONS.

As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

#### SEC. 102. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES.

(a) OFFICE OF EDUCATION.—(1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.

(2) The goals of the Office of Education shall be to—

(A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resources management, historic preservation, archeology, aquaculture, and related subjects;

(B) establish initiatives at minority colleges or universities;

(C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(D) enhance teacher development and recruitment;

(E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) DUTIES.—The duties of the Secretary, through the Office of Education, shall be to—

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department.

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) MINORITY COLLEGE AND UNIVERSITY INITIATIVE.—(1) Within one year after the date of enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to

minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following—

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty department and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) SCHOLARSHIP PROGRAM.—The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) PRE-COLLEGE EDUCATION.—The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following:

(1) Cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students.

(2) Cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students.

(3) Cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials.

(4) The establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) VOLUNTEER PROGRAM.—The Secretary, through the Office of Education, shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate programs activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) CENTER FOR AQUACULTURE STUDIES.—The Secretary, through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

#### SEC. 103. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this

Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) TRANSPORTATION ROUTES.—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and New Orleans, Louisiana, and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region. Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction of related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) LISTING.—On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous

counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks of such other designation as the Secretary deems appropriate.

#### SEC. 104. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) FINDINGS.—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their education mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and scientific heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, scientific and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has eliminated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, other Delta Regional educational institutions, and appropriate African American and Native American organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) DELTA REGION NATIVE AMERICAN HERITAGE CORRIDOR AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) DELTA REGION AFRICAN AMERICAN HERITAGE CORRIDOR AND HERITAGE AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expressive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher edu-

cation in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State Museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State Museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) MUSIC HERITAGE PROGRAM.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) COMPLETION DATE.—The plan authorized in this section shall be completed not later than three years after the date funds are made available for such plan.

#### SEC. 105. HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.

(a) ASSISTANCE.—The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or

other appropriate designation as determined by the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a Comprehensive Plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) GRANTS.—In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

#### SEC. 106. DELTA ANTIQUITIES SURVEY.

(a) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansa in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

#### SEC. 107. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.

(a) PROGRAM.—The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of significant historic and archeological resources in the Delta Region.

(b) ELEMENTS OF THE PROGRAM.—The program shall include, but not be limited to—

(1) identification of research projects related to historic and archeological resources in the Delta Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) GRANTS AND TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to award grants to qualified tribal, governmental and non-governmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section.

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

#### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

### TITLE II—INITIATIVES WITHIN THE DEPARTMENT OF ENERGY

#### SEC. 201. DEFINITIONS.

As used in this title, the term—

(1) "Center" means the Delta Energy Technology and Business Development Center established under section 202 of this Act;

(2) "Department" means the United States Department of Energy, unless otherwise specifically stated;

(3) "departmental laboratory" means a facility operated by or on behalf of the Department of Energy that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(d)(2)) or other laboratory or facility the Secretary designates;

(4) "persons in the Delta Region" means an entity primarily located in the Delta Region, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including—

(A) a for-profit entity;

(B) a private foundation or corporation exempt under section 501(c)(3) of the Internal Revenue Code;

(C) a non-profit organization such as a public trust;

(D) a trade or professional society;

(E) a tribal government;

(F) institutions of higher education; or

(G) a unit of State or local government; and

(5) "Secretary" means the Secretary of Energy, unless otherwise specifically stated.

#### SEC. 202. DELTA ENERGY TECHNOLOGY AND BUSINESS DEVELOPMENT CENTER.

(a) ESTABLISHMENT.—The Secretary shall enter into an agreement with Louisiana State University in partnership with Southern University in Baton Rouge, Louisiana, to establish the Delta Energy Technology and Business Development Center. The agreement shall provide for cooperative agreements with the University of Arkansas at Pine Bluff, Arkansas, and Alcorn State University in Lorman, Mississippi, and other universities and institutions in the Delta Region, to carry out affiliated programs and coordinate program activities at such universities and institutions.

(b) PURPOSE.—The purpose of the Center shall be to—

(1) foster the creation and retention of energy resource and manufacturing and related energy service jobs in the Delta Region;

(2) encourage the export of energy resources and technologies, including services related thereto, from the Delta Region;

(3) develop markets for energy resources and technologies manufactured in the Delta Region for use in meeting the energy resource and technology needs for foreign countries;

(4) encourage the successful, long-term market penetration of energy resources and technologies manufactured in the Delta Region into foreign countries;

(5) encourage participation in energy-related projects in foreign countries by persons in the Delta Region as well as the utilization in such projects of energy resources and technologies significantly developed, demonstrated, or manufactured in the Delta Region; and

(6) assist in the establishment of technology transfer programs in cooperation with Federal laboratories to create businesses in energy resources and technology in the Delta Region.

(c) GENERAL.—The Center, in cooperation with participating universities and institutions in the Delta Region, shall—

(1) identify and foster the establishment of flexible manufacturing networks in consultation with the States of the Delta Region to promote the development of energy resources and technologies that have the potential to expand technology development and manufacturing in, and exports from, the Delta Region;

(2) provide technical, business, training, marketing, and other assistance to persons in the Delta Region;

(3) develop a comprehensive database and information dissemination system, that will provide detailed information on the specific energy resources and technologies of the Delta Region itself, as well as domestic and international market opportunities for businesses in the Delta Region, and electronically link the Center with other institutions of higher education in the Delta Region;

(4) establish a network of business and technology incubators to promote the design, manufacture, and sale of energy resources and technologies from the Delta Region;

(5) enter into contracts, cooperative agreements, and other arrangements with the Federal Government, international development agencies, or persons in the Delta Region to carry out these objectives; and

(6) coordinate existing Department and other Federal programs having comparable goals and purposes.

(d) ASSISTANCE FROM THE SECRETARY.—The Secretary is authorized to provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed

by the Center and affiliated participating universities and institutions to carry out its activities under this section.

(e) GRANTS.—The Secretary is authorized to provide grants and other forms of financial assistance to the Center for the Center and participating universities and institutions to (1) support the creation of flexible manufacturing networks as identified in subsection (c)(1); and (2) develop the comprehensive database described in paragraph (c)(3); and (3) support the training, marketing, and other related activities of the Center.

(f) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(A) grants and donations from private individuals, groups, organizations, corporations, foundations, State and local governments, and other entities; and

(B) transfers of funds from other Federal agencies.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the programs under this section and for the establishment, operation, construction, and maintenance of the Center and facilities of participating universities and institutions.

#### SEC. 203. INSTITUTIONAL CONSERVATION PROGRAM FOR THE DELTA REGION.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6371, et seq.) is amended by adding a new section 400K as follows:

##### "INSTITUTIONAL CONSERVATION PROGRAM FOR THE DELTA REGION

"SEC. 400K. (a) PURPOSE.—The purpose of this section is to encourage the use of energy conservation measures in the schools and hospitals of the Delta Region.

"(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary is authorized to provide grants to schools or hospitals, or to consortiums consisting of a school or hospital and one or more of the following: State or unit of local government; local education agency; State hospital facilities agency; or State school facilities agency. Such grants shall be for purposes of conducting innovative energy conservation projects and providing Federal financing for energy conservation projects at schools and hospitals in the Delta Region.

"(c) APPLICATIONS.—(1) Applications of schools or hospitals for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with the Planning and Development Districts in the Delta Region, and the State energy agency shall make a single submission to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants shall contain, or be accompanied by, such information as the Secretary may reasonably require in accordance with regulations governing institutional conservation programs under this part; provided, however, that the Secretary shall encourage flexible and innovative approaches consistent with this Act.

"(d) SELECTION OF APPLICATIONS.—(1) Not later than six months after the receipt of applications under subsection (c), the Secretary shall select at least seven, but not more than 21, proposals from States to receive grants under subsection (b).

"(2) The Secretary may select more than 21 applications under this subsection, if the Secretary determines that the total amount of available funds is not likely to be otherwise utilized.

"(3) No one State shall receive less than one, or more than four, grants under subsection (b).

"(4) Such grants shall be in addition to such grants as would otherwise be provided under Part G of this Act.

"(5) No one grant recipient under this section shall receive Federal funds in excess of \$2,000,000.

"(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section on the basis of the following criteria—

"(1) the location of the grant recipient in the Delta Region;

"(2) the demonstrated or potential resources available to the grant applicant for carrying out the purposes of this section;

"(3) the demonstrated or potential ability of the grant applicant to improve energy conservation measures in the designated school or hospital; and

"(4) such other criteria as the Secretary deems appropriate for carrying out the purposes of this section.

"(f) DEFINITION.—For purposes of this section, the term 'Delta Region' means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the May 14, 1990 Final Report of the Lower Mississippi Delta Development Commission entitled 'The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential'.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$20,000,000 for each of fiscal years 1995, and 1996, and 1997."

#### SEC. 204. ENERGY RELATED EDUCATIONAL INITIATIVES.

(a) MINORITY COLLEGES OR UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department or the departmental laboratories with respect to, or in conjunction with, minority colleges or universities in the areas of mathematics, science, and engineering;

(B) describe ongoing research, development, demonstration, or commercial application activities involving the Department or the departmental laboratories and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) identify ways for the Department or the departmental laboratories to assist minority colleges or universities in providing education and training in the fields of mathematics, science, and engineering;

(E) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(F) address the need for, and potential role of, the Department or the departmental laboratories in providing minority colleges or universities with the following—

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer mechanisms;

(G) address the need for, and potential role of, the Department or departmental laboratories in providing financial and technical assistance for the development of infrastructure facilities; including buildings and laboratory facilities, at minority colleges and universities; and

(H) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories in order to assist minority colleges or universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

(2) The Secretary shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges and universities directed at jointly planning and developing programs to foster greater involvement of minority colleges and universities in research, education, training, and recruitment activities of the Department.

(b) MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAMS FOR THE DELTA REGION.—The Secretary shall establish a scholarship program for students pursuing undergraduate or graduate degrees in energy-related scientific, mathematical, engineering, and technical disciplines at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study.

(c) PRE-COLLEGE EDUCATION.—The Secretary shall undertake activities to encourage pre-college education programs in energy-related scientific, mathematical, engineering, and technical disciplines for students in the Delta Region. Such activities shall include, but not be limited to the following—

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students in energy-related scientific, mathematical, engineering, and technical disciplines;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs in energy related scientific, mathematical, engineering, and technical disciplines for middle and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the development and use of curriculum and educational materials in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary students; and

(4) the establishment of education programs in subjects relating to energy-related scientific, mathematical, engineering, and technical disciplines for elementary, middle,

and secondary school teachers in the Delta Region.

(d) VOLUNTEER PROGRAM.—The Secretary shall carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational programs relating to energy-related scientific, mathematical, engineering, and technical disciplines, in cooperation with State departments of education and local school districts in the Delta Region.

(e) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences, mathematics, engineering and technical disciplines. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate programs activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by the Department and by other Federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of the Interior, the Department of Agriculture, and Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

#### SEC. 205. INTEGRATED BIOMASS ENERGY SYSTEMS

(a) PROGRAM DIRECTION.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a research, development and demonstration program to determine the economic viability of integrated biomass energy systems within the Delta Region.

(b) PROGRAM PLAN.—Not later than six months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a program plan to guide the activities under this section.

(c) SOLICITATION OF PROPOSALS.—Not later than one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting activities consistent with the program plan. Such activities shall include at least three demonstrations of integrated biomass energy systems that—

(1) involve the production of dedicated energy crops of not less than 25,000 acres per demonstration;

(2) include predominantly herbaceous energy crops;

(3) include predominantly short-rotation woody crops;

(4) demonstrate cost-effective methods for growing, harvesting, storing, transporting, and preparing energy crops for conversion to electricity or transportation fuel; and

(5) result in the conversion of such crops to electricity or transportation fuel by a non-

Federal energy producer or the Tennessee Valley Authority.

(d) COST SHARING.—(1) For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project.

(2) The Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this section to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this section if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this section.

(3) In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash, personnel, services, equipment, and other resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$10,000,000 for each of fiscal years 1995, 1996, and 1997.

**SEC. 206. WEATHERIZATION ASSISTANCE PROGRAM FOR THE DELTA REGION**

Title IV of the Energy Conservation and Production Act (42 U.S.C. 6851, 6861-6846) is further amended by adding a new section 423 as follows:

**“WEATHERIZATION ASSISTANCE PROGRAM FOR THE DELTA REGION**

“SEC. 423. (a) PURPOSE.—The purpose of this section is to encourage the weatherization of low-income dwelling units in the Delta Region.

“(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to (1) States, and (2) in accordance with the provisions of subsection (413)(d), to Indian tribal organizations to serve Native Americans in the Delta Region. Such grants shall be made for the purposes of providing financial assistance for the weatherization of low-income dwelling units.

“(c) APPLICATIONS.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State weatherization agency, in consultation with Community Action Agencies and Planning and Development Districts in the Delta Region, and the State weatherization agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

“(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require in accordance with regulations governing weatherization assistance programs under this Part.

“(d) SELECTION OF APPLICATIONS.—(1) The Secretary shall select applications from States to receive grants under subsection (b).

“(2) Such grants shall be in addition to such grants as would otherwise be provided under section 414 of this Act.

“(3) No one grant recipient under this section shall receive Federal funds in excess of \$2,000,000.

“(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section in accordance with the requirements of sections 414(b) and 415 of this Act, and on the basis of the following criteria—

“(1) the location of the grant applicant in the Delta Region;

“(2) the demonstrated or potential resources available to the grant applicant for carrying out the purposes of this section; and

“(3) the demonstrated or potential ability of the grant applicant to improve energy efficiency in low-income dwelling units.

“(f) COORDINATION WITH OTHER WEATHERIZATION ASSISTANCE PROGRAMS.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, Department weatherization assistance programs under sections 413, 414A and 414B of this Act.

“(g) DEFINITION.—For purposes of this section, the term ‘Delta Region’ means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the May 14, 1990 Final Report of the Lower Mississippi Delta Development Commission entitled ‘The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential’.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than \$20,000,000 for each of fiscal years 1995, 1996, and 1997.”.

**SEC. 207. RENEWABLE ENERGY PRODUCTION INCENTIVES.**

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended by inserting immediately after “foregoing,” the following: “by the Tennessee Valley Authority.”.

**HIGH RISK DRIVERS ACT**

The text of the bill (S. 738) to promote the implementations of programs to improve the traffic safety performance of high-risk drivers, as passed by the Senate on November 20, 1993, is as follows:

S. 738

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “High Risk Drivers Act of 1993”.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The Nation’s traffic fatality rate has declined from 5.5 deaths per 100 million vehicle miles traveled in 1966 to an historic low of an estimated 1.8 deaths per 100 million vehicle miles traveled during 1992. In order to further this desired trend, the safety programs and policies implemented by the Department of Transportation must be continued, and at the same time, the focus of these efforts as they pertain to high risk drivers of all ages must be strengthened.

(2) Motor vehicle crashes are the leading cause of death among teenagers, and teenage drivers tend to be at fault for their fatal crashes more often than older drivers. Drivers who are 16 to 20 years old comprised 7.4 percent of the United States population in 1991 but were involved in 15.4 percent of fatal motor vehicle crashes. Also, on the basis of crashes per 100,000 licensed drivers, young drivers are the highest risk group of drivers.

(3) During 1991, 6,630 teenagers from age 15 through 20 died in motor vehicle crashes. This tragic loss demands that the Federal Government intensify its efforts to promote

highway safety among members of this high risk group.

(4) The consumption of alcohol, speeding over allowable limits or too fast for road conditions, inadequate use of occupant restraints, and other high risk behaviors are several of the key causes for this tragic loss of young drivers and passengers. The Department of Transportation, working cooperatively with the States, student groups, and other organizations, must reinvigorate its current programs and policies to address more effectively these pressing problems of teenage drivers.

(5) In 1991 individuals aged 70 years and older, who are particularly susceptible to injury, were involved in 12 percent of all motor vehicle traffic crash fatalities. These deaths accounted for 4,828 fatalities out of 41,462 total traffic fatalities.

(6) The number of older Americans who drive is expected to increase dramatically during the next 30 years. Unfortunately, during the last 15 years, the Department of Transportation has supported an extremely limited program concerning older drivers. Research on older driver behavior and licensing has suffered from intermittent funding at amounts that were insufficient to address the scope and nature of the challenges ahead.

(7) A major objective of United States transportation policy must be to promote the mobility of older Americans while at the same time ensuring public safety on our Nation’s highways. In order to accomplish these two objectives simultaneously, the Department of Transportation must support a vigorous and sustained program of research, technical assistance, evaluation, and other appropriate activities that are designed to reduce the fatality and crash rate of older drivers who have identifiable risk characteristics.

**SEC. 3. DEFINITIONS.**

In this Act, the following definitions apply:

(1) The term “high risk driver” means a motor vehicle driver who belongs to a class of drivers that, based on vehicle crash rates, fatality rates, traffic safety violation rates, and other factors specified by the Secretary, presents a risk of injury to the driver and other individuals that is higher than the risk presented by the average driver.

(2) The term “Secretary” means the Secretary of Transportation.

**SEC. 4. POLICY AND PROGRAM DIRECTION.**

(a) GENERAL RESPONSIBILITY OF SECRETARY.—The Secretary shall develop and implement effective and comprehensive policies and programs to promote safe driving behavior by young drivers, older drivers, and repeat violators of traffic safety regulations and laws.

(b) SAFETY PROMOTION ACTIVITIES.—The Secretary shall promote or engage in activities that seek to ensure that—

(1) cost effective and scientifically-based guidelines and technologies for the non-discriminatory evaluation and licensing of high risk drivers are advanced;

(2) model driver training, screening, licensing, control, and evaluation programs are improved;

(3) uniform or compatible State driver point systems and other licensing and driver record information systems are advanced as a means of identifying and initially evaluating high risk drivers; and

(4) driver training programs and the delivery of such programs are advanced.

(c) DRIVER TRAINING RESEARCH.—The Secretary shall explore the feasibility and advisability of using cost efficient simulation and other technologies as a means of enhancing

driver training; shall advance knowledge regarding the perceptual, cognitive, and decision making skills needed for safe driving and to improve driver training; and shall investigate the most effective means of integrating licensing, training, and other techniques for preparing novice drivers for the safe use of highway systems.

#### TITLE I—YOUNG DRIVER PROGRAMS

##### SEC. 101. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

###### “§ 411. Programs for young drivers

“(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement programs for young drivers which include measures, described in this section, to reduce traffic safety problems resulting from the driving performance of young drivers. Such grants may only be used by recipient States to implement and enforce such measures.

“(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate estimated expenditures from all other sources for programs for young drivers at or above the average level of such expenditures in its 2 fiscal years preceding the fiscal year in which this section is enacted.

“(c) FEDERAL SHARE.—No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

“(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the young driver program adopted by the State pursuant to subsection (a);

“(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

“(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

“(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. A grant to a State under this section shall be in addition to the State's apportionment under section 402, and basic grants during any fiscal year may be proportionately reduced to accommodate an applicable statutory obligation limitation for that fiscal year.

“(e) ELIGIBILITY FOR BASIC GRANTS.—

“(1) GENERAL.—For purposes of this section, a State is eligible for a basic grant if such State—

“(A) establishes and maintains a graduated licensing program for drivers under 18 years of age that meets the requirements of paragraph (2); and

“(B)(i) in the first year of receiving grants under this section, meets four of the nine criteria specified in paragraph (3);

“(ii) in the second year of receiving such grants, meets five of such criteria;

“(iii) in the third year of receiving such grants, meets six of such criteria;

“(iv) in the fourth year of receiving such grants, meets seven of such criteria; and

“(v) in fifth year of receiving such grants, meets seven of such criteria.

“(2) GRADUATED LICENSING PROGRAM.—(A) A State receiving a grant under this section shall establish and maintain a graduated licensing program consisting of the following licensing stages for any driver under 18 years of age:

“(i) An instructional license, valid for a minimum period determined by the Secretary, under which the licensee shall not operate a motor vehicle unless accompanied in the front passenger seat by the holder of a full driver's license.

“(ii) A provisional driver's license which shall not be issued unless the driver has passed a written examination on traffic safety and has passed a roadtest administered by the driver licensing agency of the State.

“(iii) A full driver's license which shall not be issued until the driver has held a provisional license for at least 1 year with a clean driving record.

“(B) For purposes of subparagraph (A)(iii), subsection (f)(1), and subsection (f)(6)(B), a provisional licensee has a clean driving record if the licensee—

“(i) has not been found, by civil or criminal process, to have committed a moving traffic violation during the applicable period;

“(ii) has not been assessed points against the license because of safety violations during such period; and

“(iii) has satisfied such other requirements as the Secretary may prescribe by regulation.

“(C) The Secretary shall determine the conditions under which a State shall suspend provisional driver's licenses in order to be eligible for a basic grant. At a minimum, the holder of a provisional license shall be subject to driver control actions that are stricter than those applicable to the holder of a full driver's license, including warning letters and suspension at a lower point threshold.

“(D) For a State's first 2 years of receiving a grant under this section, the Secretary may waive the clean driving record requirement of subparagraph (A)(iii) if the State submits satisfactory evidence of its efforts to establish such a requirement.

“(3) CRITERIA FOR BASIC GRANT.—The nine criteria referred to in paragraph (1)(B) are as follows:

“(A) The State requires that any driver under 21 years of age with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated for the purpose of (i) administrative or judicial sanctions or (ii) a law or regulation that prohibits any individual under 21 years of age with a blood alcohol concentration of 0.02 percent or greater from driving a motor vehicle.

“(B) The State has a law or regulation that provides a mandatory minimum penalty of at least \$500 for anyone who in violation of State law or regulation knowingly, or without checking for proper identification, provides or sells alcohol to any individual under age 21 years of age.

“(C) The State requires that all front seat and rear seat occupants of any motor vehicle shall use safety belts.

“(D) The State requires that the license of a driver under 21 years of age be suspended for a period specified by the State if such driver is convicted of the unlawful purchase

or public possession of alcohol. The period of suspension shall be at least 6 months for a first conviction and at least 12 months for a subsequent conviction; except that specific license restrictions may be imposed as an alternative to such minimum periods of suspension where necessary to avoid undue hardship on any individual.

“(E) The State conducts youth-oriented traffic safety enforcement activities, and education and training programs—

“(i) with the participation of judges and prosecutors, that are designed to ensure enforcement of traffic safety laws and regulations including those that prohibit drivers under 21 years of age from driving while intoxicated, restrict the unauthorized use of a motor vehicle, and establish other moving violations; and

“(ii) with the participation of student and youth groups, that are designed to ensure compliance with such traffic safety laws and regulations.

“(F) The State is a member of and substantially complies with the interstate agreement known as the Driver License Compact, promptly and reliably transmits and receives through electronic means interstate driver record information (including information on commercial drivers) in cooperation with the Secretary and other States, and develops and achieves demonstrable annual progress in implementing a plan to ensure that (i) each court of the State report expeditiously to the State driver licensing agency all traffic safety convictions, license suspensions, license revocations, or other license restrictions, and driver improvement efforts sanctioned or ordered by the court, and that (ii) such records be available electronically to appropriate government officials (including enforcement, officers, judges, and prosecutors) upon request at all times.

“(G) The State prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway; except as allowed in the passenger area, by persons (other than the driver), of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers.

“(H) The State has a law or regulation that provides a minimum penalty of at least \$100 for anyone who in violation of State law or regulation drives any vehicle through, around, or under any crossing, gate, or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

“(I) The State has a law or regulation that—

“(i) mandates seizure by the State or any political subdivision thereof of any vehicle driven by an individual in violation of an alcohol-related traffic safety law, if such violator has been convicted on more than one occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of enactment of this section, or has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense;

“(ii) mandates that the vehicle be forfeited to the State or a political subdivision thereof if the vehicle was solely owned by such violator at the time of the violation;

“(iii) requires that the vehicle be returned to the owner if the vehicle was a stolen vehicle at the time of the violation; and

“(iv) authorizes the vehicle to be released to a member of such violator's family, the co-owner, or the owner, if the vehicle was

not a stolen vehicle and was not solely owned by such violator at the time of the violation, and if the family member, co-owner, or owner, prior to such release, executes a binding agreement that the family member, co-owner, or owner will not permit such violator to drive the vehicle and that the vehicle shall be forfeited to the State or a political subdivision thereof in the event such violator drives the vehicle with the permission of the family member, co-owner, or owner.

“(f) SUPPLEMENTAL GRANT PROGRAM.—

“(1) EXTENDED APPLICATION OF PROVISIONAL LICENSE REQUIREMENT.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a driver under 21 years of age shall not be issued a full driver's license until the driver has held a provisional license for at least one year with a clean driving record as described in subsection (e)(2)(B).

“(2) PROVISION OF INSURANCE INFORMATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides, to a parent or legal guardian of any provisional licensee, general information prepared with the assistance of the insurance industry on the effect of traffic safety convictions and at-fault accidents on insurance rates for young drivers.

“(3) READILY DISTINGUISHABLE LICENSES FOR YOUNG DRIVERS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

“(A) requires that the provisional driver's license, or full driver's license, of any driver under 21 years of age be readily distinguishable from the licenses of drivers who are 21 years of age or older, through the use of special background, marking, profile, or any other features, consistent with any guidelines developed by the Secretary in cooperation with the American Association of Motor Vehicle Administrators; and

“(B) employs the Social Security number as a common identifier on every driver's license so as to facilitate the transfer of traffic records among States.

“(4) DRIVER TRAINING PREREQUISITE.—For purposes of this section, a State is eligible for a supplemental grant in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a provisional driver's license may be issued only to a driver who has satisfactorily completed a State-accepted driver education and training program that meets Department of Transportation guidelines and includes information on the interaction of alcohol and controlled substances and the effect of such interaction on driver performance, and information on the importance of motorcycle helmet use and safety belt use.

“(5) REMEDIAL DRIVER EDUCATION.—For purposes of this section, a State is eligible

for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires, at a lower point threshold than for other drivers, remedial driver improvement instruction for drivers under 21 years of age and requires such remedial instruction for any driver under 21 years of age who is convicted of reckless driving, excessive speeding, driving under the influence of alcohol, or driving while intoxicated.

“(6) PROVISIONAL LICENSE REQUIREMENT AFTER LICENSE SUSPENSION OR REVOCATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that any driver whose driving privilege is restored after license suspension or revocation resulting from a traffic safety violation shall for at least 1 year be subject to the following:

“(A) The restored license shall be immediately suspended, for a period to be determined by the Secretary, upon the driver's conviction of any moving traffic safety violation, except that the Secretary may by regulation define limited circumstances under which the State may waive this immediate suspension requirement.

“(B) A full driver's license shall be issued only after the driver has held a provisional license for at least 1 year with a clean driving record, as described in subsection (e)(2)(B).

“(C) The driver shall be—

“(i) deemed to be driving while intoxicated if the driver has a blood alcohol concentration of .02 percent or greater; or

“(ii) prohibited from operating a motor vehicle with such a blood alcohol concentration.

“(7) RECORD OF SERIOUS CONVICTIONS; HABITUAL OR REPEAT OFFENDER SANCTIONS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

“(A) requires that a notation of any serious traffic safety conviction of a driver be maintained on the driver's permanent traffic record for at least ten years after the date of the conviction; and

“(B) provides additional sanctions for any driver who, following conviction of a serious traffic safety violation, is convicted during the next 10 years of one or more subsequent serious traffic safety violations.

“(8) OVERSIGHT OF ALCOHOL SALES TO UNDERAGE DRINKERS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State exercises effective oversight of colleges and universities to ensure that colleges and universities do not provide, and do not allow the selling of, alcohol to individuals under 21 years of age.

“(g) APPLICABILITY OF CHAPTER 1.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of

chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

“(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

“(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

“(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

“(5) TREATMENT OF TERM ‘STATE HIGHWAY DEPARTMENT’.—In applying provisions of chapter 1 in carrying out this section, the term ‘State highway department’ as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$18,000,000 for each of the fiscal years ending September 30, 1994, and September 30, 1995, \$20,000,000 for the fiscal year ending September 30, 1996, and \$22,000,000 for each of the fiscal years ending September 30, 1997, and September 30, 1998.”.

(b) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by inserting immediately after the item relating to section 410 the following new item:

“411. Programs for young drivers.”.

(c) DEADLINES FOR ISSUANCE OF REGULATIONS.—The Secretary shall issue and publish in the Federal Register proposed regulations to implement section 411 of title 23, United States Code (as added by this section), not later than 6 months after the date of enactment of this Act. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.

SEC. 102. PROGRAM EVALUATION.

(a) EVALUATION BY SECRETARY.—The Secretary shall, under section 403 of title 23, United States Code, conduct an evaluation of the effectiveness of State provisional driver's licensing programs and the grant program authorized by section 411 of title 23, United States Code (as added by section 101 of this Act).

(b) REPORT TO CONGRESS.—By January 1, 1997, the Secretary shall transmit a report on the results of the evaluation conducted under subsection (a) and any related research to the Committee on Commerce, Science, and Transportation of the Senate

and the Committee on Public Works and Transportation of the House of Representatives. The report shall include any related recommendations by the Secretary for legislative changes.

#### TITLE II—OLDER DRIVER PROGRAMS

##### SEC. 201. OLDER DRIVER SAFETY RESEARCH.

(a) RESEARCH ON PREDICTABILITY OF HIGH RISK DRIVING.—(1) The Secretary shall conduct a program that funds, within budgetary limitations, the research challenges presented in the Transportation Research Board's report entitled "Research and Development Needs for Maintaining the Safety and Mobility of Older Drivers" and the research challenges pertaining to older drivers presented in a report to Congress by the National Highway Traffic Safety Administration entitled "Addressing the Safety Issues Related to Younger and Older Drivers".

(2) To the extent technically feasible, the Secretary shall consider the feasibility and further the development of cost efficient, reliable tests capable of predicting increased risk of accident involvement or hazardous driving by older high risk drivers.

(b) SPECIALIZED TRAINING FOR LICENSE EXAMINERS.—The Secretary shall encourage and conduct research and demonstration activities to support the specialized training of license examiners or other certified examiners to increase their knowledge and sensitivity to the transportation needs and physical limitations of older drivers, including knowledge of functional disabilities related to driving, and to be cognizant of possible countermeasures to deal with the challenges to safe driving that may be associated with increasing age.

(c) COUNSELING PROCEDURES AND CONSULTATION METHODS.—The Secretary shall encourage and conduct research and disseminate information to support and encourage the development of appropriate counseling procedures and consultation methods with relatives, physicians, the traffic safety enforcement and the motor vehicle licensing communities, and other concerned parties. Such procedures and methods shall include the promotion of voluntary action by older high risk drivers to restrict or limit their driving when medical or other conditions indicate such action is advisable. The Secretary shall consult extensively with the American Association of Retired Persons, the American Association of Motor Vehicle Administrators, the American Occupational Therapy Association, the American Automobile Association, the Department of Health and Human Services, the American Public Health Association, and other interested parties in developing educational materials on the interrelationship of the aging process, driver safety, and the driver licensing process.

(d) ALTERNATIVE TRANSPORTATION MEANS.—The Secretary shall ensure that the agencies of the Department of Transportation overseeing the various modes of surface transportation coordinate their policies and programs to ensure that funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1914) and implementing Department of Transportation and Related Agencies Appropriation Acts take into account the transportation needs of older Americans by promoting alternative transportation means whenever practical and feasible.

(e) STATE LICENSING PRACTICES.—The Secretary shall encourage State licensing agencies to use restricted licenses instead of canceling a license whenever such action is appropriate and if the interests of public safety would be served, and to closely monitor the

driving performance of older drivers with such licenses. The Secretary shall encourage States to provide educational materials of benefit to older drivers and concerned family members and physicians. The Secretary shall promote licensing and relicensing programs in which the applicant appears in person and shall promote the development and use of cost effective screening processes and testing of physiological, cognitive, and perception factors as appropriate and necessary. Not less than one model State program shall be evaluated in light of this subsection during each of the fiscal years 1996 through 1998. Of the sums authorized under subsection (i), \$250,000 is authorized for each such fiscal year for such evaluation.

(f) IMPROVEMENT OF MEDICAL SCREENING.—The Secretary shall conduct research and other activities designed to support and encourage the States to establish and maintain medical review or advisory groups to work with State licensing agencies to improve and provide current information on the screening and licensing of older drivers. The Secretary shall encourage the participation of the public in these groups to ensure fairness and concern for the safety and mobility needs of older drivers.

(g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary shall ensure that the National Intelligent Vehicle-Highway Systems Program devotes sufficient attention to the use of intelligent vehicle-highway systems to aid older drivers in safely performing driver functions. Federally-sponsored research, development, and operational testing shall ensure the advancement of night vision improvement systems, technology to reduce the involvement of older drivers in accidents occurring at intersections, and other technologies of particular benefit to older drivers.

(h) TECHNICAL EVALUATIONS UNDER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.—In conducting the technical evaluations required under section 6055 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2192), the Secretary shall ensure that the safety impacts on older drivers are considered, with special attention being devoted to ensuring adequate and effective exchange of information between the Department of Transportation and older drivers or their representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 403 of title 23, United States Code, \$1,250,000 is authorized for each of the fiscal years 1995 through 2000, and \$1,500,000 is authorized for each of the fiscal years 2001 through 2005, to support older driver programs described in subsections (a), (b), (c), (e), and (f).

#### TITLE III—HIGH RISK DRIVERS

##### SEC. 301. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS OF ALL HIGH RISK DRIVERS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a study to determine whether additional or strengthened Federal activities, authority, or regulatory actions are desirable or necessary to improve or strengthen the driver record and control systems of the States to identify high risk drivers more rapidly and ensure prompt intervention in the licensing of high risk drivers. The study, which shall be based in part on analysis obtained from a request for information published in the Federal Register, shall consider steps necessary to ensure that State traffic

record systems are unambiguous, accurate, current, accessible, complete, and (to the extent useful) uniform among the States.

(b) SPECIFIC MATTERS FOR CONSIDERATION.—Such study shall at a minimum consider—

(1) whether specific legislative action is necessary to improve State traffic record systems;

(2) the feasibility and practicality of further encouraging and establishing a uniform traffic ticket citation and control system;

(3) the need for a uniform driver violation point system to be adopted by the States;

(4) the need for all the States to participate in the Driver License Reciprocity Program conducted by the American Association of Motor Vehicle Administrators;

(5) ways to encourage the State to cross-reference driver license files and motor vehicle files to facilitate the identification of individuals who may not be in compliance with driver licensing laws; and

(6) the feasibility of establishing a national program that would limit each driver to one driver's license from only one State at any time.

(c) EVALUATION OF NATIONAL INFORMATION SYSTEMS.—As part of the study required by this section, the Secretary shall consider and evaluate the future of the national information systems that support driver licensing. In particular, the Secretary shall examine whether the Commercial Driver's License Information System, the National Driver Register, and the Driver License Reciprocity program should be more closely linked or continue to exist as separate information systems and which entities are best suited to operate such systems effectively at the least cost. The Secretary shall cooperate with the American Association of Motor Vehicle Administrators in carrying out this evaluation.

##### SEC. 302. STATE PROGRAMS FOR HIGH RISK DRIVERS.

The Secretary shall encourage and promote State driver evaluation, assistance, or control programs for high risk drivers. These programs may include in-person license reexaminations, driver education or training courses, license restrictions or suspensions, and other actions designed to improve the operating performance of high risk drivers.

#### COMPREHENSIVE DRUG ABUSE PROGRAM

The text of the bill (S. 1767) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinone and methamphetamine, and for other purposes, as passed by the Senate on November 20, 1993, is as follows:

S. 1767

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Chemical Diversion Control Act of 1993".

##### SEC. 2. DEFINITION AMENDMENTS.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33), by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34)—

(A) by striking "listed precursor chemical" and inserting "list I chemical"; and

(B) by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (34) (A), (F), and (H), by inserting ", its esters," before "and";

(4) in paragraph (35)—

(A) by striking "listed essential chemical" and inserting "list II chemical";

(B) by inserting "(other than a list I chemical)" before "specified"; and

(C) by striking "as a solvent, reagent, or catalyst"; and

(5) in paragraph (38), by inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine" before the period;

(6) in paragraph (39)(A)—

(A) by striking "importation or exportation of" and inserting "importation, or exportation of, or an international transaction involving shipment of,";

(B) in clause (iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(C) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

"(I)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient; or

"(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General."; and

(D) in clause (v), by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this title and title III based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered.";

(7) in paragraph (40), by striking "listed precursor chemical or a listed essential chemical" each place it appears and inserting "list I chemical or a list II chemical"; and

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

"(42) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

"(43) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

"(A) negotiating contracts;

"(B) serving as an agent or intermediary; or

"(C) bringing together a buyer and seller, a buyer and transporter, or a seller and transporter.".

(b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

(1) PROCEDURE.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF EXEMPTION OF CERTAIN DRUGS

"SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv) a drug or group of drugs that the Attorney General finds is being diverted to obtain a listed chemical for use in the illicit production of a controlled substance.

"(b) FACTORS TO BE CONSIDERED.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

"(1) the scope, duration, and significance of the diversion;

"(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance; and

"(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

"(c) SPECIFICITY OF DESIGNATION.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

"(d) REINSTATEMENT OF EXEMPTION WITH RESPECT TO PARTICULAR DRUG PRODUCTS.—

"(1) REINSTATEMENT.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion.

"(2) FACTORS TO BE CONSIDERED.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) STATUS PENDING APPLICATION FOR REINSTATEMENT.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies

the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) AMENDMENT AND MODIFICATION.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.".

(2) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of that portion relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs."

(c) REGULATION OF LISTED CHEMICALS.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B), by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D), by striking "precursor chemical" and inserting "chemical control".

### SEC. 3. REGISTRATION REQUIREMENTS.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER UNDER SECTION 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1), by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b)—

(A) by inserting "or list I chemicals" after "controlled substances"; and

(B) by inserting "or chemicals" after "such substances";

(3) in subsection (c), by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e), by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS UNDER SECTION 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

"(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance by the applicant with applicable Federal, State, and local law;

"(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

"(5) such other factors as are relevant to and consistent with the public health and safety."

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting "or a list I chemical" after "controlled substance" each place it appears; and

(B) by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b), by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f), by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g)—

(A) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(B) by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "or list I chemical" after "controlled substance"; and

(B) in paragraph (2), by striking "in schedule I, II, III, IV, or V," and inserting "or list I chemical,"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or list I chemical" after "controlled substance" each place it appears; and

(B) in paragraph (2), by inserting "or list I chemicals" after "controlled substances".

(f) REGISTRATION REQUIREMENTS UNDER SECTION 1008.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

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

"(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

"(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).";

(2) in subsection (d)—

(A) in paragraph (3), by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6), by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e), by striking "and 307" and inserting "307, and 310"; and

(4) in subsections (f), (g), and (h), by inserting "or list I chemicals" after "controlled substances" each place it appears.

(g) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by amending paragraphs (6) and (7) to read as follows:

"(6) to possess any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or listed chemical in violation of this title or title III;

"(7) to manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or listed chemical in violation of this title or title III or, in the case of an exportation, in violation of this title or title III or of the laws of the country to which it is exported";

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

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

"(9) to distribute, import, or export a list I chemical without the registration required by this title or title III."

SEC. 4. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II."

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) A person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

"(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, imprisoned not more than 10 years, or both."

SEC. 5. EXEMPTION AUTHORITY; ANTI-SMUGGLING PROVISION.

(a) NOTIFICATION REQUIREMENT.—Section 1018 of the Controlled Substances Import and

Export Act (21 U.S.C. 971), as amended by section 1505(a) of this Act, is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation."

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 4(b) of this Act, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

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

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or

"(6) imports or exports a listed chemical in violation of section 1007 or 1018."

SEC. 6. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained."; and

(2) in subsection (b)(3)—

(A) in subparagraph (B), by inserting “, listed chemicals,” after “unfinished drugs”; and

(B) in subparagraph (C), by inserting “or listed chemical” after “controlled substance” and inserting “or chemical” after “such substance”.

#### SEC. 7. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting “a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical,” before “a threshold amount, including a cumulative threshold amount for multiple transactions”.

#### SEC. 8. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking “(X)” and inserting “(U)”; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

“(V) benzaldehyde.

“(W) nitroethane.”

#### SEC. 9. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

“(37) The term ‘regular importer’ means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General.”.

(b) NOTIFICATION.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking “regular supplier of the regulated person” and inserting “to an importation by a regular importer”; and

(B) in paragraph (2)—

(i) by striking “a customer or supplier of a regulated person” and inserting “a customer of a regulated person or to an importer”; and

(ii) by striking “regular supplier” and inserting “the importer as a regular importer”; and

(2) in subsection (c)(1) by striking “regular supplier” and inserting “regular importer”.

#### SEC. 10. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting “(1)” after “(b)”;;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking “paragraph (1)” each place it appears and inserting “subparagraph (A)”;;

(4) by striking “paragraph (2)” and inserting “subparagraph (B)”;;

(5) by striking “paragraph (3)” and inserting “subparagraph (C)”; and

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

“(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemi-

cals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv).”.

#### SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 120 days after the date of enactment of this Act.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE OPERATION OF THE CARIBBEAN ECONOMIC MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Committee of the United States:*

I transmit herewith the first report of the operation of the Caribbean Basin Initiative. This report is prepared pursuant to the requirements of section 214 at the Caribbean Basin Economic Recovery Expansion Act of 1990 (19 U.S.C. 2702(f)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 24, 1993.

#### MEASURES REFERRED

The following measures, previously received from the House of Representatives, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3548. An act to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial, and the Women in Military Service for America Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3617. An act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Energy and Natural Resources.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for Mr. DASCHLE):

S. 1783. A bill to amend the Mount Rushmore commemorative Coin Act to allow proceeds from the sale of coins to be used to renovate the Mount Rushmore National Memorial; considered and passed.

By Mr. BOND (for Mr. MURKOWSKI (for himself and Mr. STEVENS)):

S. 1784. To restore the Central Council of Tlingit and Haida Indian Tribes of Alaska to the Department of the Interior list of Indian entities recognized and eligible to receive Services from the United States Bureau of Indian Affairs; considered and passed.

By Mr. DOLE: S. 1785.

A bill to amend the Brady Handgun Violence Prevention Act to establish standards for determining whether the national instant criminal background check system is operational and to amend section 503(a) of title I of the Omnibus Safe Streets and Crime Control Act of 1968 to require a State to certify that the State has established a plan under which the State will provide to the Department of Justice notice of the adjudication of any person as a mental defective or the commitment of any person to a mental institution.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 176. A resolution to designate the Federal building located at 300 4th Street, Northeast, in the District of Columbia, as the “Daniel Webster Senate Page Residence”, and for other purposes; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 426

At the request of Mr. SHELBY, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Idaho [Mr. CRAIG], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 426, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 717

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 717, a bill to amend the Egg Research

and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 848

At the request of Mr. GRASSLEY, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 848, a bill to amend the Agricultural Act of 1949 to modify the authority for haying and grazing on wheat and feed grain reduced acreage, and for other purposes.

S. 1523

At the request of Mr. KENNEDY, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1523, a bill to reauthorize certain programs under the Stewart B. McKinney Homeless Assistance Act, and for other purposes.

S. 1715

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

#### SENATE RESOLUTION 176—RELATIVE TO THE DANIEL WEBSTER SENATE PAGE RESIDENCE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 176

*Resolved,*

#### SECTION 1. DESIGNATION OF DANIEL WEBSTER SENATE PAGE RESIDENCE.

The Federal building located at 300 4th Street, Northeast, in the District of Columbia, shall be known and designated as the "Daniel Webster Senate Page Residence".

#### AMENDMENTS SUBMITTED

#### SINE DIE ADJOURNMENT CONCURRENT RESOLUTION

#### MITCHELL (AND DOLE) AMENDMENT NO. 1242

Mr. SASSER (for Mr. MITCHELL and Mr. DOLE) proposed an amendment to the concurrent resolution (H. Con. Res. 190) providing for the sine die adjournment of the First Session of the One Hundred Third Congress; as follows:

On page 1, line 4, strike "Monday" through "23" on page 1, line 5, and insert the following: "Friday, November 26, or the legislative day of Tuesday, November 30, or the legislative day of Wednesday, December 1".

#### THRIFT SAVINGS PLAN AMENDMENT ACT OF 1993

#### STEVENS AMENDMENT NO. 1243

Mr. BOND (for Mr. STEVENS) proposed an amendment to the bill (S. 1624) to standardize withdrawal options for Thrift Savings Plan participants, and for other purposes as follows:

On page 2, line 23, strike out all after "under" through the period on line 24 and insert in lieu thereof "section 8433(b) of this title".

On page 5, line 14, insert "the" before "anuity".

#### VIETNAM WOMEN'S MEMORIAL COIN ACT OF 1994

#### NUNN AMENDMENT NO. 1244

Mr. NUNN (for Mr. SASSER) proposed an amendment to the bill (S. 469) to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial; as follows:

Strike lines 7-10 and insert the following:

(c) PERIOD OF ISSUANCE.—The Secretary may issue coins minted under this title during the period beginning on May 1, 1994 and ending on May 1, 1995.

#### TECHNICAL CORRECTIONS ACT

#### INOUYE AMENDMENT NO. 1245

Mr. SASSER (for Mr. INOUYE) proposed the following amendment to the bill (S. 1654) to make certain technical corrections; as follows:

On page 6, line 3, delete the following:

#### SEC. 7. TLINGIT AND HAIDA INDIANS OF ALASKA.

The Secretary of the Department of the Interior shall restore to the list, published in the Federal Register on October 21, 1993, pursuant to part 83 of title 25 of the Code of Federal Regulations, the tribe defined and recognized in the Act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

#### OMNIBUS COMMEMORATIVE COIN BILL

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3616, the omnibus commemorative coin bill, just received from the House; that the bill deemed be read the third time, passed, and the motion to reconsider laid upon the table; further, that any statements thereon appear in the RECORD at the appropriate place as if read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 3616) was deemed read the third time, and passed.

#### SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 103D CONGRESS

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Concurrent Resolution 190, the adjournment resolution.

The PRESIDENT pro tempore. The clerk will state the resolution.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 190) providing for the Sine die adjournment of the first session of the 103d Congress.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

AMENDMENT NO. 1242

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. MITCHELL, for himself, and Mr. DOLE, proposes an amendment numbered 1242.

On page 1, line 4, strike "Monday" through "23" on page 1 line 5, and insert the following: "Friday, November 26, or the legislative day of Tuesday, November 30, or the legislative day of Wednesday, December 1."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1242) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 190), as amended, was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### SETTING THE DATE FOR CONVENING OF THE SECOND SESSION OF THE 103D CONGRESS

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 300, the joint resolution setting the date for the convening of the second session of the 103d Congress, and that the joint resolution be deemed read the third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 300) was deemed read the third time, and passed.

#### DOMESTIC CHEMICAL DIVERSION CONTROL ACT

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3216 regarding Domestic Chemical Diversion Control Act, just received from the House; that the bill be deemed read the third time, and passed, and that the motion to reconsider be laid upon the table and that any statements appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 3216) was deemed read the third time, and passed.

#### ARBITRATION EXTENSION ACT

Mr. SASSER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1732) a bill to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, that the bill from the Senate (S. 1732) entitled "An Act to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes", do pass with the following amendment: Add the following after section 1:

#### SEC. 2. TREATMENT OF EXPIRED PROVISIONS.

Chapter 44 of title 28, United States Code, and the item relating to that chapter in the table of chapters at the beginning of part III of such title, shall be effective on or after the date of the enactment of this Act as if such chapter and item had not been repealed by section 906 of the Judicial Improvements and Access to Justice Act, as such section was in effect on the day before the date of the enactment of this Act.

Mr. SASSER. I move that the Senate concur in the House amendment.

The motion was agreed to.

#### TRUMAN FARM HOME

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 486, just received from the House; that the bill be read a third time, passed, that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Is there objection to the several requests? The Chair hears no objection.

Without objection, it is so ordered.

So the bill (H.R. 486) was deemed read a third time and passed.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, we have just passed the Truman Farm Home bill, a measure which has come over on this side. I cosponsored it with Senator DANFORTH.

We are indeed grateful for the leadership of Chairman BUMPERS and assistance of Senators WALLOP and MURKOWSKI.

Mr. President, when a large part of the original Truman Farm in Grandview, MO was sold to developers, Truman was quoted in the Kansas City Star as saying: "I sure hate to see the old place go." Happily, action just completed by the House and now with the concurrence of the Senate, what historian David McCullough characterized as "a national treasure" will be added to the Harry S. Truman National Historic Site preserving it for all to share.

The historical significance of the Truman Farm Home is no longer in question. Most recently, inclusion of the Truman Farm Home was endorsed by David McCullough in a letter to Chairman BUMPERS that I would like unanimous consent to enter as part of the RECORD.

As those who have studied the life of President Truman well know, Truman was a real farmer. Truman lived and worked on the farm from 1905 until he left for the Army in 1917. As many have testified, the significance of the Truman Farm Home is its integral role in shaping the character and values of the future President. It has here he learned to nurture, to preserve, to persevere, to appreciate the goodness of humanity and that one must first sow before one can reap.

He recognized that working from the soil brings man closer to integrating the basics of what is fundamental and God given. He knew that the internal rewards associated with farm life are what turns life into living and he valued it through and beyond his Presidency.

Mr. President, I think a number of people who pushed this legislation. In particular, I thank Mr. Robert Eller from Grandview who is the president of the Truman Farm Home and who testified earlier this year on behalf of this legislation. At his own expense he traveled to Washington to do so. He is one of the devoted and knowledgeable volunteers who have worked diligently to protect this important historical site. Additionally, thanks should go to David McCullough and his daughter Dorie who gives every appearance of being just the kind of daughter a distinguished historian might rely upon.

In the Senate, I especially thank Chairman BUMPERS. His knowledge of President Truman rivals that of even the proudest Missourian and we would not be here today if not for his support of this legislation. Finally, thanks to Senators WALLOP and MURKOWSKI and my congratulates to Senator DANFORTH

with whom I have worked for some time to render passage of this legislation.

Mr. President, I thank the Senator for helping our Nation preserve this historical treasure where Truman learned what it took to understand the "heat in the kitchen"—a quality he later applied so brilliantly as President during one of history's most critical periods.

Mr. President, I ask unanimous consent that a letter from David McCullough, biographer of President Truman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 29, 1993.

DEAR CHAIRMAN BUMPERS: I am writing to urge you and your committee to give full support to the bill S-845 that would save the old Truman family homeplace at Grandview, Missouri, and make it part of the National Park Service operation that maintains the Truman home in Independence.

The importance of the Truman farmhouse, in the life of President Truman, and in what it says about our country, could not be greater. The two most formative experiences of his life were his service in France in World War I and his years on the farm. It was there, in the house at Grandview, that he lived with his mother, father, and sister for eleven years, up every morning to work the long days as a partner in the family enterprise, in all seasons, beset often by drought, insect plague, falling prices, and always with a load of debt.

It was there on the farm his mother liked to say, that, "Harry got his common sense." It was there, writing to the love of his life, Bess Wallace of Independence, that he poured out the events of his days, his ideas and his heart's desire in hundreds of letters that fortunately have survived, letters that tell us so much about him and about a whole vanished way of life in rural America. It was there, in a house without electricity or running water, that young Harry held the lantern while a country doctor operated on his mother, there that he watched over his father in his dying hour, John Truman having literally worked himself to death.

Some supposedly historic houses have in fact been of only marginal importance in the life of the past Americans they honor. This is not one of those and its preservation is entirely in the national interest.

Harry Truman was not the avocational kind of farmer who never pulled a weed, or never knew the satisfactions and pride of being truly a farmer. He was in this, as in so much else in his life, the real thing. Further, his years on the farm, from 1906 to 1917, coincided with what historians call "The Golden Age" of American agriculture. His grandfather had pioneered the land when it was unbroken prairie. He and his family were living still the Jefferson ideal. He himself often expressed that ideal in the long letters to Bess Wallace, and he would, when the time came, leave the plow and go to war in the spirit of Cincinnatus, another of his heroes.

If the walls of that small plain, seemingly ordinary house could speak, they would have the most American of stories to tell. So let us make sure it is properly preserved. Let the house stand as a symbol of the strength and pride and bedrock decency of the "good farmer," as Truman might have said. It is a national treasure.

Respectfully,

DAVID MCCULLOUGH.

Mr. BOND. I thank the Chair.

#### CASH AWARDS ACT OF 1993

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 314, S. 1070, a bill to prohibit cash awards to certain Federal officers.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike on page 3, lines 3 through line 6, and insert the part printed in italic on page 3, lines 7 through line 17.

S. 1070

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

#### SECTION 1. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

##### “§ 4508. Limitation of awards during a Presidential election year

“(a) For purposes of this section, the term—

“(1) ‘Presidential election period’ means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

“(2) ‘senior politically appointed officer’ means any officer who during a Presidential election period serves—

“(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

“(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

##### “§ 4509. Prohibition of cash award to Executive Schedule officers

“No officer may receive a cash award under the provisions of this subchapter, if such officer serves in—

“(1) an Executive Schedule position under subchapter II of chapter 53; or

“(2) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

“4508. Limitation of awards during a Presidential election year.

“4509. Prohibition of cash award to Executive Schedule officers.”

Mr. SASSER. Mr. President, I ask unanimous consent that the committee amendment be agreed to; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDENT pro tempore. Is there objection to the several requests by the Senator from Tennessee [Mr. SASSER]?

Mr. BOND. No objection.

The PRESIDENT pro tempore. Hearing no objection, without objection, it is so ordered.

So the bill (S. 1070), as amended, was deemed read three times and passed, as follows:

S. 1070

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

#### SECTION 1. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

##### “§ 4508. Limitation of awards during a Presidential election year

“(a) For purposes of this section, the term—

“(1) ‘Presidential election period’ means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

“(2) ‘senior politically appointed officer’ means any officer who during a Presidential election period serves—

“(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

“(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

##### “§ 4509. Prohibition of cash award to Executive Schedule officers

“No officer may receive a cash award under the provisions of this subchapter, if such officer serves in—

“(1) an Executive Schedule position under subchapter II of chapter 53; or

“(2) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

“4508. Limitation of awards during a Presidential election year.

“4509. Prohibition of cash award to Executive Schedule officers.”

The PRESIDENT pro tempore. The Senator from Tennessee, [Mr. SASSER].

#### WITHDRAWAL OPTIONS OF THE THRIFT SAVINGS PLAN

Mr. SASSER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1624, regarding the standardizing of withdrawal options of the Thrift Savings Plan, and that the Senate then proceed to its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the discharge of the committee?

The Chair hears no objection. Without objection, it is so ordered.

The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 1624) to standardize withdrawal options for the Thrift Savings Plan participants, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The Senator from Missouri, [Mr. BOND].

AMENDMENT NO. 1243

(Purpose: To make technical corrections)

Mr. BOND. Mr. President, I send to the desk a technical amendment on behalf of Senator STEVENS for immediate consideration, request the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the amendment (No. 1243) was agreed to, as follows:

On page 2, line 23, strike out all after “under” through the period on line 24 and insert in lieu thereof “section 8433(b) of this title.”

On page 5, line 14, insert “the” before “annuity”.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1624

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

#### SECTION 1. STANDARDIZATION OF WITHDRAWAL OPTIONS FOR THRIFT SAVINGS PLAN PARTICIPANTS.

(a) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351(b) of title 5, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

“(4) Section 8433(b) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from Government employment.”;

(2) by striking out paragraphs (5), (6), and (8);

(3) by redesignating paragraphs (7), (9), and (10) as paragraphs (5), (6), and (7), respectively;

(4) in paragraph (5)(C) (as redesignated under paragraph (3) of this subsection) by striking out “or former spouse” in both places it appears;

(5) by amending paragraph (6) (as redesignated under paragraph (3) of this subsection) to read as follows:

“(6) Notwithstanding paragraph (4), if an employee or Member separates from Government employment and such employee’s or Member’s nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b) of this title.”; and

(6) in paragraph (7) (as redesignated under paragraph (3) of this subsection) by striking out "nonforfeiture" and inserting in lieu thereof "nonforfeitable".

(b) **BENEFITS AND ELECTION OF BENEFITS.**—Section 8433 of title 5, United States Code, is amended—

(1) in subsection (b) by striking out the matter before paragraph (1) and inserting in lieu thereof "Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to an annuity under subchapter II of this chapter or any employee or Member who separates from Government employment is entitled and may elect—";

(2) by striking out subsections (c) and (d) and redesignating subsections (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c)(1) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(4) or required under subsection (d) directly to an eligible retirement plan or plans" (as defined in section 402(a)(5)(E) of the Internal Revenue Code of 1954) and inserting in lieu thereof "directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986)";

(4) in subsection (d)(2) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(2)"; and

(5) in subsection (f) (as redesignated under paragraph (2) of this subsection)—

(A) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (1) (as redesignated under subparagraph (A) of this paragraph)—

(i) by striking out "Notwithstanding subsections (b) and (c), if an employee or Member separates from Government employment under circumstances making such an employee or Member eligible to make an election under either of those subsections, and such employee's or Member's" and inserting in lieu thereof "Notwithstanding subsection (b), if an employee or Member separates from Government employment, and such employee's or Member's"; and

(ii) by striking out "or (c), as applicable"; and

(C) in paragraph (2) (as redesignated under subparagraph (A) of this paragraph) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(c) **ANNUITIES: METHODS OF PAYMENT; ELECTION; PURCHASE.**—Section 8434(c) of title 5, United States Code, is amended to read as follows:

"(c) Notwithstanding an elimination of a method of payment by the Board an employee, Member, former employee, or former Member may elect the eliminated method if the elimination of such method became effective less than 5 years before the date on which the annuity commences."

(d) **PROTECTIONS FOR SPOUSES AND FORMER SPOUSES.**—Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A) by striking out "subsection (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433 of this title or change an election previously made under subsection (b)(1), (b)(2), (c)(1), or (c)(2)" and inserting in lieu thereof "subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2)";

(2) by striking out subsection (b);

(3) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (b) (as redesignated under paragraph (3) of this subsection) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not apply, if—

"(A) a joint waiver of such method is made, in writing, by the employee or Member and the spouse; or

"(B) the employee or Member waives such method, in writing, after establishing to the satisfaction of the Executive Director that circumstances described under subsection (a)(2) (A) or (B) make the requirement of a joint waiver inappropriate."; and

(5) in subsection (c)(1) (as redesignated under paragraph (3) of this subsection) by striking out "and a transfer may not be made under section 8433(d) of this title".

(e) **JUSTICES AND JUDGES.**—Section 8440a(b) of title 5, United States Code, is amended—

(1) in paragraph (5) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)"; and

(2) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) Notwithstanding paragraphs (4) and (5), if any justice or judge retires under subsection (a) or (b) of section 371 or section 372(a) of title 28, or resigns without having met the age and service requirements set forth under section 371(c) of title 28, and such justice's or judge's nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)."

(f) **BANKRUPTCY JUDGES AND MAGISTRATES.**—Section 8440b of title 5, United States Code, is amended—

(1) in subsection (b)(4) by amending subparagraph (B) to read as follows:

"(B) Section 8433(b) of this title applies to any bankruptcy judge or magistrate who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under section 377 of title 28 or section 2(c) of the Retirement and Survivors Annuities for Bankruptcy Judges and Magistrates Act of 1988";

(2) in subsection (b)(4)(C) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(3) in subsection (b)(5) by striking out "retirement under section 377 of title 28 is" and inserting in lieu thereof "any of the actions described under paragraph (4) (A), (B), or (C) shall be considered";

(4) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(5) in paragraph (8) of subsection (b) (as redesignated under paragraph (4) of this subsection)—

(A) by striking out "Notwithstanding subparagraphs (A) and (B) of paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b) or (c)" and inserting in lieu thereof "Notwithstanding paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b)"; and

(B) by striking out "and (c), as applicable".

(g) **CLAIMS COURT JUDGES.**—Section 8440c of title 5, United States Code, is amended—

(1) in subsection (b)(4)(B) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(2) in subsection (b)(5) by striking out "retirement under section 178 of title 28, is" and inserting in lieu thereof "any of the actions described in paragraph (4) (A) or (B) shall be considered";

(3) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(4) in paragraph (8) (as redesignated under paragraph (3) of this subsection) by striking out "Notwithstanding paragraph (4)(A)" and inserting in lieu thereof "Notwithstanding paragraph (4)".

(h) **JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.**—Section 8440d(b)(5) of title 5, United States Code, is amended by striking out "A transfer shall be made as provided under section 8433(d) of this title" and inserting in lieu thereof "Section 8433(b) of this title applies".

(i) **TECHNICAL AND CONFORMING AMENDMENTS.**—Chapters 83 and 84 of title 5, United States Code, are amended—

(1) in section 8351(b)(5)(B) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(2) in section 8351(b)(5)(D) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(3) in section 8433(b)(4) by striking out "subsection (e)" and inserting in lieu thereof "subsection (c)";

(4) in section 8433(d)(1) (as redesignated under subsection (b)(2) of this section) by striking out "(d) of section 8435" and inserting in lieu thereof "(c) of section 8435";

(5) in section 8433(d)(2) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(d)" and inserting in lieu thereof "section 8435(c)";

(6) in section 8433(e) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(d)(2)" and inserting in lieu thereof "section 8435(c)(2)";

(7) in section 8433(g)(5) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(f)" and inserting in lieu thereof "section 8435(e)";

(8) in section 8434(b) by striking out "section 8435(c)" and inserting in lieu thereof "section 8435(b)";

(9) in section 8435(a)(1)(B) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)";

(10) in section 8435(d)(1)(B) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (d)(2)" and inserting in lieu thereof "subsection (c)(2)";

(11) in section 8435(d)(3)(A) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (c)(1)" and inserting in lieu thereof "subsection (b)(1)";

(12) in section 8435(d)(6) (as redesignated under subsection (d)(3) of this section) by striking out "or (c)(2)" and inserting in lieu thereof "or (b)(2)";

(13) in section 8435(e)(1)(A) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(14) in section 8435(e)(2) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i) of this title shall not be approved if approval would have the result described in subsection (d)(1)" and inserting in lieu thereof "section 8433(g) of this title shall not be approved if approval would have the result described under subsection (c)(1)";

(15) in section 8435(g) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(16) in section 8437(c)(5) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)"; and

(17) in section 8440a(b)(6) by striking out "section 8351(b)(7)" and inserting in lieu thereof "section 8351(b)(5)".

(j) INTERIM PROVISION.—Section 8433(d) of title 5, United States Code, is amended by striking out "shall transfer the amount of the balance" and inserting in lieu thereof "may transfer the amount of the balance".

(k) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the provisions of this section shall take effect 1 year after the date of enactment of this Act or upon such other date as the Executive Director of the Federal Retirement Thrift Investment Board shall provide in regulation.

(2) The provisions of subsection (j) of this section shall take effect upon the date of the enactment of this Act.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I ask unanimous consent that the title amendment be agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Without objection, it is so ordered.

So the title was amended as follows:

Amend the title so as to read: "A bill to amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes."

#### TRIBAL SELF-GOVERNANCE ACT OF 1993

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 332, S. 1618, a bill to establish tribal self-governance.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 1618) to establish Tribal Self-Governance, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1618

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Act of 1993".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-governance flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States Government with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States, and to strengthen tribal control over Federal funding and program management; and

(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

(A) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities intended to benefit Indians, is an effective way to implement the Federal policy of government-to-government relations with Indian tribes; and

(B) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities strengthens the Federal policy of Indian self-determination.

#### SEC. 3. DECLARATION OF POLICY.

It is the policy of this Act to permanently establish and implement Self-Governance—

(1) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(2) to permit each Indian tribe to choose the extent of the participation of such tribe in Self-Governance;

(3) to co-exist with the provisions of the Indian Self-Determination Act relating to provision of Indian services by designated Federal agencies;

(4) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(5) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities; and

(6) to provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy.

#### SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following new title:

#### "TITLE IV—TRIBAL SELF-GOVERNANCE"

##### "SEC. 401. ESTABLISHMENT.

"The Secretary of the Interior (referred to in this title as the 'Secretary') shall establish and carry out a program within the Department of the Interior to be known as Tribal Self-Governance (referred to in this title as 'Self-Governance') in accordance with this title.

##### "SEC. 402. SELECTION OF TRIBES.

"(a) CONTINUING PARTICIPATION.—Each tribe that is participating in the Tribal Self-Governance Demonstration Project at the Department of the Interior under title III on the date of enactment of this title shall thereafter participate in Self-Governance under this title and cease participation in

the Tribal Self-Governance Demonstration Project under title III with respect to the Department of the Interior.

"(b) ADDITIONAL TRIBES.—In addition to those tribes participating in Self-Governance under subsection (a), the Secretary, acting through the Director of the Office of Self-Governance, may select up to 20 new tribes per year, from the applicant pool described in subsection (c), to participate in Self-Governance.

"(c) APPLICANT POOL.—The qualified applicant pool for Self-Governance shall consist of each tribe that—

"(1) successfully completes the planning phase described in subsection (d);

"(2) has requested participation in Self-Governance; and

"(3) has demonstrated, for the previous 3 fiscal years, financial stability and financial management capability as evidenced by the tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

"(d) PLANNING PHASE.—Each tribe seeking to begin participation in Self-Governance shall complete a planning phase in accordance with this subsection. The tribe shall be eligible for a grant to plan and negotiate participation in Self-Governance. The planning phase shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation.

##### "SEC. 403. FUNDING AGREEMENTS.

"(a) AUTHORIZATION.—The Secretary shall negotiate and enter into an annual written funding agreement with the governing body of each participating tribal government.

"(b) CONTENTS.—Each funding agreement shall—

"(1) authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities administered by the Department of the Interior that are otherwise available to Indian tribes or Indians, including—

"(A) the Act of April 16, 1934 (popularly known as the 'Johnson-O'Malley Act') (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.); and

"(B) the Act of November 2, 1921 (popularly known as the 'Snyder Act') (42 Stat. 208, chapter 115; 25 U.S.C. 13);

"(2) subject to the terms of the agreement, authorize the tribe to redesign programs, services, functions, or activities, and to reallocate funds for such programs, services, functions, or activities;

"(3) prohibit the inclusion of funds provided—

"(A) pursuant to the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.);

"(B) for elementary and secondary schools under the formula developed pursuant to section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008); and

"(C) to the Flathead Agency Irrigation Division or the Flathead Agency Power Division, except that nothing in this section shall affect the contract authority of such divisions under section 102;

"(4) specify the services to be provided, the functions to be performed, and the responsibilities of the tribe and the Secretary pursuant to the agreement;

"(5) authorize the tribe and the Secretary to reallocate funds or modify budget allocations within any year, and specify the procedures to be used;

"(6) provide for retrocession of programs or portions of programs pursuant to section 105(e);

"(7) provide that, for the year for which, and to the extent to which, funding is provided to a tribe under this section, the tribe—

"(A) shall not be entitled to contract with the Secretary for such funds under section 102, except that such tribe shall be eligible for new programs on the same basis as other tribes; and

"(B) shall be responsible for the administration of programs, services, functions, and activities pursuant to agreements entered into under this section; and

"(8) prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, and other laws.

"(c) SUBMISSION FOR REVIEW.—Not later than 90 days before the proposed effective date of an agreement entered into under this section, the Secretary shall submit a copy of such agreement to—

"(1) each tribe that is served by the Agency that is serving the tribe that is a party to the funding agreement;

"(2) the Committee on Indian Affairs of the Senate; and

"(3) the Committee on Natural Resources of the House of Representatives.

"(d) PAYMENT.—

"(1) IN GENERAL.—At the request of the governing body of the tribe and under the terms of an agreement entered into under this section, the Secretary shall provide funding to the tribe to carry out the agreement.

"(2) AMOUNT.—Subject to paragraph (3) of this subsection and paragraphs (1) and (3) of subsection (b), the Secretary shall provide funds to the tribe for one or more programs, services, functions, or activities in an amount equal to the amount that the tribe would have been eligible to receive under contracts and grants under this Act, including direct program costs and indirect costs, and for any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the tribe and its members.

"(3) TRUST SERVICES.—Funds for trust services to individual Indians shall be available under an agreement entered into under this section only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the tribe.

"(e) CIVIL ACTIONS.—

"(1) DEFINITION OF 'CONTRACT'.—Except as provided in paragraph (2), for the purposes of section 110, the term 'contract' shall include agreements entered into under this title.

"(2) PROFESSIONAL CONTRACTS.—For the period that an agreement entered into under this title is in effect, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts by Indian tribal governments participating in Self-Governance under this title.

"(f) FACILITATION.—

"(1) INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret each Federal law and regulation in a manner that will facilitate—

"(A) the inclusion of programs, services, functions, and activities in the agreements entered into under this section; and

"(B) the implementation of agreements entered into under this section.

"(2) WAIVER.—

"(A) REQUEST.—A tribe may submit a written request for a waiver to the Secretary identifying the regulation sought to be waived and the basis for the request.

"(B) DECISION.—Not later than 60 days after receipt by the Secretary of a written request by a tribe to waive application of a Federal regulation for an agreement entered into under this section, the Secretary shall either approve or deny the requested waiver in writing to the tribe. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is [expressly] prohibited by Federal law.

"(C) APPEAL.—Not later than 60 days after denial of a waiver request, the Secretary shall, at the request of a tribe, provide the tribe with a hearing on the record and opportunity for an appeal.

"SEC. 404. BUDGET REQUEST.

"The Secretary shall identify, in the annual budget request of the President to the Congress, any funds proposed to be included in Self-Governance.

"SEC. 405. REPORTS.

"(a) REQUIREMENT.—Not later than January 1 of each year after the date of enactment of this title, the Secretary shall submit to Congress a report regarding the administration of this title.

"(b) CONTENTS.—The report shall—

"(1) identify the relative costs and benefits of Self-Governance;

"(2) identify, with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to Self-Governance tribes and their members, and the corresponding reductions in the Federal bureaucracy; and

"(3) include the separate views of the tribes.

"SEC. 406. EFFECT ON OTHER AGREEMENTS AND LAWS.

"Nothing in this title shall be construed to limit or reduce in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

"SEC. 407. NEGOTIATED RULEMAKING.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this title, at the request of a majority of the Indian tribes with agreements under this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section, shall have as its members only Federal and tribal government representatives, a majority of whom shall be representatives of Indian tribes with agreements under this title.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of Self-Governance and the government-to-government relationship between the United States and the Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title."

Mr. MCCAIN. Mr. President, on November 4, 1993, I introduced S. 1618, the

Tribal Self-Governance Act of 1993. I have been joined in this effort by Senators INOUE, MURKOWSKI, GORTON, SIMON, WELLSTONE, DURENBERGER, CAMPBELL, and REID.

S. 1618 would establish self-governance as a permanent policy within the Department of the Interior and would provide the opportunity for an annual increase in the number of self-governance tribes. In addition, the bill would provide authority for the Secretary of the Interior to promulgate regulations by adapting the general requirements of the Negotiated Rulemaking Act of 1990, as amended (Public Law 101-648).

Mr. President, since 1988 the Department of the Interior has conducted self-governance under demonstration authority. The goal of this demonstration project was to examine the benefits of allowing Indian tribal governments to assume more control over programs and services to their members which are now largely provided through the Bureau of Indian Affairs [BIA]. The project permits participating tribes to enter into compacts for self-governance and annual funding agreements with the Federal Government. Pursuant to these agreements, management authority over specific programs and services is transferred from the BIA to Indian tribal governments. In turn, each participating tribal government is allowed to redesign and operate those programs and services with minimal regulation and BIA involvement.

I have received numerous letters from self-governance tribes endorsing permanent self-governance legislation. These letters include examples of the many positive effects that tribes have experienced under self-governance, such as improvements in: education, economic development, law enforcement, tribal courts, forestry, public works, community services, cultural programs, and tribal government operations. In general, self-governance tribes testified before the Committee on Indian Affairs that:

They are able to more effectively design programs and services that meet the needs of tribal members;

Self-governance has made tribal governments more responsive to the concerns of tribal members; and

Self-governance has allowed them to be more independent of the Bureau of Indian Affairs.

Mr. President, for too long the Federal Government has dictated the policies and procedures that govern Federal Indian programs. Self-governance, on the other hand, returns the management and decisionmaking authority to the tribes and gives the tribes the flexibility to design and allocate funding in a manner that each tribe determines will best meet the needs of its citizenry.

There is no doubt in my mind that self-governance has been a success. One

of the ways that I measure the success of self-governance is to see how hard the Federal bureaucracy will fight to maintain the old ways. In this instance, and notwithstanding Secretary Babbitt's support of the self-governance demonstration project, the BIA continues to fight for the status quo.

I predict that over the next couple of months between the close of the first session of the 103d Congress and the beginning of the second session, the BIA will do everything in its power to sabotage the enactment of permanent self-governance legislation. Fortunately, self-governance has enjoyed longstanding, bipartisan congressional support. I am pleased to note that Congressman BILL RICHARDSON, chairman of the House Subcommittee on Native American Affairs, recently introduced H.R. 3508, the companion bill to S. 1618. As Congressman RICHARDSON succinctly state:

The Self-Governance Act was a proposal developed in Indian country by Indian tribes themselves. It is the right direction at the right time. The bill is nothing less than the future of Indian Affairs.

I look forward to working with Chairman RICHARDSON next year to promptly consider and pass permanent self-governance legislation.

Mr. President, I urge my colleagues to support the passage of S. 1618.

The PRESIDENT pro tempore. The question is on agreeing to the reported committee amendment.

The committee amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

There being no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### DESIGNATING THE DANIEL WEBSTER SENATE PAGE RESIDENCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 176, a resolution to designate the Daniel Webster Senate Page Residence, submitted earlier by the majority leader; that the resolution be agreed to, and the motion to reconsider laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Mr. BOND. No objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the resolution (S. Res. 176) was agreed to; as follows:

S. RES. 176

Resolved,

#### SECTION 1. DESIGNATION OF DANIEL WEBSTER SENATE PAGE RESIDENCE.

The Federal building located at 300 4th Street, Northeast, in the District of Columbia, shall be known and designated as the "Daniel Webster Senate Page Residence".

#### TECHNICAL CORRECTIONS ACT OF 1993

Mr. SASSER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1769) a bill to make a technical correction, and for other purposes.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Amendment: Strike out all after the enacting clause, and insert:

#### SECTION 1. CDBG TECHNICAL AMENDMENT.

Notwithstanding any other provision of law, the city of Slidell, Louisiana may submit, not later than 10 days after the enactment of this Act, and the Secretary of Housing and Urban Development shall consider and accept, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 in connection with a grant to the city of Slidell under title 1 of such Act for fiscal year 1994.

#### SEC. 2. INCREASE OF CDBG PUBLIC SERVICES CAP.

(a) IN GENERAL.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by striking "and" after the penultimate comma; and

(2) by inserting before the semicolon at the end the following: ", and except that of any amount of assistance under this title (including program income) in fiscal year 1994 to the City of Pittsburgh, Pennsylvania, such city may use not more than 20 percent in each such fiscal year for activities under this paragraph".

#### SEC. 3. CONVERSION PROJECTS.

(a) SECTION 23 CONVERSION.—

(1) AUTHORIZATION.—Notwithstanding contracts entered into pursuant to section 14(b)(2) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for conversion of Leonard Terrace Apartments in Grand Rapids, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(2) REPAYMENT REQUIRED.—The authorization made in paragraph (1) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Leonard Terrace Apartment project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

#### SEC. 4. EXCEPTION TO FIRE SAFETY REQUIREMENT FOR NEWLY CONSTRUCTED MULTIFAMILY PROPERTY.

In the case of any newly constructed multifamily property, as defined in section

31(c)(2)(A)(ii) of the Federal Fire Prevention and Control Act of 1974, in the city of New York in the State of New York, the requirement contained in section 31(c)(2)(A)(i) of the Federal Fire Prevention and Control Act of 1974 with respect to an automatic sprinkler system shall be deemed to be met if such property meets an equivalent level of safety (as defined in section 31(a)(3) of such Act).

Mr. SASSER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDENT pro tempore. The question is on agreeing to the motion to concur.

The motion was agreed to.

#### VIETNAM WOMEN'S MEMORIAL COIN ACT OF 1994

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 233, S. 469, a bill to require the minting of coins in commemoration of the Vietnam Women's Memorial.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 469) to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. Are there any amendments?

AMENDMENT NO. 1244

Mr. SASSER. Mr. President, on behalf of the distinguished Senator from Georgia [Mr. NUNN], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. NUNN, proposes an amendment numbered 1244.

Strike lines 7-10 and insert the following:

(c) PERIOD OF ISSUANCE.—The Secretary may issue coins minted under this title during the period beginning on May 1, 1994 and ending on May 1, 1995.

The PRESIDENT pro tempore. The question is on the agreeing to the amendment.

The amendment (No. 1244) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, on Tuesday, March 2, 1993, Senator MIKULSKI and I introduced S. 469, the Vietnam Women's Memorial Coin Act of 1994. I am pleased that this legislation has passed the Senate, and accordingly I would like to thank all my colleagues for supporting such a worthy cause.

Military women made many sacrifices on behalf of our country during the Vietnam war. It is the objective of the Vietnam Women's Memorial project [VWMP] to honor and recognize these women who volunteered to serve in the Armed Forces. Passage of the Vietnam Women's Memorial Coin Act provides an opportunity for every American to honor the tens of thousands of women who served during the Vietnam war era by establishing an endowment which would serve as a permanent source of support for the Vietnam Women's Memorial.

As many of you know, the memorial was dedicated in a moving ceremony held on Veterans' Day, November 11, 1993, at the site of the Vietnam Veterans' Memorial. It is the first memorial in the Nation's Capital to pay tribute to women's military service.

The passage of this legislation in the Senate, and ultimately in the House of Representatives, will provide the Vietnam Women's Memorial project with the financial wherewithal to ensure a living memorial. Even though the memorial to the women who served has been dedicated, the healing must continue.

Many deserve recognition in making this project a reality. One individual, however, is deserving of special praise, Diane Carlson Evans. Through her will and dedication, this memorial was made possible.

Also, I would like to recognize Ms. Gleena Goodacre. Ms. Goodacre, a sculptor from Santa Fe, NM, created the memorial. Her creative vision for this memorial capture the spirit of the woman who served in Vietnam.

I look forward now to the passage of S. 469 in the House of Representatives. I am confident that Congresswoman CONNIE MORELLA and Congresswoman BLANCH LAMBERT will be successful in their efforts.

The PRESIDENT pro tempore. Are there further amendments?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 469

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Women's Memorial Coin Act of 1994".

#### SEC. 2. COIN SPECIFICATIONS.

##### (a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 600,000 one-dollar coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the coins issued under this Act shall be emblematic of the Vietnam Women's Memorial sculpture. On each coin there shall be a designation of the

value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

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

#### SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

#### SEC. 4. SELECTION OF DESIGN.

The design for the coins authorized by this Act shall be selected by the Secretary after consultation with the Chair of the Vietnam Women's Memorial Project, Incorporated. As required by section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(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 Act.

(c) PERIOD OF ISSUANCE.—The Secretary may issue coins minted under this title during the period beginning on May 1, 1994 and ending on May 1, 1995.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins authorized under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (c) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(c) SURCHARGES.—All sales shall include a surcharge of \$10 per coin.

#### SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

#### SEC. 8. DISTRIBUTION OF SURCHARGES.

All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Vietnam Women's Memorial Project, Incorporated, to be used—

(1) to establish and maintain an endowment to be a permanent source of support for the Vietnam Women's Memorial;

(2) for education and research concerning veterans and their families; and

(3) for the identification and documentation of the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

#### SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Vietnam Women's Memorial Project, Incorporated, as may

be related to the expenditures of amounts paid under section 8.

#### SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

#### SEC. 11. FINANCIAL ASSURANCES.

It is the sense of the Congress that this coin program shall be self-sustaining, and should be administered to result in no net cost to the Numismatic Public Enterprise Fund.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. SASSER].

#### ORDER FOR STAR PRINT—REPORT 103-188 TO ACCOMPANY S. 1675

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate Report number 103-188, the Report to accompany S. 1675, the Government Streamlining and Reform Act, be star printed to reflect the changes I now send to the desk.

Mr. BOND. No objection.

The PRESIDENT pro tempore. Without objection, it is so ordered. The star print will be so printed.

#### COIN SALE TO RENOVATE THE MOUNT RUSHMORE MEMORIAL

Mr. SASSER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1783, a bill introduced earlier today by Senator DASCHLE, to allow proceeds from the sale of coins to renovate the Mt. Rushmore National Memorial, that the bill be read three times, passed, the motion to reconsider laid upon the table, and further that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Is there any objection to the several requests of the Senator from Tennessee?

Mr. BOND. No objection.

The PRESIDENT pro tempore. Hearing no objection, the requests are granted.

The bill (S. 1783) was deemed read the third time and passed as follows:

S. 1783

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

#### SECTION 1. USE OF PROCEEDS FROM MOUNT RUSHMORE COMMEMORATIVE COINS.

(a) DISTRIBUTION OF SURCHARGES.—Section 8 of the Mount Rushmore Commemorative Coin Act (104 Stat. 314; 31 U.S.C. 5112 note) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) the first \$18,750,000 shall be paid during fiscal year 1994 by the Secretary to the Society to assist the Society's efforts to improve,

enlarge, and renovate the Mount Rushmore National Memorial; and

"(2) the remainder shall be returned to the Federal Treasury for purposes of reducing the national debt."

(b) **RETROACTIVE EFFECT.**—If, prior to the enactment of this Act, any amount of surcharges have been received by the Secretary of the Treasury and paid into the United States Treasury pursuant to section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect prior to the enactment of this Act, that amount shall be paid out of the Treasury to the extent necessary to comply with section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect after the enactment of this Act. Amounts paid pursuant to the preceding sentence shall be out of funds not otherwise appropriated.

**MEASURES INDEFINITELY POSTPONED—CALENDAR NOS. 113, 114, 115, 117, 118, 119, 189, 190, 191 and 328.**

The **PRESIDENT** pro tempore. The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I ask unanimous consent that the following calendar items be indefinitely postponed:

Calendar Nos. 113, 114, 115, 117, 118, 119, 189, 190, 191 and 328.

Mr. BOND. No objection.

The **PRESIDENT** pro tempore. Is there objection to the indefinite postponement of the aforesaid items en bloc? The Chair hears no objection and the request is agreed to.

**CHANGE OF REFERENCE—S. 1735**

Mr. SASSER. Mr. President, I ask unanimous consent that S. 1735, the Privacy Protection Act of 1993, be discharged from the Judiciary Committee and referred to the committee of jurisdiction, the Governmental Affairs Committee.

The **PRESIDENT** pro tempore. Is there objection to the request of the Senator from Tennessee? Hearing no objection, the request is agreed to.

**ACTION ON TITLE AMENDMENT VITIATED—S. 1624**

The **PRESIDENT** pro tempore. The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I ask unanimous consent that Senate action on the title amendment to S. 1624 be vitiating.

The **PRESIDENT** pro tempore. Is there objection to the Senator's request? There being no objection, the request is granted.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The point of no quorum having been made, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

**TLINGIT AND HAIDA INDIAN TRIBES**

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1784, a bill to restore the Tlingit and Haida Indian tribes to the list of Indian entities recognized to receive services from the Bureau of Indian Affairs, introduced earlier today by Senators MURKOWSKI and STEVENS; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements relating to this measure appear in the **RECORD** at the appropriate place, as if read.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

So the bill (S. 1784) was deemed read the third time and passed, as follows:

S. 1784

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

**SECTION 1. RESTORATION.**

The Secretary of the Department of the Interior shall restore to the list, published in the Federal Register on October 21, 1993 pursuant to 25 C.F.R. Part 83, the tribe defined and recognized in the Act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Central Council of Tlingit and Haida Indian Tribes of Alaska technical correction bill of 1993.

On April 20, 1993, the Bureau of Indian Affairs published a new list of "Indian entities recognized and eligible to receive Services from the United States Bureau of Indian Affairs." The Central Council of Tlingit and Haida Indian Tribes of Alaska was not included on the new list.

Mr. President, the first list to include any tribal entities in Alaska was published in 1982. Subsequent lists have been printed by the U.S. Bureau of Indian Affairs in 1983, 1985, and 1986. The Central Council of Tlingit and Haida Indian Tribes of Alaska has been on every one of these lists.

The Bureau of Indian Affairs removed the Central Council of Tlingit and Haida Indian Tribes of Alaska from the list without congressional oversight. The Senate Committee on Indian Affairs held no hearings on this matter and the Bureau of Indian Affairs did not formally present any explanation for the removal of the Central Council of Tlingit and Haida Indian Tribes of Alaska from the list. This is a significant misuse of Federal department power.

To resolve this problem, on November 18, 1993, during the Senate Committee on Indian Affairs markup of S. 1654, I offered an amendment to restore

Central Council to BIA's list. My amendment was accepted by the committee without a single objection. Unfortunately, the Bureau of Indian Affairs has informed my office that the BIA will recommend the President veto S. 1654 if the bill includes the Central Council provision. For this reason, Senator INOUE and I agreed to strike the central council provision from S. 1654 and introduce a freestanding bill concerning the Central Council of Tlingit and Haida Indian Tribes of Alaska.

This bill is identical to the amendment that passed in committee by unanimous consent on November 18, 1993.

The bill does not do anything new. The bill makes a technical correction to BIA's list and should not be viewed as setting any precedent for Federal recognition of a tribe. My bill simply restores the status quo of October 20, 1993, by placing the Central Council of Tlingit and Haida Indian Tribes of Alaska back on the list and restores central council to the same position it was in before it was deleted from the republished list.

I urge my colleagues to support this legislation.

**TECHNICAL CORRECTIONS ACT OF 1993**

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 312, S. 1654, to make technical corrections to the various Indian laws.

The **PRESIDENT** pro tempore. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1654) to make certain technical corrections.

The **PRESIDENT** pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to insert the part printed in italic on page 5, line 5, through page 6, line 9.

So as to make the bill read:

S. 1654

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

**SECTION 1. NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1992.**

(a) **ENVIRONMENTAL COSTS.**—Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to

amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available."

(b) **AUTHORIZATIONS.**—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

## SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) **AMENDMENT.**—Section 3704(d) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Public Law 102-575) is amended by deleting "reimbursable" and inserting in lieu thereof "nonreimbursable".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be considered to have taken effect on October 30, 1992.

## SEC. 3. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

The part of the text contained under the heading "BUREAU OF INDIAN AFFAIRS", and the subheading "OPERATION OF INDIAN PROGRAMS", in title I of the Department of the Interior and Related Agencies Appropriations Act, 1994, which reads "Provided further, That any funds provided under this head or previously provided for tribally controlled community colleges which are distributed prior to July 1, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with title III of the Tribally Controlled Community Colleges Assistance Act." is amended by deleting "section 331 of the Higher Education Act" and inserting in lieu thereof "section 332(c)(2)(A) of the Higher Education Act of 1965".

## SEC. 4. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985.

Section 7 of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended by adding at the end thereof the following:

"(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

"(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

"(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determina-

tion is vested in the United States District Court for the District of Minnesota."

## SEC. 5. AMENDMENTS.

(a) **TECHNICAL AMENDMENT.**—Section 3508(d)(1) and section 3509(c)(1) of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act (title XXXV; Public Law 102-575; 106 Stat. 4731) are each amended by deleting "1 year" and inserting in lieu thereof in each such section "twenty-six months".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be considered as having taken effect October 30, 1992.

## SEC. 6. AMENDMENTS.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (102 Stat. 1594), is amended as follows:

(1) delete "9,811.32" and insert in lieu thereof "9,879.65"; and

(2) delete everything after "5 8 17 All 640.00" and insert in lieu thereof the following:

"6 8 1	SW1/4SW1/4, W1/2SE1/4SW1/4	53.78
"6 8 1	S1/2E1/2SE1/4SW1/4	9.00
"6 7 8	Tax lot 800	5.55
"TOTAL.....		9,879.65"

## SEC. 7. TLINGIT AND HAIDA INDIANS OF ALASKA.

The Secretary of the Department of the Interior shall restore to the list, published in the Federal Register on October 21, 1993, pursuant to part 83 of title 25 of the Code of Federal Regulations, the tribe defined and recognized in the Act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

### AMENDMENT NO. 1245

(Purpose: To make certain technical corrections)

Mr. SASSER. Mr. President, on behalf of the distinguished Senator from Hawaii [Mr. INOUE], I send to the desk an amendment and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. INOUE, proposes an amendment numbered 1245.

On p. 6, line 3, delete the following:

## SEC. 7. TLINGIT AND HAIDA INDIANS OF ALASKA.

The Secretary of the Department of the Interior shall restore to the list, published in the Federal Register on October 21, 1993, pursuant to part 83 of title 25 of the Code of Federal Regulations, the tribe defined and recognized in the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

So the amendment (No. 1245) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I would like to voice my support of S. 1654, making technical corrections to the Northern Cheyenne Indian Water Rights Settlement Act of 1992. These corrections are necessary to clarify the

portion regarding the environmental compliance and mitigation.

Due to a typographical error, the correction contained in S. 1654 clarifies that the funds may be spent on the environmental compliance. It is important to stress that the State of Montana remains firmly committed to paying for its share of the compact's implementation costs—totaling \$21.8 million. These costs will include mine flooding and agricultural dewatering mitigation which are a part of the construction costs.

It is important that this bill move forward in the legislative process. I would like to thank Chairman INOUE of the Indian Committee and ranking member MCCAIN for their work on behalf of this settlement.

I thank the Chair.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1654), as amended, was passed, as follows:

S. 1654

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

## SECTION 1. NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) **ENVIRONMENTAL COSTS.**—Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available."

(b) **AUTHORIZATIONS.**—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

## SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) **AMENDMENT.**—Section 3704(d) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Public Law 102-575) is

amended by deleting "reimbursable" and inserting in lieu thereof "nonreimbursable".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on October 30, 1992.

### SEC. 3. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

The part of the text contained under the heading "BUREAU OF INDIAN AFFAIRS", and the subheading "OPERATION OF INDIAN PROGRAMS", in title I of the Department of the Interior and Related Agencies Appropriations Act, 1994, which reads "Provided further, That any funds provided under this head or previously provided for tribally controlled community colleges which are distributed prior to July 1, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with title III of the Tribally Controlled Community Colleges Assistance Act." is amended by deleting "section 331 of the Higher Education Act" and inserting in lieu thereof "section 332(c)(2)(A) of the Higher Education Act of 1965".

### SEC. 4. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985.

Section 7 of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended by adding at the end thereof the following:

"(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

"(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

"(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota."

### SEC. 5. AMENDMENTS.

(a) TECHNICAL AMENDMENT.—Section 3508(d)(1) and section 3509(c)(1) of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act (title XXXV; Public Law 102-575; 106 Stat. 4731) are each amended by deleting "1 year" and inserting in lieu thereof in each such section "twenty-six months".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered as having taken effect October 30, 1992.

### SEC. 6. AMENDMENTS.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (102 Stat. 1594), is amended as follows:

(1) delete "9,811.32" and insert in lieu thereof "9,879.65"; and

(2) delete everything after "5 8 17 All 640.00" and insert in lieu thereof the following:

"6 8 1	SW1/4SW1/4,W1/2SE1/4SW1/4	53.78
"6 8 1	S1/2E1/2SE1/4SW1/4	9.00
"6 7 8	Tax lot 800	5.55
"TOTAL		9,879.65"

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to speak as in morning business for up to 10 minutes, or until such time as the leaders return.

The PRESIDENT pro tempore. Morning business has not been closed. The Senator is recognized for not to exceed 10 minutes.

### REFORMING HEALTH CARE

Mr. BOND. Mr. President, this year, we have seen a great deal of discussion and a good deal of information that has gone back and forth by Members of this body by concerned citizens about reforming health care. I believe there is a general recognition now that while we have the finest health care system in the world today, there are definitely reforms which must be made.

When a person is sick, if they live in another country, if they have a very serious illness, they usually want to come to the United States because we can do a better job of treatment with high technology and skilled professionals than any other country in the world.

At the same time, however, we see the problems in the health care system. We see spiraling costs, which make it impossible for some families to buy insurance.

We see the problems of people who are not covered by insurance. These people often do not get the care they need, and when they do get the care they need, it is usually at the very late stage of their illness when it is more difficult to care for them and it is often in an inappropriate setting.

Finally, we see too much waste in the system itself. There is waste from the paperwork blizzard; there is waste in overly restrictive antitrust regulations; there is waste from malpractice and litigation costs. In addition, we

know that people have lost their insurance when they have become sick because companies have chosen to lower their premiums by choosing to avoid insuring those who are sick, avoiding the risk rather than spreading the risk. This has meant that too many families across this country, and I know personally families in my State, who have found with a sudden illness, a severe illness in the family or the birth of a child with significant birth defects, their insurance has been cut off and the family has been put in severe financial straits, if not bankruptcy, as a result of the loss of insurance.

I think also, Mr. President, there is widespread agreement that we have to deal with those problems. I have been encouraged that we have begun a dialog in this body and in Washington and in communities throughout this country on what needs to be done in health care reform.

I intend personally to participate in a number of the summits and a number of the discussions out across the country in the next few months. I know my colleagues will as well. I think we ought to consider the fact that this is a sufficiently important decision that every American should take the time to consider what health care reform will mean, what it may mean to their families, to themselves, and to the country as a whole.

The President, with the very able leadership of the First Lady, has brought forth a major piece of health care reform legislation. In the House, there have been several pieces of legislation that have been introduced, one by Representatives COOPER and GRANDY, that has gained a good deal of attention.

In this body, just the other day, Senator CHAFFEE introduced on behalf of the Republican cosponsors the HEART proposal. I am cosponsor of that. There have been other measures introduced by Senators BREAU and DURENBERGER, by Senator GRAMM, by Senator NICKLES, and others. I think we have the general idea of the framework in which health care reform is going to be discussed. It is my view that we ought to approach this question by saying, first, let us do no harm. If there are areas where the system is not broken, let us not break it. Do not try to fix something that is not broken.

There is agreement on the areas that we should fix. We need to have electronic data information, electronic filing. The President calls it the health security card. I think that can save billions of dollars. We should move forward on that.

With the Senator from Michigan, Senator RIEGLE, I have introduced a measure which will establish the standards, the groundwork, and the privacy and confidentiality standards needed for electronic filing of health care claims, the processing and the paying

of them. Ultimately, it will give us better information on illnesses, sicknesses, and the treatment and what works best. It can also help us in the competitive marketplace by seeing who charges too much, where there are people who are doing the treatments, providing the care more efficiently and effectively. That is one part of it. That needs to go forward.

We also believe that competition can do a job of bringing down health care costs. Just 2 days ago I received a statement from a company headed by an acquaintance of mine in Springfield, MO, whose job it is to handle health care claims for small- and medium-sized employers in the area. He has found that by using the purchasing power, getting information from the health care providers, he can hold health care costs down. This is a small company, but it is providing a vitally important role in the competitive market system by pointing out which providers charge too much and getting other providers to bring their costs down. I believe that competition can work. I believe there are examples in other areas where large corporations have purchased health insurance effectively. We know California, North Carolina, and other States are moving forward.

I believe, however, that one of the elements in the President's plan, that of requiring you purchase your health insurance through a monopolies alliance would work against these competitive efforts to see that the purchasers of insurance get the best deal. If we have only one health alliance in the area, and there are penalties imposed on you if you do not go through it, then you can expect the kind of service that you get from a monopoly. It would be like going to the State store in a Communist country; they will take care of you if and when they want to. In our competitive system, voluntary groups working together to provide the best deal for those purchasing health care can make a difference, and I believe we should give it a try.

In addition, I know that many of my colleagues in this body are concerned about the proposal to require employers to provide health care. Most employers I know today who can afford to provide health care do it because it is a very important and valuable tool for recruiting employees. For those who cannot, to tell them that they must provide health care, threatens to cut back on jobs. People are going to hire fewer workers if they have to pay health care insurance. Some small businesses suggest they might go out of business. Economists will disagree whether it could cost 600,000 or 3 million employees. But any number is too many.

I believe that even the system of subsidies, which is a very complicated one and a very expensive one, does not

solve the problem. That is why we have been working on a bipartisan basis in a mainstream coalition with Members of both sides of the aisle in this body and both sides of the aisle in the other body to assure that we reform the health insurance market, to assure that we reform the malpractice market, to make sure we have electronic data information, to utilize competition and to make health care readily accessible to all. The way the Chafee-Dole-Bond bill does it, the HEART bill, is to provide tax fairness, allowing everybody who pays health insurance premiums up to the standard amount, which roughly would be \$4,200 a year, would get to deduct it. For insurance premiums above that, they would not be deductible. That would pay for making everybody equal, giving them an even playing field in terms of deductibility. For the poor who are not on Medicare or Medicaid or other Government programs or Indian health care programs or native American health care programs, we would make vouchers, vouchers equal to 100 percent of the standard benefit plan, that \$4,200 of which I spoke. We would make that available to the individuals who are below the poverty level or at it and enable them to purchase through voluntary cooperatives or choose their own health care providers.

As we develop savings by changes not by ratcheting down the reimbursement for Medicare but substantive changes like bringing in managed care for Medicaid, means testing part B entitlements for Medicare, as we phase those in and only as we phase those in, under the HEART plan we would increase partial vouchers on a declining scale to people 240 percent of poverty. At that time everybody would be required to have health insurance, and there would be a tax penalty if you were above the poverty line and did not have that insurance. That would end the problem of cost shifting, which is a serious problem. Unfortunately, cost shifting is also in part caused by the Federal Government which has ratcheted down reimbursements for Medicare and Medicaid. We need to get rid of the practice of trying to squeeze more money out of providers if we are forcing those costs on to the private pay sector.

But probably the most important thing we need to do in health care is to avoid starting a major new entitlement program that will run out of control.

I note with concern that there are at least four major entitlement programs in the President's health care plan. We all know that the growth in entitlements, mandated spending programs, threaten to drive this country into a fiscal crisis where our budget is totally out of control if we do not deal with it. We need to deal with the entitlement programs like Medicare and Medicaid. But unfortunately, there is a danger as we consider health care that we might replace these rapidly growing entitle-

ments or build on them by adding entitlements for early retirees, for prescription drugs, and for other areas for which we cannot pay.

I am concerned so that I would urge my colleagues, and those who are interested, to look at the statements of independent economists, economists who have taken a look at these financing plans. Many have called them extremely expensive. Some have suggested the cost of some of these entitlements could run anywhere from \$70 to \$100 to \$300 billion a year. That amount would either be added to the deficit which would further push our country toward hyperinflation, degrade our currency or it would require significant percentage increases in the income tax to avoid it.

I believe that we must reform health care. I trust that we can work together on a bipartisan basis in this body next year to come to solid agreements on what we can do to fix that which is wrong. But I hope that we will not make mistakes that break down the system that we have today, or that throw people out of work unnecessarily, or that drive costs through the roof and put our Federal budget further out of control.

Mr. President, 1994 should be a challenging and exciting year, and I look forward to working with my colleagues on the health care reform as we proceed in that year.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as though in morning business for 3 or 4 minutes.

The PRESIDENT pro tempore. The Senate is in morning business and the Senator from Minnesota is recognized and may proceed for 10 minutes.

#### THE FEAST OF THANKSGIVING

Mr. DURENBERGER. Mr. President, I appreciate that. I appreciate being here today. I appreciate seeing the President pro tempore in the chair—it's a very pleasant way to end the year 1993.

I am leaving to celebrate the feast of Thanksgiving with my parents. I also celebrate the fact that just this week I discovered that I am going to be a grandfather for the first time. I am feeling very, very grateful in what has been a rather amazing year for me as a person. For a lot of the rest of us, I feel very grateful for the gift of life.

## MARSHALL HOUTS

Mr. DURENBERGER. Mr. President, I came here today because today is a very sad day for me. I have just learned of the death of a very, very dear friend, Marshall Houts, who lived in Dana Point, CA, right near the fire. In fact, he used to have a home just a year or so ago with his wonderful wife, Mary, at Emerald Beach in Laguna Beach.

But I rise to say goodbye, to him here in the Senate, because I have the privilege of this floor, and the privilege of this service. But, I would have traded all of this for the privilege of being Mary Houts and being married to this wonderful Marshall Houts for all the years she was.

Marshall was born an itinerant preacher's son in Tennessee many years ago. Because his parents worked hard to educate their children, he was able to go to the University of Minnesota, and get a good education. He decided that the law was the forum in which he could carry on the same kind of crusade that his father had carried on as a preacher—packing his talents in his saddlebags, and going from town to town bringing the word of the Lord and the benefits of his education to people. Marshall chose to do that in the law, and met his wife, Mary—a young lady from Pipestone, MN—at the University of Minnesota. They married, and he went to Pipestone to practice law, it's a very small town and he enjoyed it a great deal. But the Second World War came along almost immediately. He went into the FBI. He spent his period of time in the FBI in various theaters of operation, and ended up in Burma where he contracted malaria, and came back with the aftereffects of that malaria.

But he also came back with this talent to use the law for the benefit of other people. He also had a talent for writing and for communicating.

He became a special municipal judge in Pipestone, and taught law at UCLA, the University of Michigan, Pepperdine University, and University of California—Irvine.

One of the key chances that came along in his life was to work with the late, great Erle Stanley Gardner. For those who are old enough in this Chamber, and I may be the only one—perhaps the President pro tempore also remembers the beginning of television and the near-miraculous opportunity TV gave us to see and do things that we could not do otherwise—Erle Stanley Gardner brought us his truly classic version of the "whodunit." But he also spread the opportunity to have cases resolved to a lot of people dealing with very difficult cases.

Marshall Houts was a principal researcher, for Gardner's "Court of Last Resort"—the man behind the legend. That's where he picked up his interest in medical pathology. He has written 35 books and 150 articles on medical-legal

pathology, and at the time of his death was probably the preeminent expert in this country on medical-legal issues.

Among his notable works are "Lawyers Guide to Medical Proof," "Courtroom Medicine," "Courtroom Toxicology" (6 vols.), "Providing Medical Diagnosis and Prognosis" (12 vols.), "The Art of Advocacy: Cross-examination of Medical Witnesses," and "How They Judged Him: The Legal Trials of Jesus." He also co-wrote former Minnesota Governor Harold Stassen's "Eisenhower: Turning the World Toward Peace."

In the latter part of his life, he and Mary raised 7 children. They were extremely happy with those children. The children bore them grandchildren, and they became friends to all of the rest of us. And in some of my times of trial I personally have had over the last 4 years, he is probably my best friend. He would react to what we saw on TV and read in the papers, and he would send me these extremely sincere and helpful message slips.

He was never happy with my lawyers. He always thought my lawyers were not giving me my money's worth. He would send me critiques once he got a FAX machine.

His son told me that over the weekend as he was dying of leukemia—which for some period of time he thought might have been related to his malaria—at one point when he was delirious he said, "Don't let them do that to Dave. Don't let them do that to Dave. Let David reduce his bill. Let Dave do his thing." He was committed to what he knew I knew about health care reform and how involved I was in it, and somehow he saw some of the trials in my life as an impediment to getting that done.

I appreciate that being among his last lucid or other thoughts, because it was so typical of Marshall Houts and everything that he did in his life. He lived for other people. He reached as many people as he possibly could and in as many ways as he possibly could.

It came as a shock to me and to his many other friends in Minnesota and around this Nation that the Lord chose to take him now and to take him so quickly.

We miss him deeply. We share with his wife, Mary, and with all of his children, with his many friends that loss as our way of guaranteeing that we will remember in our lives what Marshall Houts taught us.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, we are now prepared to conclude business in the Senate for today and but for a formal act on Friday for the year.

Much has been said about what we have done, but I want to say before leaving that I genuinely appreciate the cooperation and patience of all Senators with the difficult demands which the legislative schedule has imposed

this year. I hope all Senators will enjoy the Thanksgiving holiday with their families and then return in January refreshed and ready to proceed with what I know will be an important agenda of business, including health care reform and other measures.

Finally, I want to say that, as always, it has been a great personal pleasure for me to have worked with my friend, the distinguished Republican leader, Senator DOLE. As he said a short time ago on the Senate floor, we often disagree, but never once has it been personally disagreeable. As the distinguished Presiding Officer knows himself, having been a leader for much longer than either Senator DOLE or I, it is imperative that there be a relationship of trust between the leaders. Otherwise, the Senate could not function, or could function only with much greater difficulty than is the case.

So I thank the Republican leader for his courtesy, his cooperation, and the fact that where we have disagreed—and that has been often, there is no masking that fact—it has been on principle and issues, and never in a way to undermine or break the relationship of trust which is so essential for leaders in this institution.

Mr. DOLE. Mr. President, let me thank the Presiding Officer for all his help and encouragement over the years, particularly this year. It has been a difficult year, particularly with some of the issues coming from the Appropriations Committee, and also for the many statements he has made on the floor, and for his continued concern about the Senate as an institution.

I want to repeat what I said earlier. I think the leaders must get along. Otherwise, nothing would happen, and as we mentioned gridlock, you have deadlock, or something worse.

So I have enjoyed, and always have, working with the leaders on the other side of the aisle, with the distinguished President pro tempore, and now with Senator MITCHELL. We have to trust each other. We have to have private meetings where it does not go outside of the room, because otherwise the work of the Senate would not be completed. We have had disagreements. That is the nature of this place, and we have different views on different issues, and different philosophies in some cases when it comes to parties. But I believe we have moved fairly well this year. Maybe it was a rocky start, but I think we have moved fairly well.

I put in the RECORD the other day how many nominations have been cleared and how many bills passed. It is a good record. We have worked hard at it. The Senate has worked hard. In addition to thanking the majority leader, I thank all of my colleagues on both sides of the aisle for their patience, and I apologize for their frustrations from time to time with the leadership, on both sides, I assume.

JIM WHITTINGHILL

Mr. DOLE. Mr. President, in the remarks I made earlier regarding those who were helpful on the Brady bill, I omitted the name of Jim Whittinghill. I want the RECORD to reflect recognition of his outstanding efforts to bring this matter to a conclusion.

Mr. MITCHELL. Mr. President, one concluding remark—10 months ago, when we began this session, the Presiding Officer was in the chair. It is fitting and appropriate that the distinguished President pro tempore of the Senate, chairman of the Senate Appropriations Committee, former minority leader, former majority leader, and clearly the person most knowledgeable about and most identified with the U.S. Senate be in the chair as we conclude this session.

I know the distinguished chairman will not mind my encouraging Senators to include in their reading plan for the recess period the truly remarkable series of 14 statements which the President pro tempore delivered on the floor of the Senate through the course of the year on the origins of a large part of what we know as democracy and the roots of the concept of separation of powers.

I have read each of the 14 twice, and I marvel at the knowledge and wisdom which went into those statements. In fact, I think it is the kind of thing every American should read to give us some understanding and appreciation of what we have in this country. We are the most fortunate people ever to have lived to be American citizens of the most free, open, and just society in all of human history; and all Americans would do well to gain a better appreciation of that by reading the series of lectures by the distinguished President pro tempore.

I will say, finally, we do work very hard and we did get a lot done. I know I speak not only for the distinguished Republican leader and the President pro tempore, but for every single Member of this Senate in saying there can be no greater honor in a representative democracy than serving in this institution. It is the highest honor and the privilege of my life, and I believe every Senator feels that and believes that. Our obligation now is to follow on the efforts of this first session with the second session, which will justify our heritage and our obligation.

ORDERS FOR NOVEMBER 26, 1993

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until Friday, November 26, at 1 p.m., unless the Senate has, by that time, been notified that the House has concurred in the Senate amendment to House concurrent resolution 190 and has adjourned sine die, in which case the Senate is considered

adjourned sine die until January 25, 1994, as under the previous order.

The PRESIDENT pro tempore. Is there objection?

Hearing no objection, the request is agreed to.

ADJOURNMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand adjourned as under the previous order.

There being no objection, The Senate, at 3:07 p.m., adjourned until Friday, November 26, 1993, at 1 p.m.

ADJOURNMENT SINE DIE

Under the previous order, and in accordance with the provisions of House Concurrent Resolution 190, the Senate adjourned sine die.

Thereupon, at 3:07 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate November 24, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

THOMAS A. DINE, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CAROL C. ADELMAN, RESIGNED.

DEPARTMENT OF DEFENSE

ROBERT M. WALKER, OF WEST VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE SUSAN MORRISSEY LIVINGSTON, RESIGNED.

APPALACHIAN REGIONAL COMMISSION

JESSE L. WHITE, JR., OF NORTH CAROLINA, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE JACQUELINE L. PHILLIPS, RESIGNED.

FEDERAL DEPOSIT INSURANCE CORPORATION

ANDREW C. HOVE, JR., OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF 6 YEARS. (REAPPOINTMENT)

ANDREW C. HOVE, JR., OF NEBRASKA, TO BE VICE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

ANNE L. HALL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF 6 YEARS, VICE C.C. HOPE, JR.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 5371 AND 5384:

To be brigadier general

COL. HARRY I. WADDLER, xxx-xx-x.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR ASSIGNMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RICHARD C. ALLEN, U.S. NAVY, xxx-xx-x.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

To be major

ABRAMS, LAWRENCE J. xxx-xx-x.
\*ACE, GARY W. xxx-xx-x.
ADAMS, DAN L., JR. xxx-xx-x.
ADAMS, DAREN L. xxx-xx-x.

\*ADAMS, EMORY Y. xxx-xx-x.
ADENDORFF, ADRIAN xxx-xx-x.
AHN, SOONG B. xxx-xx-x.
\*AHRENS, PATRICK J. xxx-xx-x.
ALBERTO, DONNA A. xxx-xx-x.
ALBERTO, RONALD P. xxx-xx-x.
ALEXANDER, JOHN S., JR. xxx-xx-x.
\*ALLEN, GERALD B. xxx-xx-x.
ALLEN, WILLIAM T. xxx-xx-x.
ALLEN, CHRISTOPHER xxx-xx-x.
\*ALSTON, WILFORD A. xxx-xx-x.
\*ALTAVILLA, PETER A. xxx-xx-x.
\*ALTMAN, MARY A. xxx-xx-x.
ALVAREZ, JULIO L. xxx-xx-x.
ANDERSON, DAVID F. xxx-xx-x.
\*ANDERSON, ELLIJAH xxx-xx-x.
\*ANDERSON, GLENN A. xxx-xx-x.
ANDERSON, KEITH A. xxx-xx-x.
\*ANEST, PERI A. xxx-xx-x.
ANGEVINE, JOHN E. xxx-xx-x.
ANZALONE, JOHN E. xxx-xx-x.
ARINELLO, MICHAEL J. xxx-xx-x.
ARP, JAMES W. xxx-xx-x.
ARREDONDO, STEFAN xxx-xx-x.
ASHLEY, ROBERT P., JR. xxx-xx-x.
ATCHER, DAVID A. xxx-xx-x.
\*ATCHISON, KNOWLES Y. xxx-xx-x.
ATKINS, DENNIS W. xxx-xx-x.
\*AVERNA, RICHARD B. xxx-xx-x.
AVERY, KENNETH R. xxx-xx-x.
AVERY, MICHAEL D. xxx-xx-x.
AYERS, CARL G. xxx-xx-x.
AYERS, MARK H. xxx-xx-x.
AZEMAR, JACQUES A. xxx-xx-x.
\*BACHMAN, JEFFREY J. xxx-xx-x.
BAHR, ROBERT B. xxx-xx-x.
BAGGIO, DANIEL L. xxx-xx-x.
BAGLEY, HUBERT E. xxx-xx-x.
\*BAILEY, JEFFREY J. xxx-xx-x.
\*BAILLERGEON, FREDERIC xxx-xx-x.
BAKER, ANITA L. xxx-xx-x.
BAKER, DAVID P. xxx-xx-x.
BAKER, DAVID R. xxx-xx-x.
BAKER, JEFFREY xxx-xx-x.
BAKER, MARY A. xxx-xx-x.
\*BAKER, SHARON H. xxx-xx-x.
\*BALL, JIMMY F. xxx-xx-x.
BALLEW, ROBERT S. xxx-xx-x.
BANNISTER, JEFFREY xxx-xx-x.
\*BARGER, STEPHEN E. xxx-xx-x.
BARLOW, SUSAN M. xxx-xx-x.
BARONE, LAUREN M. xxx-xx-x.
\*BARRETO, CONFESOR xxx-xx-x.
BARRINEAU, JAMES E. xxx-xx-x.
BARSZCZ, KEVIN xxx-xx-x.
BARTEK, THOMAS J. xxx-xx-x.
\*BARTLETT, KENNETH C. xxx-xx-x.
BARTLEY, NELSON G. xxx-xx-x.
\*BASHAM, CHARLES S. xxx-xx-x.
BASHAM, TERRY D. xxx-xx-x.
BASS, JAMES D. xxx-xx-x.
BASS, JOSEPH D. xxx-xx-x.
BATTAGLIA, PHILIP F. xxx-xx-x.
BATULE, KEVIN M. xxx-xx-x.
BAUGHMAN, CHRISTOPH xxx-xx-x.
\*BAUTISTA, KENNETH F. xxx-xx-x.
\*BAVIS, JOHN M. xxx-xx-x.
BAKTER, ROBERT M. xxx-xx-x.
BAYER, PETER C. xxx-xx-x.
BAYER, STEPHEN H. xxx-xx-x.
\*BEACHLER, KEITH W. xxx-xx-x.
BEARDEN, DAVID B. xxx-xx-x.
\*BEATTIE, TAYLOR xxx-xx-x.
BEATTY, DOUGLAS H. xxx-xx-x.
BEAUSOLEIL, SUSAN xxx-xx-x.
BEAVER, PHILIP F. xxx-xx-x.
\*BECK, MARLON K. xxx-xx-x.
BECKMAN, STEVEN xxx-xx-x.
BECKMANN, JAMES P. xxx-xx-x.
BEDELL, CYNTHIA M. xxx-xx-x.
BEECH, MICHAEL F. xxx-xx-x.
BEINKEMPER, JAMES xxx-xx-x.
BEISEL, LARRY D. xxx-xx-x.
BELCHER, ERIC R. xxx-xx-x.
\*BELL, JAMES A. xxx-xx-x.
\*BELL, JOSEPH M. xxx-xx-x.
BELL, MICHAEL S. xxx-xx-x.
\*BELL, RICKEY W. xxx-xx-x.
\*BELL, ROBERT E. xxx-xx-x.
\*BELLAMY, BARBARA R. xxx-xx-x.
BENNETT, HENRY W. xxx-xx-x.
BERGLUND, RICHARD A. xxx-xx-x.
BERMINGHAM, SEAN xxx-xx-x.
\*BEST, ROBERT F. xxx-xx-x.
\*BEURSKENS, KEITH E. xxx-xx-x.
BLACAN, DAVID L. xxx-xx-x.
BLANCHI, JOHN E. xxx-xx-x.
BIEGA, MICHAEL J. xxx-xx-x.
\*BIEVER, LUIGI E. xxx-xx-x.
BILLS, MICHAEL A. xxx-xx-x.
BINGHAM, RAYMOND L. xxx-xx-x.
\*BIRD, CRAIG H. xxx-xx-x.
BISHOP, DAVID J. xxx-xx-x.
\*BITHER, DAVID E. xxx-xx-x.
BITHER, WILLIAM F. xxx-xx-x.
BLABER, PETER E. xxx-xx-x.
BLACK, JOHN R. xxx-xx-x.
BLACKBURN, DAVID M. xxx-xx-x.
BLAKE, GEOFFREY N. xxx-xx-x.
\*BLACK, WILLIAM R. xxx-xx-x.
\*BLAND, DAN xxx-xx-x.
BLAND, WILLIAM S. xxx-xx-x.



FOGARTY, STEPHEN G. xxx-xx-x.
\*FOLK, WILLIAM D. xxx-xx-x.
\*FORMAN, DAVID A. xxx-xx-x.
\*FORMAN, MARK R. xxx-xx-x.
\*FORTSON, GREGORY L. xxx-xx-x.
FOSTER, ERIC L. xxx-xx-x.
\*FOSTER, THOMAS J. xxx-xx-x.
\*FOTOPOULOS, VASILIOS xxx-xx-x.
FOWLES, DAVID C. xxx-xx-x.
FOX, ROY W. xxx-xx-x.
\*FRALEN, TIMOTHY J. xxx-xx-x.
FRAME, JOHN E. xxx-xx-x.
FRANKS, ELDON E. xxx-xx-x.
FRANZ, GEORGE J. xxx-xx-x.
\*FRAZIER, HERMAN L. xxx-xx-x.
\*FRAZIER, JOSEPH J. xxx-xx-x.
\*FRAZIER, RUDOLPH xxx-xx-x.
\*PREAR, DEBORAH L. xxx-xx-x.
PREAR, KEVIN W. xxx-xx-x.
\*FREDRICKSON, CRAIG xxx-xx-x.
FREEDMAN, DAVID H. xxx-xx-x.
FREEMAN, DAVID W. xxx-xx-x.
\*FRENCH, MICHAEL R. xxx-xx-x.
FUCELLA, JOSEPH E. xxx-xx-x.
FULLER, ANTHONY S. xxx-xx-x.
FUNK, PAUL E. I. xxx-xx-x.
\*GABBERT, DENNIS J. xxx-xx-x.
\*GADDIS, LEONARD J. xxx-xx-x.
\*GALING, GREGORY A. xxx-xx-x.
\*GALLOWAY, GERALD B. xxx-xx-x.
\*GALVIN, JAMES J. xxx-xx-x.
\*GAMBLE, ALONZO III xxx-xx-x.
GANT, DEAN A. xxx-xx-x.
\*GANTT, KENNETH L. xxx-xx-x.
\*GARCIA, NESTOR xxx-xx-x.
\*GARDNER, GREGORY J. xxx-xx-x.
GARNER, WILLIAM E. xxx-xx-x.
GARRETT, MICHAEL M. xxx-xx-x.
\*GASLIN, ROBIN L. xxx-xx-x.
GATES, ROBERT E. xxx-xx-x.
GAUMER, DAVID R. xxx-xx-x.
GAY, STEVEN W. xxx-xx-x.
GEARHART, SCOTT W. xxx-xx-x.
GECZY, GEORGE, II. xxx-xx-x.
\*GEORGI, DANIEL M. xxx-xx-x.
GERTON, TERESA W. xxx-xx-x.
\*GETTIG, RODNEY W. xxx-xx-x.
GIBBARD, ROBERT O. xxx-xx-x.
GIBBINGS, THOMAS L. xxx-xx-x.
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