H.R. 1620: Mr. HOBSON.
H.R. 1763: Ms. LAMBERT.
H.R. 1840: Mr. BEREUTER.
H.R. 1857: Mr. DOOLITTLE.
H.R. 1858: Mr. ZIMMER.
H.R. 1897: Mr. HOCHBRUECKNER.
H.R. 1921: Mr. ZELIFF.
H.R. 2012: Mr. CRAMER, Mr. GEJDENSON, Mr. BACCHUS of Florida, Mr. GIBBONS, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. GUTIERREZ, Mr. ROSTENKOWSKI, Mr. CLAY, Mr. ENGEL, Mrs. MALONEY, Mr. OWENS, Mr. KOPETSKI, Mr. REED, Mr. EDWARDS of Texas, and Mr. MYERS of Indiana.
H.R. 2043: Ms. MARGOLIES-MEZVINSKY.
H.R. 2119: Mr. STARK.
H.R. 2135: Mr. INHOFE.
H.R. 2227: Ms. LAMBERT.
H.R. 2241: Mr. GEJDENSON.
H.R. 2292: Mr. BROWN of California.
H.R. 2418: Mr. HANSEN.
H.R. 2438: Ms. LAMBERT.
H.R. 2591: Ms. VELÁZQUEZ.
H.R. 2599: Mr. UNDERWOOD, Mr. KLUG, and Mr. ACKERMAN.
H.R. 2641: Mr. CLYBURN, Mr. KILDEE, Mr. CHAPMAN, and Mr. ENGEL.
H.R. 2788: Mrs. MINK.
H.R. 2803: Mr. FLAKE.
H.R. 2873: Mr. BACHUS of Alabama, Mr. STENHOLM, Mrs. MEEK, Mr. DERRICK, Mr. MINGE, Mr. TANNER, Ms. DUNN, Mr. CALVERT, Mr. VOLKMER, Ms. ROS-LEHTINEN, and Mr. TORRICELLI.
H.R. 2913: Mr. MICA, Mr. KINGSTON, Mr. STUMP, Mr. PORTER, Mr. YOUNG of Alaska, and Mr. CASTLE.
H.R. 2971: Mr. ENGEL.
H.R. 3024: Mr. EVERETT.
H.R. 3030: Mr. DELAY.
H.R. 3097: Mrs. SCHROEDER and Mr. LIPINSKI.
H.R. 3183: Mr. BATEMAN.
H.R. 3227: Mr. CARDIN, Mr. SCHUMER, Mr. GEKAS, Mr. MONTGOMERY, Mr. UNDERWOOD, Mr. TOWNS, Mr. EMERSON, Mr. PARKER, Mr. BARCIA of Michigan, Mr. HOBSON, Mr. ROMERO-BARCELO, Mr. LEWIS of Florida, Mrs. MEYERS of Kansas, Mr. ENGEL, Mr. PORTMAN, and Ms. PRYCE of Ohio.
H.R. 3228: Mr. GUTIERREZ and Mr. GENE GREEN of Texas.
H.R. 3271: Mr. SHAYS.
H.R. 3272: Mr. HUGHES and Mr. CANADY.
H.R. 3322: Mr. SCOTT, Mr. ACKERMAN, Mr. DIXON, Mr. PAYNE of New Jersey, Mr. FIELDS of Louisiana, and Mr. OBERSTAR.
H.R. 3342: Mr. BARCA of Wisconsin, Mr. CONYERS, Mr. CRAMER, Mr. GLICKMAN, Mr. APPLEGATE, Mr. MURTHA, and Mr. TORRES.
H.R. 3359: Mr. CRANE.
H.R. 3370: Ms. MCKINNEY.
H.R. 3389: Mr. ROMERO-BARCELO.
H.R. 3397: Mr. TRAFICANT, Mr. SCOTT, Mr. FILNER Mr. GALLEGLY, Mr. MURTHA, Mr. FROST, and Mr. BAESLER.
H.R. 3408: Mr. MCCRERY.
H.R. 3520: Mr. BEILENSON.
H.J. Res. 90: Mr. LIGHTFOOT, Mrs. BENTLEY, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, Mr. GILCHREST, Mr. GILMAN, Mr. HUNTER, Mr. BLUTE, Mr. MANN, Mr. SKEEN, Mr. GRAMS, Mr. TAYLOR of North Carolina, Ms. DUNN, Mr. BORSKI, Mr. BREWSTER, Mr. CLEMENT, and Mr. CLINGER.
H.J. Res. 131: Mr. SERRANO, Mr. TALENT, Mr. BERMAN, Mr. INHOFE, Ms. MARGOLIES-MEZVINSKY, Mr. WATT, and Mr. CHAPMAN.
H.J. Res. 139: Mr. FRANKS of New Jersey, Mr. CAMP, Mr. NADLER, Mr. PETE GEREN of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHAPMAN, Ms. KAPTUR, Mr. DELLUMS, Mr. HYDE, Mr. STUPAK, Mr. BALLENGER, Mr. BILBRAY, Ms. BYRNE, Mr. MILLER of California, Mr. BARRETT of Nebraska, Mrs. BENTLEY, Mr. WHITTEN, Mr. HOYER, Mr. GEJDENSON, Mr. BERMAN, Mr. RIDGE, Mr. BARLOW, Mr. PASTOR, Mr. REGULA, Ms. ROYBAL-ALLARD, Mr. MORAN, and Mr. DURBIN.
H.J. Res. 159: Mr. STUDDS, Ms. SCHENK, Mr. STUMP, Mr. SLATTERY, Mr. GILLMOR, Mr. BAKER of California, and Mr. JOHNSTON of Florida.
H.J. Res. 165: Mr. GOODLING.
H.J. Res. 237: Mr. KASICH and Mr. HUNTER.
H.J. Res. 246: Mr. BEVILL, Mr. DEUTSCH, Mr. HALL of Ohio, Mr. HOYER, Mr. MINETA, Mr. PARKER, Mr. PETERSON of Florida, Mr. ROYCE, Mr. SWETT, Mr. TUCKER, Mr. WYNN, Mr. BACCHUS of Florida, Mr. CALVERT, Mr. CASTLE, Mr. CLINGER, Mr. CLYBURN, Mr. FORD of Tennessee, Mr. KASICH, Mr. SLATTERY, Mr. WYDEN, and Mr. YATES.
H.J. Res. 247: Mr. FARR, Mr. FORD of Michigan, Mr. FIELDS of Texas, Mr. ENGEL, Mr. STEARNS, Mr. VOLKMER, Mr. POMEROY, Mr. DINGELL, Mr. HALL of Texas, Mr. MCHUGH, Mr. EDWARDS of Texas, Mr. KING, and Ms. MOLINARI.
H.J. Res. 272: Mr. PORTER, Mr. ORTON, Mr. MANTON, Mr. KILDEE, Mr. LAZIO, Mr. GEPHARDT, Mr. TAYLOR of North Carolina, Mr. HALL of Ohio, Mr. FAWELL, Mr. TANNER, Mr. LAUGHLIN, Mr. ABERCROMBIE, Mr. BACCHUS of Florida, Mr. PACKARD, Mr. LEWIS of Florida, Mr. APPLEGATE, Mr. PAYNE of New Jersey, Mr. BILBRAY, Mr. LEWIS of California, Mr. FORD of Tennessee, Mr. CLYBURN, MS. FURSE, Mr. BISHOP, Mr. ROGERS, Mr. RIDGE, Mr. BORSKI, Mr. QUILLEN, Mr. COYNE, Mr. BEVILL, Mr. WAXMAN, Mr. WYDEN, Mr. BEILENSON, Mr. SMITH of Iowa, Mr. GLICKMAN, Mr. NADLER, Mr. INSLEE, Mr. DORNAN, Mr. HUNTER, Mr. GONZALEZ, Mr. WISE, Mr. VENTO, Mr. WATT, Mr. COX, Mr. PARKER, Mr. TORRES, Mr. HANSEN, Mr. DOOLITTLE, Mr. RUSH, and Mrs. VUCANOVICH.
H. Con. Res. 4: Mr. FRANK of Massachusetts
H. Con. Res. 20: Mr. ANDREWS of Maine and Ms. MARGOLIES-MEZVINSKY.
H. Con. Res. 84: Mr. FAZIO.
H. Con. Res. 107: Mr. FARR.
H. Con. Res. 110: Ms. LAMBERT.
H. Con. Res. 123: Mr. ENGEL.
H. Con. Res. 166: Mr. KNOLLENBERG.
H. Con. Res. 171: Mr. MCNULTY, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. DELLUMS, and Mr. FISH.
H. Con. Res. 175: Mr. SHAYS, Mr. BEILENSON, Mr. FOGLIETTA, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. GLICKMAN, Mr. BORSKI, Mr. OLVER, Mrs. MALONEY, Mr. OWENS, Mr. HOCHBRUECKNER, Mr. FILNER, Mr. MCCURDY, Mr. LEACH, Mr. COOPER, Mr. TEJEDA, Mrs. MEEK, Mr. KING, Mr. FROST, Mr. TORRICELLI, Mr. WHEAT, Mr. MCNULTY, Ms. SLAUGHTER, Mr. CARDIN, Mr. PRICE of North Carolina, Mr. GENE GREEN of Texas, Mr. COPPERSMITH, Mr. HORN of California, Ms. SHEPHERD, Mr. FALEOMAVAEGA, Mr. PALLONE, Mr. BARTLETT of Maryland, Mr. HINCHEY, and Mr. KYL.
H. Res. 21: Mr. ZELIFF and Mr. KLUG.
H. Res. 234: Ms. MARGOLIES-MEZVINSKY and Mrs. FOWLER.
H. Res. 247: Ms. LAMBERT.

¶136.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 300: Mr. COLLINS of Georgia.

FRIDAY, NOVEMBER 19, 1993 (137)

¶137.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. GEPHARDT, who laid before the House the following communication:

WASHINGTON, DC,
November 19, 1993.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

¶137.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GEPHARDT, announced he had examined and approved the Journal of the proceedings of Thursday, November 18, 1993.

Mr. TRAFICANT, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. TRAFICANT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....
Yeas 238
Nays 150
Answered present 1

¶137.3 [Roll No. 583]

YEAS—238

Abercrombie	Dixon	Kanjorski
Ackerman	Dooley	Kaptur
Andrews (ME)	Durbin	Kennedy
Andrews (TX)	Edwards (CA)	Kennelly
Applegate	Edwards (TX)	Kildee
Archer	English (AZ)	Kleczka
Bacchus (FL)	English (OK)	Klein
Baesler	Eshoo	Klink
Barca	Evans	Kopetski
Barcia	Farr	Kreidler
Barlow	Fazio	LaFalce
Barrett (WI)	Fields (LA)	Lambert
Bateman	Filner	Lancaster
Becerra	Fingerhut	Lantos
Berman	Fish	LaRocco
Bevill	Flake	Laughlin
Bilbray	Foglietta	Lehman
Bishop	Frank (MA)	Levin
Blackwell	Frost	Lewis (CA)
Bonior	Furse	Lewis (GA)
Borski	Gejdenson	Lipinski
Boucher	Gephardt	Livingston
Brewster	Geren	Lloyd
Brooks	Gibbons	Long
Browder	Gillmor	Lowey
Brown (FL)	Gilman	Maloney
Brown (OH)	Glickman	Mann
Bryant	Gonzalez	Markey
Byrne	Gordon	Martinez
Cardin	Green	Mazzoli
Carr	Gunderson	McCurdy
Clayton	Gutierrez	McHale
Clement	Hall (OH)	McInnis
Clyburn	Hall (TX)	McKinney
Coleman	Hamburg	McNulty
Collins (GA)	Hamilton	Meehan
Collins (IL)	Harman	Meek
Collins (MI)	Hastings	Menendez
Combest	Hayes	Miller (CA)
Condit	Hefner	Mineta
Conyers	Hilliard	Minge
Coppersmith	Hinchey	Moakley
Costello	Hoagland	Montgomery
Coyne	Hochbrueckner	Moran
Cramer	Holden	Murtha
Danner	Houghton	Myers
Darden	Hughes	Natcher
de la Garza	Hutto	Neal (MA)
Deal	Hyde	Neal (NC)
DeFazio	Inglis	Oberstar
DeLauro	Inslee	Obey
Dellums	Johnson (SD)	Olver
Derrick	Johnson, E. B.	Ortiz
Deutsch	Johnston	Orton

Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Yates

NAYS—150

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED ''PRESENT''—1

Matsui

NOT VOTING—44

Andrews (NJ)
Barton
Beilenson
Brown (CA)
Calvert
Cantwell
Chapman
Clinger
Cooper
Dickey
Dicks
Dingell
Dornan
Engel
Ford (MI)
Ford (TN)
Greenwood
Hoyer
Hunter
Jefferson
Kasich
Manton
Margolies-Mezvinsky
McCloskey
McCrery
McDermott
Mfume
Mink
Mollohan
Nadler
Pickle
Porter
Rangel
Rogers
Serrano
Thornton
Torkildsen
Tucker
Velazquez
Washington
Whitten
Williams
Wynn
Young (AK)

So the Journal was approved.

¶137.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2174. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–171); to the Committee on Appropriations and ordered to be printed.

2175. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 616, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

2176. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2520, and H.R. 3116, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578; to the Committee on Government Operations.

2177. A letter from the Chairman, Panama Canal Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1993 through September 30, 1993, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2178. A letter from the Director, Office of Personnel Management, transmitting the agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1992, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

2179. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting a report on the cost effectiveness of extending Medicare coverage for therapeutic shoes to beneficiaries with severe diabetic foot disease, pursuant to 42 U.S.C. 1395 note; jointly, to the Committees on Ways and Means and Energy and Commerce.

¶137.5 SUBMISSION OF CONFERENCE REPORT—S. 714

Mr. GONZALEZ submitted a conference report (Rept. No. 103–380) on the bill of the Senate (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶137.6 HOUR OF MEETING

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns on Saturday, November 20, 1993, it adjourn to meet at 2 o'clock p.m. on Sunday, November 21, 1993.

¶137.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Michele Payne, one of his secretaries.

¶137.8 SOUTH AFRICAN DEMOCRATIC TRANSITION SUPPORT

On motion of Mr. JOHNSTON, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3225) to support the transition to nonracial democracy in South Africa.

When said bill was considered and read twice.

Mr. JOHNSTON submitted the following amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''South African Democratic Transition Support Act of 1993''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

(2) The United States policy of economic sanctions toward the apartheid government of South Africa, as expressed in the Comprehensive Anti-Apartheid Act of 1986, helped bring about reforms in that system of government and has facilitated the establishment of a nonracial government.

(3) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

(4) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

(5) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

(6) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

(7) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

(8) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nations-sponsored special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The Ad Hoc Committee on Southern Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment and commencement of the work of the Transitional Executive Council.

SEC. 3. UNITED STATES POLICY.

It is the sense of the Congress that—

(1) the United States should—

(A) strongly support the Transitional Executive Council in South Africa,

(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other

donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

(A) promote the expansion of private enterprise and free markets in South Africa,

(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

(C) encourage United States private sector investment in and trade with South Africa,

(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid;

(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are repealed as of the date of enactment of this Act, except for the sections specified in paragraph (2).

(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 are repealed as of the date on which the President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

(3) CONFORMING AMENDMENTS.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting ''and'' at the end of paragraph (5), and by striking ''; and'' at the end of paragraph (6) and inserting a period.

(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151o), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking ''(1)''.

(b) OTHER PROVISIONS.—The following provisions are repealed or amended as follows:

(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking ''(a)''.

(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(l) of Public Law 99–500 and Public Law 99–591, and made effective as if enacted into law by section 106 of Public Law 100–202, is repealed.

(8)(A) Section 901(j)(2)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 901(j)(2)(C)) is repealed.

(B) Subparagraph (A) shall not be construed as affecting any of the transitional rules contained in Revenue Ruling 92–62 which apply by reason of the termination of the period for which section 901(j) of the Internal Revenue Code of 1986 was applicable to South Africa.

(9) The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking ''Republic of South Africa''.

(c) SANCTIONS MEASURES ADOPTED BY STATE OR LOCAL GOVERNMENTS OR PRIVATE ENTITIES.—

(1) POLICY REGARDING RECISSION.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

(2) REPEAL OF PROVISIONS RELATING TO WITHHOLDING FEDERAL FUNDS.—Effective October 1, 1995, the following provisions are repealed:

(A) The undesignated paragraph entitled ''STATE AND LOCAL ANTI-APARTHEID POLICIES'' in chapter IX of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (22 U.S.C. 5117).

(B) Section 210 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749).

(d) CONTINUATION OF UN SPECIAL SANCTIONS.—It is the sense of the Congress that the United States should continue to respect United Nations Security Council resolutions on South Africa, including the resolution providing for a mandatory embargo on arms sales to South Africa and the resolutions relating to the import of arms, restricting exports to the South African military and police, and urging states to refrain from nuclear cooperation that would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear devices.

SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.

(a) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

(6) support activities to promote human rights, democratization, and a civil society.

(b) GOVERNMENT OF SOUTH AFRICA.—

(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), assistance may be provided for—

(A) the Transitional Executive Council;

(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

(C) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) should be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

(c) INELIGIBLE ORGANIZATIONS.—

(1) ACTS OF VIOLENCE.—An organization that has engaged in armed struggle or other acts of violence shall not be eligible for assistance provided in accordance with this section unless that organization is committed to a suspension of violence in the context of progress toward nonracial democracy.

(2) VIEWS INCONSISTENT WITH DEMOCRACY AND FREE ENTERPRISE.—Assistance provided in accordance with this section may not be made available to any organization that has espoused views inconsistent with democracy and free enterprise unless such organization is engaged actively and positively in the process of transition to a nonracial democracy and such assistance would advance the United States objective of promoting democracy and free enterprise in South Africa.

SEC. 6. UNITED STATES INVESTMENT AND TRADE.

(a) TAX TREATY.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

(b) OPIC.—The President should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

(c) TRADE AND DEVELOPMENT AGENCY.—In carrying out section 661 of the Foreign Assistance Act of 1961, the Director of the Trade and Development Agency should pro-

vide additional funds for activities related to projects in South Africa.

(d) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

(e) PROMOTING DISADVANTAGED ENTERPRISES.—

(1) INVESTMENT AND TRADE PROGRAMS.—Each of the agencies referred to in subsections (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South Africans disadvantaged by apartheid.

(2) UNITED STATES GOVERNMENT PROCUREMENT.—To the extent not inconsistent with the obligations of the United States under any international agreement, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans, notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts.

SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.

The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 to promote the development of a nonracial democracy in South Africa.

SEC. 8. OTHER COOPERATIVE AGREEMENTS.

In addition to the actions specified in the preceding sections of this Act, the President should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.

(a) IN GENERAL.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

(c) TECHNICAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution to urge that institution to fund programs to initiate or expand technical assistance to South Africa for the purpose of training the people of South Africa in government management techniques.

SEC. 10. CONSULTATION WITH SOUTH AFRICANS.

In carrying out this Act, the President should consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.

By unanimous consent, the previous question was ordered.

The question being put, viva voce,

Will the House agree to the amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.9 MESSAGE FROM THE PRESIDENT—U.S.-RUSSIA FISHERY AGREEMENT

The SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94–265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Russian Federation Amending and Extending the Agreement on Mutual Fisheries Relations of May 31, 1988. The agreement, which was effected by an exchange of notes at Washington on March 11 and September 15, 1993, extends the 1988 agreement through December 31, 1998. This agreement also amends the 1988 agreement by simplifying the provisions relating to the issuance of licenses by each Party to vessels of the other Party that wish to conduct operations in its 200-mile zone and by adding the requirement that the Parties exchange data relating to such fishing operations. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the Act.

The agreement provides opportunities for nationals and vessels from each country to continue to conduct fisheries activities on a reciprocal basis in the other country's waters. The agreement also continues a framework for cooperation between the two countries on other fisheries issues of mutual concern. Since the 1988 agreement expired October 28, 1993, and U.S. fishermen are conducting operations in Russian waters, I strongly recommend that the Congress consider issuance of a joint resolution to bring this agreement into force at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 19, 1993.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Merchant Marine and Fisheries and ordered to be printed (H. Doc. 103–172).

¶137.10 PROVIDING FOR THE CONSIDERATION OF H.R. 3351

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 314):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 5 in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GORDON, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

Mr. GOSS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 238 / Nays ..... 179 }

¶137.11 [Roll No. 584]

YEAS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—179

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Andrews (TX)
Boehner
Brown (CA)
Cantwell
Clinger
Cooper
Dicks
Kennelly
McDermott
Moran
Obey
Slattery
Stokes
Washington
Wheat
Wilson

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.12 ALTERNATIVE PUNISHMENT FOR YOUTH OFFENDERS

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 314 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mrs. CLAYTON as Chairman of the Committee of the Whole; and after some time spent therein,

¶137.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MCCOLLUM:

Page 9, strike lines 13 and 14, and insert the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

It was decided in the negative ..... { Yeas ..... 201 / Nays ..... 228 }

¶137.14 [Roll No. 585]

AYES—201

Allard
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
÷Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Traficant
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith

Coyne
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Rangel
Reed
Reynolds
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Cantwell
Clinger
Dicks
Herger
McDermott
Romero-Barcelo (PR)
Slattery
Stearns
Washington

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. GEPHARDT, assumed the Chair.

When Mrs. CLAYTON, Chairman, pursuant to House Resolution 314, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. 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.), 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:

"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1701. 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 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 offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young 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 offenders;

''(2) boot camp prison programs that include education and job training activities such as programs modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

''(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

''(4) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

''(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

''(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

''(7) demonstration restitution projects that are evaluated for effectiveness;

''(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders; and

''(9) the provision for adequate and appropriate after care programs for the young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, and other support programs upon release.

"SEC. 1702. 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.

''(b) STATE OFFICE.—The office designated under section 507 of this title—

''(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. 1703. REVIEW OF STATE APPLICATIONS.

''(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 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.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after 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 alternative facilities described in section 1701(b).

''(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. 1704. 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 1701(b).

''(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 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 1701 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 45 days after the Director 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 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1705. 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 young offenders of such State bears to the number of young offenders 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 for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local

government in such State for correctional programs in such 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 under section 1701.

''(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 1701, 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) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

''(d) 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 1702(a) for the fiscal year for which the projects receive assistance under this part.

''(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Director shall consider as an important factor whether a State has in effect throughout such State a law or policy which—

''(1) requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

''(A) be suspended from school for a reasonable period of time; and

''(B) lose driving license privileges for a reasonable period of time;

''(2) bans firearms and other weapons in a 100-yard radius of school property, but the State may allow exceptions for school-sponsored activities, as well as other reasonable exceptions.

''(f) DEFINITION.—For purposes of this part, 'juvenile' means 18 years of age or younger.

"SEC. 1706. EVALUATION.

''(a) IN GENERAL.—(1) 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) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

''(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.''.

(b) CONFORMING 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—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

''Sec. 1701. Grant authorization.
''Sec. 1702. State applications.
''Sec. 1703. Review of State applications.
''Sec. 1704. Local applications.
''Sec. 1705. Allocation and distribution of funds.
''Sec. 1706. Evaluation.

''PART R—TRANSITION—EFFECTIVE DATE—REPEALER

''Sec. 1801. 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 after paragraph (23) the following:

''(24) The term 'young offender' means an individual, convicted of a crime, 22 years of age or younger—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

SEC. 2. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

''(11) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q.''.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that States should impose mandatory sentences for crimes involving the use of a firearm or other weapon on school property or within a 100-yard radius of school property.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Control Act of 1993''.

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

Section 1. Short title and table of contents.

TITLE I—PROTECTION OF NEIGHBORHOODS, FAMILIES, AND CHILDREN

Subtitle A—Safe Schools

Sec. 101. Increased penalties for drug trafficking near schools.
Sec. 102. Federal safe school districts.
Sec. 103. Enhanced penalty for violation of the Gun-Free School Zones Act.

Subtitle B—Secure Neighborhoods

Sec. 111. Enhanced local law enforcement.
Sec. 112. Authorization of appropriations.
Sec. 113. Community policing grants.
Sec. 114. Criminal street gangs offenses.
Sec. 115. Drive-by shootings.
Sec. 116. Addition of anti-gang Byrne grant funding objective.
Sec. 117. Increased penalties for drug trafficking near public housing.

Subtitle C—Crimes Against Children

Sec. 131. Death penalty for murder during the sexual exploitation of children.
Sec. 132. Increased penalties for sex offenses against victims below the age of 16.
Sec. 133. Penalties for international trafficking in child pornography.
Sec. 134. State legislation regarding child pornography.
Sec. 135. National registration of convicted child abusers.
Sec. 136. Increased penalties for assaults against children.
Sec. 137. Offense of inducing minors or other persons to use steroids.
Sec. 138. Increased penalties for drug distribution to pregnant women.
Sec. 139. Interstate enforcement of child support orders.
Sec. 140. Crimes involving the use of minors as RICO predicates.
Sec. 141. Increased penalties for using minors in drug trafficking and drug distribution to minors.
Sec. 142. Increased penalties for using a minor in commission of a Federal offense.
Sec. 143. International parental kidnapping.
Sec. 144. State court programs regarding international parental child abduction.

Subtitle D—Punishment of Serious Juvenile Offenders

Sec. 151. Serious juvenile drug offenses as armed career criminal act predicates.
Sec. 152. Adult prosecution of serious juvenile offenders.
Sec. 153. Amendments concerning records of crimes committed by juveniles.

TITLE II—EQUAL PROTECTION FOR VICTIMS

Subtitle A—Victims' Rights

Sec. 201. Right of the victim to fair treatment in legal proceedings.
Sec. 202. Right of the victim to an impartial jury.
Sec. 203. Victim's right of allocution in sentencing.
Sec. 204. Enforcement of restitution orders through suspension of Federal benefits.
Sec. 205. Prohibition of retaliatory killings of witnesses, victims and informants.

Subtitle B—Admissibility of Evidence

Sec. 211. Admissibility of evidence of similar crimes in sex offense cases.
Sec. 212. Extension and strengthening of rape victim shield law.
Sec. 213. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
Sec. 214. Admissibility of certain evidence.

Subtitle C—Protecting the Integrity of the Judicial Process

Sec. 221. General safeguards against racial prejudice or bias in the tribunal.
Sec. 222. Protection of jurors and witnesses in capital cases.
Sec. 223. Protection of court officers and jurors.
Sec. 224. Death penalty for murder of Federal witnesses.

TITLE III—PROTECTION OF WOMEN

Subtitle A—Spouse Abuse and Stalking

Sec. 301. Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.
Sec. 302. Full faith and credit for protective orders.

Subtitle B—Victims of Sexual Violence

Sec. 311. Civil remedy for victims of sexual violence.
Sec. 312. Extension and strengthening of restitution.
Sec. 313. Pre-trial detention in sex offense cases.

Subtitle C—Punishment of Sex Offenders

Sec. 321. Death penalty for rape and child molestation murders.
Sec. 322. Increased penalties for recidivist sex offenders.
Sec. 323. Sentencing guidelines increase for sex offenses.

Sec. 324. HIV testing and penalty enhancement in sexual offense cases.

TITLE IV—PREVENTION OF TERRORISM

Subtitle A—Enhanced Controls on Entry into the United States

Sec. 401. Exclusion based on membership in terrorist organization advocacy of terrorism.
Sec. 402. Admissions fraud.
Sec. 403. Inspection and exclusion by immigration officers.
Sec. 404. Judicial review.
Sec. 405. Conforming amendments.
Sec. 406. Effective date.

Subtitle B—Deportation of Alien Terrorists

Sec. 411. Removal of alien terrorists.

Subtitle C—Penalties for Engaging in Terrorism

Sec. 421. Providing material support to terrorism.
Sec. 422. Sentencing guidelines increase for terrorist crimes.
Sec. 423. Extension of the statute of limitations for certain terrorism offenses.
Sec. 424. Enhanced penalties for certain offenses.
Sec. 425. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 426. Amendment to Federal Aviation Act.
Sec. 427. Offenses of violence against maritime navigation or fixed platforms.
Sec. 428. Weapons of mass destruction.
Sec. 429. National task force on counterterrorism.
Sec. 430. Death penalty for death caused by the use of a bomb or other destructive device.

TITLE V—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

Sec. 501. Expediting criminal alien deportation and exclusion.
Sec. 502. Authorizing registration of aliens on criminal probation or criminal parole.
Sec. 503. Expansion in definition of ''aggravated felony''.
Sec. 504. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 505. Judicial deportation.
Sec. 506. Restricting defenses to deportation for certain criminal aliens.
Sec. 507. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
Sec. 508. Miscellaneous and technical changes.
Sec. 509. Authorization of appropriations for criminal alien information system.

Subtitle B—Prevention and Punishment of Alien Smuggling

Sec. 511. Border patrol agents.
Sec. 512. Border patrol investigators.
Sec. 513. Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority.
Sec. 514. Enhanced penalties for employers who knowingly employ smuggled aliens.
Sec. 515. Enhanced penalties for certain alien smuggling.
Sec. 516. Expanded forfeiture for smuggling or harboring illegal aliens.

TITLE VI—TAKING CRIMINALS OFF THE STREET

Subtitle A—Expanding Prison Capacity

Sec. 601. Use of private activity bonds.
Sec. 602. Federal-State partnerships for regional prisons.
Sec. 603. Non-applicability of Davis-Bacon to prison construction.

Subtitle B—Miscellaneous

Sec. 611. Restricted Federal court jurisdiction in imposing remedies on State and Federal prison systems.

TITLE VII—PUNISHMENT AND DETERRENCE

Subtitle A—Capital Offenses

Sec. 701. Procedures for enforcing death penalty.
Sec. 702. Equal Justice Act.
Sec. 703. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 704. Federal capital cases.
Sec. 705. Extension of protection of civil rights statutes.
Sec. 706. Federal death penalties.
Sec. 707. Conforming and technical amendments.

Subtitle B—Violent Felonies and Drug Offenses

Sec. 711. Drug testing of Federal offenders on post-conviction release.
Sec. 712. Life imprisonment or death penalty for third Federal violent felony conviction.
Sec. 713. Strengthening the Armed Career Criminals Act.
Sec. 714. Enhanced penalty for use of semiautomatic firearm during a crime of violence or drug trafficking offense.
Sec. 715. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 716. Mandatory minimum sentence for unlawful possession of a firearm by convicted felon, fugitive from justice, or transferor or receiver of stolen firearm.
Sec. 717. Increase in general penalty for violation of Federal firearms laws.
Sec. 718. Increase in enhanced penalties for possession of firearm in connection with crime of violence or drug trafficking crime.
Sec. 719. Smuggling firearms in aid of drug trafficking or violent crime.
Sec. 720. Definition of conviction under chapter 44.
Sec. 721. Definition of serious drug offense under the Armed Career Criminal Act.
Sec. 722. Definition of burglary under the Armed Career Criminal Act.
Sec. 723. Temporary prohibition against possession of a firearm by, or transfer of a firearm to, persons convicted of a drug crime.

Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives

Chapter 1—Instant Check System for Handgun Purchases

Sec. 731. Definitions.
Sec. 732. State instant criminal check systems for handgun purchases.
Sec. 733. Amendment of chapter 44 of title 18, United States Code.
Sec. 734. Establishment and operation of criminal history system.
Sec. 735. Operation of system for purpose of screening handgun purchasers.
Sec. 736. Improvement of criminal justice records.
Sec. 737. Access to State criminal records.
Sec. 738. Improvements in State records.
Sec. 739. Funding of State criminal records systems and dedication of funds.
Sec. 740. Authorization of appropriations.

Chapter 2—Other Firearms Provisions

Sec. 741. Increased penalty for interstate gun trafficking.
Sec. 742. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 743. Enhanced penalties for use of firearms in connection with counterfeiting or forgery.
Sec. 744. Increased penalty for knowingly false, material Statement in firearm purchase from licensed dealer.
Sec. 745. Revocation of supervised release for possession of a firearm in violation of release condition.
Sec. 746. Receipt of firearms by nonresident.
Sec. 747. Disposition of forfeited firearms.
Sec. 748. Conspiracy to violate Federal firearms or explosives laws.
Sec. 749. Theft of firearms or explosives from licensee.
Sec. 750. Penalties for theft of firearms or explosives.
Sec. 751. Prohibition against disposing of explosives to prohibited persons.
Sec. 752. Prohibition against theft of firearms or explosives.
Sec. 753. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 754. Possession of explosives by felons and others.
Sec. 755. Possession of explosives during the commission of a felony.
Sec. 756. Summary destruction of explosives subject to forfeiture.
Sec. 757. Elimination of outmoded parole language.

Subtitle D—Miscellaneous

Sec. 761. Increased penalties for travel act crimes involving violence and conspiracy to commit contract killings.
Sec. 762. Criminal offense for failing to obey an order to land a private aircraft.
Sec. 763. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.
Sec. 764. Enhancement of penalties for drug trafficking in prisons.
Sec. 765. Removal of tv broadcast license contingent on broadcast of public service announcements regarding drug abuse.

TITLE VIII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES.

Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform.

Sec. 801. Period of limitation for filing writ of habeas corpus following final judgment of a State court.
Sec. 802. Authority of appellate judges to issue certificates of probable cause for appeal in habeas corpus and Federal collateral relief proceedings.
Sec. 803. Conforming amendment to the rules of appellate procedure.
Sec. 804. Discretion to deny habeas corpus application despite failure to exhaust State remedies.
Sec. 805. Period of limitation for Federal prisoners filing for collateral remedy.

Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases.

Sec. 811. Death penalty litigation procedures.

Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases.
Sec. 821. Funding for death penalty prosecutions.
TITLE IX—PUBLIC CORRUPTION
Sec. 901. Offenses.
Sec. 902. Interstate commerce.
Sec. 903. Narcotics-related public corruption.
TITLE X—FUNDING
Sec. 1001. Reduction in overhead costs incurred in federally sponsored research.
Sec. 1002. Overhead expense reduction.
TITLE XI—PUNISHMENT FOR YOUNG OFFENDERS
Sec. 1101. Certainty of punishment for young offenders.
Sec. 1102. Authorization of Appropriation.

TITLE I—PROTECTION OF NEIGHBORHOODS, FAMILIES, AND CHILDREN

Subtitle A—Safe Schools

SEC. 101. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR SCHOOLS.

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

(1) in subsection (a) by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b) by striking ''three years'' each place it appears and inserting ''5 years''.

SEC. 102. FEDERAL SAFE SCHOOL DISTRICTS.

(a) ELECTION TO QUALIFY.—

(1) IN GENERAL.—By decision of a local educational agency or by referendum of the voters in a school district served by a local educational agency, a school district may elect to qualify as a Federal safe school district under this section.

(2) DEFINITION.—For purposes of this section, the term ''local educational agency'' shall have the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(b) FUNDING FOR ENHANCED SCHOOL SECURITY.—

(1) IN GENERAL.—The Attorney General may make a grant to a local educational agency serving a Federal safe school district or to a local law enforcement agency with jurisdiction over the school district, as appropriate, to pay for enhanced school security measures.

(2) ENHANCED SCHOOL SECURITY MEASURES.—The measures that may be funded by a grant under paragraph (1) include—

(A) equipping schools with metal detectors, fences, closed circuit cameras, and other physical security measures;

(B) providing increased police patrols in and around schools, including police hired pursuant to this title;

(C) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon in school will not be tolerated by school authorities;

(D) signs on each school indicating that the school is part of a Federal Safe School District; and

(E) gun hotlines.

SEC. 103. ENHANCED PENALTY FOR VIOLATION OF THE GUN-FREE SCHOOL ZONES ACT.

(a) IN GENERAL.—Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking ''not more than 5 years'' the 1st place such term appears and inserting ''not less than 5 years and not more than 10 years''; and

(2) by striking the 3rd sentence.

(b) TECHNICAL AMENDMENT.—Section 924(a)(1)(B) of such title is amended by striking ''(q)'' and inserting ''(r)''.

Subtitle B—Secure Neighborhoods

SEC. 111. ENHANCED LOCAL LAW ENFORCEMENT.

(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:

"PART Q—COPS ON THE STREET GRANTS

"SEC. 1701. GRANT AUTHORIZATION.

''The Director of the Bureau of Justice Assistance may make not less than 50, but not more than 100 grants to units of local government for the purposes of increasing police presence in the community.

"SEC. 1702. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant under this part, a chief executive of a unit of local government, shall submit an application to the Director. The application shall contain the information required under subsection (b) and be in such form and contain such other information as the Director may reasonably require.

''(b) GENERAL CONTENTS.—Each application under subsection (a) shall include a crime reduction plan which includes—

''(1) a request for funds available under this part for the purposes described in section 1701;

''(2) a description of the areas and populations to be served by the grant and a description of the crime problems within the areas targeted for assistance;

''(3) information required to be considered by the Director under section 1704;

''(4) 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;

''(5) detailed accounts of expenditures for law enforcement for the preceding 5-year period prior to receiving a grant under this part;

''(6) detailed accounts of local expenditures for law enforcement during any prior years in which grants were received under this part;

''(7) a description of how a portion of the grant would be used to ensure the safety of public and private elementary and secondary schools; and

''(8) an evaluation component, including performance standards and quantifiable goals to be used to determine project progress and the data to be collected to measure progress toward meeting the plan's goals.

"SEC. 1703. ADMINISTRATIVE COSTS; GRANT RENEWAL.

''(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, technical assistance, and evaluation.

''(b) RENEWAL OF GRANTS.—A grant under this part may be renewed, subject to the availability of funds, if 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 the requirements of this part.

"SEC. 1704. SELECTION OF RECIPIENTS.

''In awarding grants to units of local government under this part, the Director shall consider—

''(1) the crime rate per capita in the unit of local government for violent crime, including murder, rape, robbery, assault with a weapon, and kidnapping; and

''(2) the rate of increase of violent crime in such unit of local government over the most recent 3-year period for which statistics are available.

"SEC. 1705. REPORTS.

''(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1702(b).

''(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

"SEC. 1706. DEFINITION.

''For the purposes of this part, the term 'Director' means the Director of the Bureau of Justice Assistance.''

(b) CONFORMING 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—COMMUNITY POLICING; COP ON THE BEAT GRANTS

''Sec. 1701. Grant authorization.
''Sec. 1702. Application.
''Sec. 1703. Allocation of funds; limitation on grants.
''Sec. 1704. Award of grants.
''Sec. 1705. Reports.
''Sec. 1706. Definitions.

''PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

SEC. 112. 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 by adding at the end the following:

''(12) There are authorized to be appropriated $330,000,000 for each of the fiscal years 1994 through 1998 to carry out the projects under part Q.''.

SEC. 113. COMMUNITY POLICING GRANTS.

(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 112(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—COMMUNITY POLICING GRANTS

"SEC. 1801. GRANT AUTHORIZATION.

''(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

''(1) developing innovative neighborhood-oriented policing programs;

''(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

''(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

''(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

''(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

''(6) providing training and problem solving for community crime problems;

''(7) providing training in cultural differences for law enforcement officials;

''(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

''(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

''(10) developing projects following the model under subsection (b).

''(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

''(1) how to identify the existence of a drug or gang house;

''(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

''(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

''SEC. 1802. APPLICATION.

''(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

''(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

''(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

''(1) a request for funds available under this part for the purposes described in section 1801;

''(2) a description of the areas and populations to be served by the grant; and

''(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.

''(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

''(1) a description of the crime problems within the areas 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 filled with existing resources;

''(4) an explanation of how the requested grant shall be used to fill those gaps;

''(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

''(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

''SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

''(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

''(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

''(c) RENEWAL OF GRANTS.—A grant under this part may be renewed, subject to the availability of funds, if 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 if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1802(c).

''(d) 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 1802 for the fiscal year for which the projects receive assistance under this part.

''SEC. 1804. AWARD OF GRANTS.

''(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

''(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1802(c).

''(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

''(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

''(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

''SEC. 1805. REPORTS.

''(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1802(c).

''(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year containing—

''(1) a detailed statement regarding grant awards and activities of grant recipients; and

''(2) an evaluation of projects established under this part.

''SEC. 1806. DEFINITIONS.

''In this part—

'''community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

'''Director' means the Director of the Bureau of Justice Assistance.''.

(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 112(b), is amended by striking the matter relating to part R and inserting the following:

''PART R—COMMUNITY POLICING GRANTS

''Sec. 1801. Grant authorization.
''Sec. 1802. Application.
''Sec. 1803. Allocation of funds; limitations on grants.
''Sec. 1804. Award of grants.
''Sec. 1805. Reports.
''Sec. 1806. Definitions.

''PART S—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 1901. 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(a)), as amended by section 112(c), is amended—

(1) in paragraph (3) by striking ''and Q'' and inserting ''Q and R''; and

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

''(13) There are authorized to be appropriated $70,000,000 for each of the fiscal years 1994 through 1998.''.

SEC. 114. CRIMINAL STREET GANGS OFFENSES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after chapter 93 the following:

''CHAPTER 94—PROHIBITED PARTICIPATION IN CRIMINAL STREET GANGS AND GANG CRIME

''Sec.
''1930. Prohibited activity.
''1931. Penalties.
''1932. Investigative authority.

''§ 1930. Prohibited activity

''(a) DEFINITIONS.—As used in this chapter—

''(1) the term '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, assault, kidnapping, robbery, extortion, burglary, arson, property damage or destruction, 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, which is indictable under any of the following provisions of title 18, United States Code: sections 922 and 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); section 1513 (relating to retaliating against a witness, victim, or informant); or

''(C) any act indictable under subsection (b)(5) of this section;

''(2) the term '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 a purpose that any of those individuals alone, or in any combination, commit or will commit, 2 or more predicate gang crimes, one of which must occur after the 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;

''(3) the term 'participate in a criminal street gang' means to act in concert with a criminal street gang with intent to commit, or that any other individual associated with the criminal street gang will commit, 1 or more predicate gang crimes; and

''(4) the term 'State' means a State of the United States, 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.

''§ 1931. Penalties

''(a) PENALTIES OF UP TO 20 YEARS OR LIFE IMPRISONMENT.—Any person who violates section 1930(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 any 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.—Any person who violates section 1930 (b)(3) or (b)(4) shall be sentenced to imprisonment for not less than 5 and not more than 10 years, and if the individual who was the subject of the act was less than 18 years of age, such person shall be imprisoned 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.—Any person who violates section 1930(b)(5) shall be punished by imprisonment for not more than 5 years.

''(d) ADDITIONAL PENALTIES.—In addition to the other penalties set forth in this section—

''(1) any person who violates section 1930(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;

''(2) any person who violates section 1930(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

''(3) any person who violates section 1930(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.

For purposes of paragraph (3) of this subsection, 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 or supervisor, or other position of management in the gang.

''(e) FORFEITURE.—Whoever violates section 1930(b) (1) or (2) shall, in addition to any other penalty and irrespective of any provision of State law, forfeit to the United States—

''(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation; and

''(2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.

The provisions of section 413(b), (c), and (e) through (p) of the Controlled Substances Act (21 U.S.C. 853(b), (c), and (e) through (p)) shall apply to a forfeiture under this section.

''§ 1932. Investigative authority

''The Attorney General and the Secretary of the Treasury shall have the authority to investigate offenses under this chapter. This authority shall be exercised in accordance with an agreement which shall be entered into by the Attorney General and the Secretary of the Treasury.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 93 the following:

''94. Prohibited participation in criminal street gangs and gang crimes 1930''.

(c) SENTENCING GUIDELINES INCREASE FOR GANG CRIMES.—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.

SEC. 115. DRIVE-BY SHOOTINGS.

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

''§ 931. Drive-by shootings

''(a) Whoever knowingly discharges a firearm at a person—

''(1) in the course of or in furtherance of drug trafficking activity; or

''(2) from a motor vehicle;

shall be punished by imprisonment for up to 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

''(b) For purposes of this section, the term 'drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Drive-by shootings.''.

SEC. 116. 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.''.

SEC. 117. 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''.

Subtitle C—Crimes Against Children

SEC. 131. DEATH PENALTY FOR MURDER DURING THE 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. 132. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Paragraph (2) of section 2247 of title 18, United States Code, as so redesignated by section 403(a) 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;''.

SEC. 133. 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:

''§ 2258. Production of sexually explicit depictions of a minor for importation into the United States

''(a) Any 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 such minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (c), if such person intends, knows, or has reason to know that such 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.

''(b) Whoever, 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 such visual depiction involved the use of a minor engaging in sexually explicit conduct, shall be published as provided under subsection (c), if such person intends, knows, or has reason to know that such 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.

''(c) Any individual who violates this section, or conspires or attempts to do so, shall be fined under this title, or imprisoned not more than 10 years, or both, but, if such individual has a prior conviction under this chapter or chapter 109A of this title, such individual shall be fined according to the provisions of this title, or imprisoned not less than five years nor more than 15 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''2258. Production of sexually explicit depictions of a minor for importation into the United States''.''

(c) TECHNICAL AMENDMENT.—Section 2251(d) of title 18, United States Code, is amended—

(1) by striking ''not more than $100,000'' and inserting ''under this title'';

(2) by striking ''not more than $200,000'' and inserting ''under this title''; and

(3) by striking ''not more than $250,000'' and inserting ''under this title''.

(d) 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 of this title''.

(e) 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 of this title''.

(f) 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 do so,'' after ''violates'' each place it appears.

(g) RICO AMENDMENT.—Section 1961(l) of title 18, United States Code, is amended by striking ''2251–2252'' and inserting ''2251, 2252, or 2258''.

(h) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) Whoever travels in interstate or foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as the term 'sexual act' is defined in section 2245 of this title) with a person under 18 years of age which would be in violation of chapter 109A of this title if such sexual act occurred in the special maritime and territorial jurisdiction of the United States,'' after ''offense,''.

SEC. 134. STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

(a) IN GENERAL.—Not later than the end of the 18th month beginning after the date of the enactment of this Act, each State shall enact legislation complying with guidelines established under subsection (b), and maintain such legislation in effect thereafter. Compliance with the preceding sentence shall be a condition to the receipt by a State of any grant, cooperative agreement, or other assistance under—

(1) section 1404 of the Victims of Crime Act (42 U.S.C. 10603); and

(2) the Child Abuse Prevention and Treatment Act (42 U.S.C. 1501 et seq.).

(b) GUIDELINES.—The Attorney General shall establish guidelines for State legislation prohibiting the production, distribution, receipt, or possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct and providing for a maximum imprisonment of at least one year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

SEC. 135. NATIONAL REGISTRATION OF CONVICTED CHILD ABUSERS.

(a) STATES TO REGISTER PERSONS CONVICTED OF OFFENSES AGAINST CHILDREN.—

(1) IN GENERAL.—Each State shall establish and maintain a registration program under this section requiring persons convicted of a criminal offense against a victim who is a child to register a current address and other information that the Attorney General deems relevant, with a designated State law enforcement agency for 10 years after being released from prison or otherwise being freed from detention after the conviction becomes final.

(2) ATTORNEY GENERAL TO ESTABLISH GUIDELINES.—The Attorney General shall establish guidelines for State registration programs under this section.

(3) MANDATORY ELEMENTS OF GUIDELINES.—Such guidelines shall include provision for—

(A) a requirement that the State obtain the fingerprints, physical description, and current photographs of each registered person;

(B) annual updating of the information contained in the registry by each registered person; and

(C) criminal penalties for failing to comply with the registration requirements.

(b) STATES TO REPORT.—

(1) IN GENERAL.—Each State shall report to the Attorney General, in such form and manner as the Attorney General shall prescribe—

(A) information about each conviction for a criminal offense against a victim who is a child; and

(B) the information on the registry that State is required to establish and maintain under subsection (a).

(2) ANNUAL SUMMARY OF CONVICTIONS.—The Attorney General shall publish an annual summary of convictions for offenses involving the physical, psychological, or emotional injuring, sexual abuse or exploitation, neglectful treatment, or maltreatment, of children, based on information reported under this section.

(c) SANCTION FOR NONCOMPLIANCE BY STATE.—If a State fails to comply with an obligation under subsection (a) or (b) during the period that begins 3 years after the date of the enactment of this Act, the allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) shall be reduced by 25 percent, and the unallocated funds shall be reallocated to the States complying with those obligations.

(d) BACKGROUND CHECKS.—

(1) IN GENERAL.—A State may permit qualified entities to obtain from an authorized agency of the State a nationwide background check for the purpose of determining whether there is a report that a provider has been convicted of a background check crime.

(2) ATTORNEY GENERAL TO PROVIDE INFORMATION.—The Attorney General, in accordance with such rules and subject to such conditions as the Attorney General shall prescribe, shall provide to authorized agencies of States information possessed by the Department of Justice that would enable the agency to make the background check described in paragraph (1). In making such rules and setting such conditions, the Attorney General shall take care to assure—

(A) the currency and accuracy of the information; and

(B) that the States maintain procedures to permit providers to check and correct information relating to such providers.

(e) DEFINITIONS.—As used in this Act—

(1) the term ''child'' means a person who has not attained the age of 18 years;

(2) the term ''State'' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States;

(3) the term ''authorized agency of the State'' means the agency of the State the State designates to carry out the background checks described in section 5;

(4) the term ''qualified entity'' means a business or organization of any sort that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide such services;

(5) the term ''provider'' means any person who—

(A) seeks or has contact with a child while that child is receiving care from a qualified entity; and

(B) seeks employment or ownership of a qualified entity; and

(6) the term ''background check crime'' means, with respect to a provider, any crime committed by that provider that, as determined under rules prescribed by the Attorney General, may affect the safety of children under the care of a qualified entity with respect to which that provider has a relationship described in paragraph (5).

SEC. 136. INCREASED PENALTIES FOR ASSAULTS AGAINST CHILDREN.

(a) SIMPLE ASSAULT.—Section 113(e) of title 18, United States Code, is amended by striking ''by fine'' and all that follows through the period and inserting ''—

''(A) if the victim of the assault is an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than one year, or both; and

''(B) by a fine under this title or imprisonment for not more than three months, or both, in any other case.''.

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

''(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both.''.

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

(1) in paragraph (b), by striking ''of not more than $3,000'' and inserting ''under this title'';

(2) in paragraph (c), by striking ''of not more than $1,000'' and inserting ''under this title'';

(3) in paragraph (d), by striking ''of not more than $500'' and inserting ''under this title'';

(4) in paragraph (e), by striking ''of not more than $300'' and inserting ''under this title'';

(5) by modifying the left margin of each of paragraphs (a) through (f) so that they are indented 2 ems;

(6) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6); and

(7) by inserting ''(a)'' before ''Whoever''.

(d) DEFINITIONS.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

''(b) As used in this subsection—

''(1) the term 'substantial bodily injury' means bodily injury which involves—

''(A) a temporary but substantial disfigurement; or

''(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.''.

(e) ASSAULTS IN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting ''(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years'' after ''serious bodily injury''.

SEC. 137. OFFENSE OF INDUCING MINORS OR OTHER PERSONS TO USE STEROIDS.

Section 404 of the Controlled Substances Act (21 U.S.C 844) is amended by inserting after subsection (a) the following new subsection:

''(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

''(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person.''.

SEC. 138. INCREASED PENALTIES FOR DRUG DISTRIBUTION TO PREGNANT WOMEN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (relating to aggravated sexual abuse) or section 2242 (relating to sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors. In any subsequent amendment to the sentencing guidelines, the Sentencing Commission shall maintain minimum guidelines sentences for the offenses referenced in this section which are at least equal to those required by this section.

SEC. 139. INTERSTATE ENFORCEMENT OF CHILD SUPPORT ORDERS.

(a) TITLE 28 AMENDMENT.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§ 1738B. Full faith and credit given to child support orders

''(a) GENERAL RULE.—The appropriate authorities of each State shall enforce according to its terms, and shall not modify except as provided in subsection (e), any child support order made consistently with the provisions of this section by a court of another State.

''(b) DEFINITIONS.—As used in this section, the term—

''(1) 'child' means any person under 18 years of age, and includes an individual 18 or more years of age for whom a child support order has been issued pursuant to the laws of a State;

''(2) 'child's State' means the State in which a child currently resides;

''(3) 'child support order' means a judgment, decree, or order of a court requiring the payment of money, or the provision of a benefit, including health insurance, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support, and arrearages;

''(4) 'child support' means a payment of money or provision of a benefit described in paragraph (3) for the support of a child;

''(5) 'contestant' means a person, including a parent, who claims a right to receive child support or against whom a right to receive child support is claimed or asserted, and includes States and political subdivisions to whom the right to obtain a child support order has been assigned;

''(6) 'court' means a court, administrative process, or quasi-judicial process of a State which is authorized by State law to establish the amount of child support payable by a contestant or modify the amount of child support payable by a contestant;

''(7) 'modification' and 'modify' refer to a change in a child support order which affects the amount, scope, or duration of such order and modifies, replaces, supersedes, or otherwise is made subsequent to such child support order, whether or not made by the same court as such child support order; and

''(8) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country as defined in section 1151 of title 18.

''(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—A child support order made by a court of a State is consistent with the provisions of this section only if—

''(1) such court, pursuant to the laws of the State in which such court is located, had jurisdiction to hear the matter and enter such an order and had personal jurisdiction over the contestants; and

''(2) reasonable notice and opportunity to be heard was given to the contestants.

''(d) CONTINUING JURISDICTION.—A court of a State which has made a child support order consistently with the provisions of this section has continuing, exclusive jurisdiction of that order when such State is the child's State or the residence of any contestant unless another State, acting in accordance with subsection (e), has modified that order.

''(e) AUTHORITY TO MODIFY ORDERS.—A court of a State may modify a child support order with respect to a child that is made by a court of another State, if—

''(1) it has jurisdiction to make such a child support order; and

''(2) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because such State no longer is the child's State or the residence of any contestant, or each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

''(f) ENFORCEMENT OF PRIOR ORDERS.—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (e).''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following:

''1738B. Full faith and credit given to child support orders.''.

SEC. 140. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Paragraph (1) of section 1961 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. 141. INCREASED PENALTIES FOR USING MINORS IN DRUG TRAFFICKING AND DRUG DISTRIBUTION TO MINORS.

(a) DRUG DISTRIBUTION TO MINOR BY RECIDIVIST.—Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking ''one year'' and inserting ''3 years''.

(b) USE OF MINOR IN TRAFFICKING BY RECIDIVIST.—Section 420(c) of the Controlled Substances Act (21 U.S.C. 861(b)) is amended by striking ''one year'' and inserting ''3 years''.

(c) CONCURRENT VIOLATION OF PROHIBITION OF USE OF MINORS AND TRAFFICKING NEAR SCHOOLS.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by inserting '', or under circumstances involving a violation of section 420(a),'' before ''is punishable''.

SEC. 142. INCREASED PENALTIES FOR USING A MINOR IN COMMISSION OF A FEDERAL OFFENSE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§ 21. Use of children in Federal offenses

''(a) Except as otherwise provided by law, whoever, being at least 18 years of age, uses a child to commit a Federal offense, or to assist in avoiding detection or apprehension for a Federal offense, shall—

''(1) after a previous conviction under this subsection has become final, be subject to 3 times the maximum imprisonment and 3 times the maximum fine otherwise provided for the Federal offense in which the child is used; and

''(2) in any other case, be subject to 2 times the maximum imprisonment and 2 times the maximum fine for such offense.

''(b) As used in this section—

''(1) the term 'child' means a person who is under 18 years of age; and

''(2) the term 'uses' means employs, hires, uses, persuades, induces, entices, or coerces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

''21. Use of children in Federal offenses.''.

SEC. 143. INTERNATIONAL PARENTAL KIDNAPPING.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§ 1204. International parental kidnapping

''(a) Whoever—

''(1) removes a child from the United States or retains a child (who has been in the United States) outside the United States—

''(A) in order to obstruct the lawful exercise of parental rights that are established in a court order;

''(B) in order to obstruct the lawful exercise of parental rights by the mother of that child, in the case of a child—

''(i) whose parents have not been married;

''(ii) with regard to whom paternity has not been judicially established; and

''(iii) whose custody has not been judicially granted to a person other than the mother; or

''(C) in order to obstruct the lawful exercise of parental rights during the pendency of judicial proceedings to determine parental rights; or

''(2) in any other circumstances removes a child from the United States or retains a child (who has been in the United States) outside the United States, in order to obstruct the lawful exercise of parental rights;

shall be fined under this title or imprisoned not more than 3 years, or both.

''(b) As used in this section—

''(1) the term 'child' means a person who has not attained the age of 16 years; and

''(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

''(A) whether joint or sole (and includes visiting rights); and

''(B) whether arising by operation of law, court order, or agreement of the parties.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

''1204. International parental kidnapping.''.

SEC. 144. STATE COURT PROGRAMS REGARDING 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. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

Subtitle D—Punishment of Serious Juvenile Offenders

SEC. 151. 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 adding ''or'' at the end of clause (ii); 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;''.

SEC. 152. 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), 955, 959, 960(b)(1), (2), or (3), or 963), or section 924(b), (g), or (h) of this title,''; 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. 153. AMENDMENTS CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.

(a) IN GENERAL.—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) REPEAL.—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) CONFORMING AMENDMENT.—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''.

TITLE II—EQUAL PROTECTION FOR VICTIMS

Subtitle A—Victims' Rights

SEC. 201. RIGHT OF THE VICTIM TO FAIR TREATMENT IN LEGAL PROCEEDINGS.

The following rules, to be known as the Rules of Professional Conduct for Lawyers in Federal Practice, are enacted:

"RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

''Rule 1. Scope
''Rule 2. Abuse of Victims and Others Prohibited
''Rule 3. Duty of Enquiry in Relation to Client
''Rule 4. Duty to Expedite Litigation
''Rule 5. Duty to Prevent Commission of Crime

"Rule 1. Scope

''(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before Federal tribunals.

''(b) For purposes of these rules, 'Federal tribunal' and 'tribunal' mean a court of the United States.

"Rule 2. Abuse of Victims and Others Prohibited

''(a) A lawyer shall not engage in any action or course of conduct for the purpose of increasing the expense of litigation for any person, other than a liability under an order or judgment of a tribunal.

''(b) A lawyer shall not engage in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person.

''(c) A lawyer shall not offer evidence that the lawyer knows to be false or attempt to discredit evidence that the lawyer knows to be true.

"Rule 3. Duty of Enquiry in Relation to Client

''A lawyer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. In representing a client charged with a crime, the duty of enquiry under this rule includes—

''(1) attempting to elicit from the client a materially complete account of the alleged criminal activity if the client acknowledges involvement in the alleged activity; and

''(2) attempting to elicit from the client the material facts relevant to a defense of alibi if the client denies such involvement.

"Rule 4. Duty to Expedite Litigation

''(a) A lawyer shall seek to bring about the expeditious conduct and conclusion of litigation.

''(b) A lawyer shall not seek a continuance or otherwise attempt to delay or prolong proceedings in the hope or expectation that—

''(1) evidence will become unavailable;

''(2) evidence will become more subject to impeachment or otherwise less useful to another party because of the passage of time; or

''(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

"Rule 5. Duty to Prevent Commission of Crime

''(a) A lawyer may disclose information relating to the representation of a client to the extent necessary to prevent the commission of a crime or other unlawful act.

''(b) A lawyer shall disclose information relating to the representation of a client where disclosure is required by law. A lawyer shall also disclose such information to the extent necessary to prevent—

''(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious bodily injury to another; or

''(2) the commission of a crime of sexual assault or child molestation.

''(c) For purposes of this rule, 'crime' means a crime under the law of the United States or the law of a State, and 'unlawful act' means an act in violation of the law of the United States or the law of a State.''.

SEC. 202. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking ''the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges'' and inserting ''each side is entitled to 6 peremptory challenges''.

SEC. 203. VICTIM'S RIGHT OF ALLOCUTION 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: ''(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) '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; and

''(2) 'victim' means an 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 if the victim is below the age of 18 years or incompetent; or

''(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.''.

SEC. 204. 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) For purposes of this subsection—

''(A) the term '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; and

''(B) the term '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. 205. 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 a new subsection (a) as follows:

''(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 of this title; and

''(B) in the case of an attempt, imprisonment for not more than twenty years.''.

Subtitle B—Admissibility of Evidence

SEC. 211. 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) EVIDENCE ADMISSIBLE.—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) DISCLOSURE TO DEFENDANT.—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 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

''(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

''(d) DEFINITION.—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 any of paragraphs (1) through (4).

''Rule 414. Evidence of Similar Crimes in Child Molestation Cases

''(a) EVIDENCE ADMISSIBLE.—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) DISCLOSURE TO DEFENDANT.—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 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

''(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

''(d) DEFINITION.—For purposes of this Rule and Rule 415, 'child' means a person below the age of 14 years, 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 any of paragraphs (1) through (5).

''Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

''(a) EVIDENCE ADMISSIBLE.—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) DISCLOSURE TO OTHER PARTIES.—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 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

''(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.''.

SEC. 212. EXTENSION AND STRENGTHENING OF RAPE VICTIM SHIELD LAW.

(a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—Rule 412 of the Federal Rules of Evidence is amended—

(1) in subdivisions (a) and (b), by striking ''criminal case'' and inserting ''criminal or civil case'';

(2) in subdivisions (a) and (b), by striking ''an offense under chapter 109A of title 18, United States Code,'' and inserting ''an offense or civil wrong involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison,'';

(3) in subdivision (a), by striking ''victim of such offense'' and inserting ''victim of such conduct'';

(4) in subdivision (c)—

(A) by striking in paragraph (1) ''the person accused of committing an offense under chapter 109A of title 18, United States Code'' and inserting ''the accused''; and

(B) by inserting at the end of paragraph (3) the following: ''An order admitting evidence under this paragraph shall explain the reasoning leading to the finding of relevance, and the basis of the finding that the probative value of the evidence outweighs the danger of unfair prejudice notwithstanding the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased inferences.''; and

(5) in subdivision (d), by striking ''an offense under chapter 109A of title 18, United States Code'' and inserting ''the conduct proscribed by chapter 109A of title 18, United States Code,''.

(b) INTERLOCUTORY APPEAL.—Section 3731 of title 18, United States Code, is amended by inserting after the second paragraph the following:

''An appeal by the United States before trial shall lie to a court of appeals from an order of a district court admitting evidence of an alleged victim's past sexual behavior in a criminal case in which the defendant is charged with an offense involving conduct proscribed by chapter 109A of this title, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.''.

SEC. 213. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 415 (as added by section 421 of this Act) the following:

"Rule 416. 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, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison, 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.''.

SEC. 214. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 3510. Admissibility of evidence obtained by search or seizure

''(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

''(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''3510. Admissibility of evidence obtained by search or seizure.''.

Subtitle C—Protecting the Integrity of the Judicial Process

SEC. 221. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 222. 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. 223. PROTECTION OF COURT OFFICERS AND JURORS.

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

(1) by designating the current text as subsection (a);

(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:

''(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 of this title;

''(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 twenty years; and

''(3) in any other case, imprisonment for not more than ten years.''; and

(4) in subsection (a), as designated by this section, by striking ''commissioner'' each place it appears and inserting ''magistrate judge''.

SEC. 224. 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 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title;''.

TITLE III—PROTECTION OF WOMEN

Subtitle A—Spouse Abuse and Stalking

SEC. 301. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE OR TO VIOLATE PROTECTIVE ORDER; INTERSTATE STALKING.

(a) OFFENSE.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following:

"CHAPTER 110A—DOMESTIC VIOLENCE AND OFFENSES AGAINST THE FAMILY

''Sec.

''2261. Domestic violence and stalking.

"§ 2261. Domestic violence and stalking

''(a) OFFENSE.—Whoever, in a circumstance described in subsection (c), causes or attempts to cause bodily injury to, engages in sexual abuse against, or violates a protective order in relation to, another shall be punished—

''(1) if death results, by death or by imprisonment for any term of years or for life;

''(2) if permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years;

''(3) if serious bodily injury results, or if a firearm, knife, or other dangerous weapon is possessed, carried, or used during the commission of the offense, by imprisonment for not more than 10 years; and

''(4) in any other case, by imprisonment for not more than five years.

If, however, the defendant engages in sexual abuse and the penalty authorized for such conduct under chapter 109A exceeds the penalty which would otherwise be authorized under this subsection, then the penalty authorized for such conduct under chapter 109A shall apply.

''(b) MANDATORY PENALTIES.—A sentence under this section shall include at least 3 months of imprisonment if the offense involves the infliction of bodily injury on or the commission of sexual abuse against the victim. A sentence under this section shall include at least 6 months of imprisonment if the offense involves the violation of a protective order and the defendant has previously violated a protective order in relation to the same victim.

''(c) REQUIRED CIRCUMSTANCES.—The circumstance referred to in subsection (a) of this section is that the defendant traveled in interstate or foreign commerce, or transported or caused another to move in interstate or foreign commerce, with the intention of committing or in furtherance of committing the offense, and—

''(1) the victim was a spouse or former spouse of the defendant, was cohabiting with or had cohabited with the defendant, or had a child in common with the defendant; or

''(2) the defendant on two or more occasions—

''(A) has caused or attempted or threatened to cause death or serious bodily injury to or engaged in sexual abuse in relation to the victim; or

''(B) has engaged in any conduct that caused or was intended to cause apprehension by the victim that the victim would be subjected to death, serious bodily injury, or sexual abuse.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'protective order' means an order issued by a court of a State prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person;

''(2) the term 'sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison;

''(3) the terms 'serious bodily injury' and 'bodily injury' have the meanings, respectively, given those terms in section 1365(g) of this title; and

''(4) the term 'State' has the meaning given that term in section 513(c)(5) of this title.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of Part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following:

''110A. Domestic violence and offenses against the family ..... 2261''.

SEC. 302. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.

(a) REQUIREMENT OF FULL FAITH AND CREDIT.—Chapter 110A of title 18, United States Code, as enacted by section 141 of this Act, is amended by adding at the end the following:

"§ 2262. Full faith and credit for protective orders

''(a) A protective order issued by a court of a State shall have the same full faith and credit in a court in another State that it would have in a court of the State in which issued, and shall be enforced by the courts of any State as if it were issued in that State.

''(b) As used in this section—

''(1) the term 'protective order' means an order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person; and

''(2) the term 'State' has the meaning given in section 513(c)(5) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, as enacted by section 141 of this Act, is amended by inserting at the end the following:

''2262. Full faith and credit for protective orders.''.

Subtitle B—Victims of Sexual Violence

SEC. 311. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIOLENCE.

(a) CAUSE OF ACTION.—Whoever, in violation of the Constitution or laws of the United States, engages in sexual violence against another, shall be liable to the injured party in an action under this section. The relief available in such an action shall include compensatory and punitive damages and any appropriate equitable or declaratory relief.

(b) DEFINITION.—For purposes of this section, ''sexual violence'' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(c) ATTORNEY'S FEES.—The Civil Rights Attorney's Fees Award Act of 1976 (42 U.S.C. 1988) is amended by striking ''or'' after ''Public Law 92–318'' and by inserting after ''1964'' the following: '', or section 411 of the Sexual Assault Prevention Act of 1993,''.

SEC. 312. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''or an offense under chapter 109A, chapter 110, or section 2261 of this title'' after ''an offense resulting in bodily injury to a victim'' in paragraph (2);

(2) 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:

''(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''; and

(3) in subsection (d), by inserting at the end the following: ''However, the court shall issue an order requiring restitution of the full amount of the victim's losses and expenses for which restitution is authorized under this section in imposing sentence for an offense under chapter 109A, chapter 110 or section 2261 of this title, unless the Government and the victim do not request such restitution.''.

SEC. 313. 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) and inserting a semicolon;

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding after subparagraph (B) the following:

''(C) any felony under chapter 109A, chapter 110, or section 2261 of this title.''.

Subtitle C—Punishment of Sex Offenders

SEC. 321. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

''§ 2245. Sexual abuse resulting in death

''Whoever, 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) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

''2245. Sexual abuse resulting in death.
''2246. Definitions for chapter.''.

SEC. 322. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) REDESIGNATION.—Sections 2245 and 2246 of title 18, United States Code, as so designated by section 137, are redesignated sections 2246 and 2247, respectively.

(b) PENALTIES FOR SUBSEQUENT OFFENSES.—Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

''§ 2245. Penalties for subsequent offenses

''Any person who violates this chapter, after a prior conviction under this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter has become final, is punishable by a term of imprisonment up to twice that otherwise authorized.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, as amended by section 137, is amended—

(1) by striking ''2245'' and inserting ''2246'';

(2) by striking ''2246'' and inserting ''2247''; and

(3) by inserting after the item relating to section 2244 the following:

''2245. Penalties for subsequent offenses.''.

SEC. 323. SENTENCING GUIDELINES INCREASE FOR SEX OFFENSES.

The United States Sentencing Commission shall amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (relating to aggravated sexual abuse) or section 2242 (relating to sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors. In any subsequent amendment to the sentencing guidelines, the Sentencing Commission shall maintain minimum guidelines sentences for the offenses referenced in this section which are at least equal to those required by this section.

SEC. 324. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL OFFENSE CASES.

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

''§ 2248. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

''(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) of this title shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed six months and twelve months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

''(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed six months and twelve months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

''(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

''(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

''(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109A of title 18, United States Code, is amended by inserting at the end the following new item:

''2248. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.''.

TITLE IV—PREVENTION OF TERRORISM

Subtitle A—Enhanced Controls on Entry into the United States

SEC. 401. EXCLUSION BASED ON MEMBERSHIP IN TERRORIST ORGANIZATION OF ADVOCACY OF TERRORISM.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting ''or'' at the end;

(2) by adding after clause (i)(II) the following:

''(III) is a member of an organization that engages in terrorist activity or who actively supports or advocates terrorist activity,'';

(3) by adding after clause (iii) the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.''.

SEC. 402. ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking ''(C) MISREPRESENTATION'' and inserting in lieu thereof the following:

''(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS'';

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

''(iii) FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—

''(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is

forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

''(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document that relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable.''.

(b) AVAILABILITY OF ASYLUM AND OTHER DISCRETIONARY RELIEF.—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

''(e)(1) APPLICATION OF FRAUD EXCLUSION.—Notwithstanding subsection (a) and except as provided in paragraph (2), any alien who is excludable under section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i) may not apply for or be granted asylum.

''(2) EXCEPTION.—The limitation under paragraph (1) shall not apply if the action upon which the exclusion is based was pursuant to direct departure from a country in which (A) the alien has a credible fear of persecution, or (B) there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

''(3) DEFINITION.—As used in this subsection, the term 'credible fear of persecution' means (A) that it is more probable than not that the statements made by the alien in support of his or her claim are true, and (B) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).''.

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period ''or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)''.

SEC. 403. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

''(b) INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.—

''(1) An immigration officer shall inspect each alien who is seeking entry to the United States.

''(2)(A) If the examining immigration officer determines that an alien seeking entry—

''(i)(I) is excludable under section 212(a)(6)(C)(iii), or

''(II) is excludable under section 212(a)(7)(A)(i),

''(ii) does not have any reasonable basis for legal entry into the United States, and

''(iii) does not indicate an intention to apply for asylum under section 208,

the alien shall be specially excluded from entry into the United States without a hearing.

''(B) The examining immigration officer shall refer to an immigration officer, specially trained to conduct interviews and make determinations bearing on eligibility for asylum, any alien who is (i) excludable under section 212(a)(6)(C)(iii) or section 212(a)(7)(A) (i) and (ii) who has indicated an intention to apply for asylum. Such an alien shall not be considered to have entered the United States for purposes of this Act.

''(C) An alien under subparagraph (B) who is determined by an immigration officer, specially trained to conduct interviews and make determinations bearing on eligibility for asylum, to be excludable and ineligible for the exception under section 208(e)(2), shall be specially excluded and deported from the United States without further hearing.

''(3)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before an immigration judge.

''(B) The provisions of subparagraph (A) shall not apply—

''(i) to an alien crewman,

''(ii) to an alien described in paragraph (2)(A) or (2)(C), or

''(iii) if the conditions described in section 273(d) exist.

''(4) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to enter is so challenged, before an immigration judge for a hearing on exclusion of the alien.

''(5) The Attorney General shall establish procedures that ensure that aliens are not specially excluded under paragraph (2)(A) without an inquiry into their reasons for seeking entry into the United States.

''(6)(A) Subject to subparagraph (B), an alien has not entered the United States for purposes of this Act unless and until such alien has been inspected and admitted by an immigration officer pursuant to this subsection.

''(B) An alien who (i) is physically present in the United States, (ii) has been physically present in the United States for a continuous period of one year, and (iii) has not been inspected and admitted by an immigration officer may be said to have entered the United States without inspection. Such an alien is subject to deportation pursuant to section 241(a)(1)(B).''.

SEC. 404. JUDICIAL REVIEW.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 732) is amended by adding after subsection (c) the following new subsections:

''(d) HABEAS CORPUS REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable pursuant to section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered excluded from the United States pursuant to section 235(b)(2).

''(e) OTHER LIMITS ON JUDICIAL REVIEW AND ACTION.—Notwithstanding any other provision of law, no court shall have jurisdiction (1) to review the procedures established by the Attorney General for the determination of exclusion pursuant to section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i), or (2) to enter declaratory or injunctive relief with respect to the implementation of subsection (b)(2). Regardless of the nature of the suit or claim, no court shall have jurisdiction except by habeas corpus petition as provided in subsection (d) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

''(f) COLLATERAL ENFORCEMENT PROCEEDINGS.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.''.

SEC. 405. CONFORMING AMENDMENTS.

Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1) by striking out ''Deportation'' and inserting in lieu thereof ''Subject to section 235(b)(2), deportation''; and

(2) in the first sentence of paragraph (2) by striking out ''If'' and inserting in lieu thereof ''Subject to section 235(b)(2), if''.

SEC. 406. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this subtitle shall take effect on the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

Subtitle B—Deportation of Alien Terrorists

SEC. 411. 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 term '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 his discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

''(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 sections 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)(A) 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.

''(B) 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. If the Attorney General is appealing a determination under subsection (d) or (e), the court of appeals shall consider such appeal in camera and ex parte.''.

Subtitle C—Penalties for Engaging in Terrorism

SEC. 421. PROVIDING MATERIAL SUPPORT TO TERRORISM.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

''§ 2339A. Providing material support to terrorists

''Whoever, within the United States, provides material support or resources or conceals of disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate 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, as amended (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources shall include, but not be limited to, currency or other financial securities, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 113A of title 18, United States Code, is amended by adding the following:

''2339A. Providing material support to terrorists.''.

SEC. 422. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than three levels in the base offense level 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. 423. 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 2385 the following:

''§ 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 10 years after such offense shall have been committed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by inserting below the item for:

''3285. Criminal contempt.''

the following:

''3286. Extension of statute of limitations for certain terrorism offenses.''.

SEC. 424. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) TITLE 50.—(1) Section 1705(b) of title 50, United States Code, is amended by replacing ''$50,000'' with ''$1,000,000''.

(2) Section 1705(a) of title 50, United States Code, is amended by replacing ''$10,000'' with ''$1,000,000''.

(b) TITLE 18.—(1) Section 1541 of title 18, United States Code, is amended by replacing ''$500'' with ''$250,000'' and by replacing ''one year'' with ''five years''.

(2) Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended by replacing ''$2,000'' with ''$250,000'' and by replacing ''five years'' with ''ten years''.

(3) Section 1545 of title 18, United States Code, is amended by replacing ''$2,000'' with $250,000'' and by replacing ''three years' with ''ten years''.

SEC. 425. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

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

''§ 36. Violence at international airports

''(a) Whoever, in a circumstance described in subsection (b) of this section, 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 which causes or is likely to cause serious injury 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 or 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) The circumstances referred to in subsection (a) of this section are—

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

''(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''36. Violence at international airports.''.

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

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

(2) the date 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. 426. AMENDMENT TO FEDERAL AVIATION ACT.

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

(1) striking out paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

SEC. 427. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2280. Violence against maritime navigation

''(a) Whoever, in a circumstance described in subsection (c) of this section, unlawfully and intentionally—

''(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

''(2) 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;

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

''(4) 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;

''(5) 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;

''(6) 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;

''(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (6); or

''(8) attempts to do anything prohibited under paragraphs (1) through (7);

shall be fined under this title or 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) Whoever threatens to engage in conduct prohibited under paragraphs (2), (3) or (5) of subsection (a) of this section, with apparent determination and will to carry the threat into execution, if the threatened conduct is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

''(c) The circumstances referred to in subsection (a) are—

''(1) in the case of a covered ship—

''(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; or

''(iii) 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, the offender is later found in the United States after such activity is committed; and

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

''(d) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he has on board his ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action he should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his intention to deliver such person and the reason therefor. If the master delivers such person, he shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

''(e) As used in this section, the term—

''(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but such term 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;

''(2) '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;

''(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(4) '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; and

''(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

''(a) Whoever, in a circumstance described in subsection (c) of this section, unlawfully and intentionally—

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

''(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

''(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

''(4) 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;

''(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (4); or

''(6) attempts to do anything prohibited under paragraphs (1)–(5);

shall be fined under this title or imprisoned not more than twenty 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) Whoever threatens to engage in conduct prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened conduct is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

''(c) The circumstances referred to in subsection (a) are—

''(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.

''(d) As used in this section, the term—

''(1) '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;

''(2) '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;

''(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(4) '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; and

''(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end the following:

''2280. Violence against maritime navigation.
''2281. Violence against maritime fixed platforms.''.

(c) EFFECTIVE DATES.—This section 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.

SEC. 428. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"§ 2339. Use of weapons of mass destruction

''(a) Whoever 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.

''(b) For purposes of this section—

''(1) '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)); and

''(2) 'weapon of mass destruction' means—

''(a) any destructive device as defined in section 921 of this title;

''(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) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding the following:

''2339. Use of weapons of mass destruction.''.

SEC. 429. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—The President shall establish a National Task Force on Counterterrorism comprised of the following seven members: the Deputy Attorney General of the United States, the Deputy Director of Operations of the Central Intelligence Agency or the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the Secretary of Defense for Special Operations Low Intensity Conflict, the National Security Advisor or the Deputy National Security Advisor for Special Operations Low Intensity Conflict, and the Assistant Secretary of Treasury for Enforcement. The Deputy Attorney General shall serve as the Chairperson of the Task Force and shall coordinate all antiterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall—

(1) formulate a definition as to what constitutes terrorism;

(2) define those intelligence assets dedicated for collection of information on terrorism;

(3) define the methods for the Task Force to be the central processor and distributor of intelligence on terrorism;

(4) outline all preventive and reactive policy issues with regards to terrorism;

(5) define the methods for the Task Force to have overall operational control for counterterrorist and terrorist anti-proliferation operations, both overt and covert;

(6) report to Congress no later than six months after the date of enactment of this Act, and each 90 days thereafter for the remainder of the two-year period beginning on such date, as to how the Task Force will implement paragraphs (1) through (5) of this section; and

(7) beginning 60 days after the date on which the report is submitted under paragraph (6), implement paragraphs (1) through (5) in accordance with the report.

(c) CHIEF AND DEPUTY CHIEF OF STAFF.—The National Task Force on Counterterrorism shall have a chief of staff and a deputy chief of staff who shall be appointed by the task force. The chief of staff shall be paid at a rate not to exceed the rate of basic pay payable for the highest rate payable for the Senior Executive Service.

SEC. 430. DEATH PENALTY FOR DEATH CAUSED BY THE USE OF A BOMB OR OTHER DESTRUCTIVE DEVICE.

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

''(i) CAUSING DEATH THROUGH THE USE OF A BOMB OR OTHER DESTRUCTIVE DEVICE.—

''(1) PENALTY.—

''(A) IN GENERAL.—Subject to subparagraph (B), a person who intentionally or with reckless disregard for human life causes the death of a person through the use of a bomb or other destructive device shall be sentenced to life imprisonment without release or to death if it is determined that imposition of a sentence of death is justified.

''(B) LIMITATION.—No person may be sentenced to the death penalty who was less than 18 years of age at the time of the offense.''.

TITLE V—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

SEC. 501. EXPEDITING CRIMINAL ALIEN DEPORTATION AND EXCLUSION.

(a) CONVICTED DEFINED.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) CONVICTED DEFINED.—In this paragraph, the term 'convicted' means a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere, whether or not the alien appeals therefrom.''.

(b) DEPORTATION OF CONVICTED ALIENS.—

(1) IMMEDIATE DEPORTATION.—Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended—

(A) by striking ''(h) An alien'' and inserting ''(h)(1) Subject to paragraph (2), an alien''; and

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

''(2) An alien sentenced to imprisonment may be deported prior to the termination of such imprisonment by the release of the alien from confinement, if the Service petitions the appropriate court or other entity with authority concerning the alien to release the alien into the custody of the Service for execution of an order of deportation.''.

(2) PROHIBITION OF REENTRY INTO THE UNITED STATES.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

''(F) ALIENS DEPORTED BEFORE SERVING MINIMUM PERIOD OF CONFINEMENT.—In addition to any other period of exclusion which may apply an alien deported pursuant to section 242(h)(2) is excludable during the minimum period of confinement to which the alien was sentenced.''.

(c) EXECUTION OF DEPORTATION ORDERS.—Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: ''An order of deportation may not be executed until all direct appeals relating to the conviction which is the basis of the deportation order have been exhausted.''.

SEC. 502. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) of the Immigration and Nationality Act (8 U.S.C. 1303(a)) is amended by striking ''and (5)'' and inserting ''(5) aliens who are or have been on criminal probation or criminal parole within the United States, and (6)''.

SEC. 503. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN 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) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

''(C) any illicit trafficking in any 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 title 18, United States Code;

''(D) any offense described in sections 1951 through 1963 of title 18, United States Code;

''(E) any offense described in—

''(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses),

''(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses), or

''(iii) section 5861 of title 26, United States Code (relating to firearms offenses);

''(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

''(G) any theft offense (including receipt of stolen property) or any burglary offense, where a sentence of 5 years imprisonment or more may be imposed;

''(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

''(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

''(J) any offense described in section 1084 of title 18, United States Code, where a sentence of 5 years imprisonment or more may be imposed;

''(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, where a sentence of 5 years imprisonment or more may be imposed;

''(L) any offense—

''(i) relating to the owning, controlling, managing or supervising of a prostitution business,

''(ii) described in section 2421 through 2424 of title 18, United States Code, for commercial advantage, or

''(iii) described in sections 1581 through 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

''(M) any offense relating to perjury or subornation of perjury where a sentence of 5 years imprisonment or more may be imposed;

''(N) any offense described in—

''(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code, or

''(ii) section 421 of title 50, United States Code (relating to protecting the identity of undercover intelligence agents);

''(O) any offense—

''(i) involving fraud or deceit where the loss to the victim or victims exceeded $200,000; or

''(ii) described in section 7201 of title 26, United States Code (relating to tax evasion), where the tax loss to the Government exceeds $200,000;

''(P) any offense described in section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling) for the purpose of commercial advantage;

''(Q) any violation of section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage; or

''(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, where a sentence of 2 years or more may be imposed;

or any attempt or conspiracy to commit any such act. Such term applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws 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 all convictions entered before, on, or after the date of enactment of this Act.

SEC. 504. 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:

''(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) The Attorney General may delegate the authority in this section to the Commissioner or to any District Director of the Service.

''(4) No alien described in this section shall be eligible for—

''(A) any relief from deportation that the Attorney General may grant in his discretion, or

''(B) relief under section 243(h).

''(5) 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, 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 AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended as follows:

(1) In subsection (a)—

(A) by striking ''(a) IN GENERAL.—'' and inserting ''(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 out 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) The heading of such section is amended 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. 505. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting 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 AND CONFORMING CHANGES.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out ''The'' and inserting in lieu thereof, ''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. 506. 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 out ''has served for such felony or felonies'' and all that follows through the period and inserting in lieu thereof ''has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, provided that 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 Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by—

(1) striking out the final sentence and inserting in lieu thereof the following new subparagraph:

''(E) the alien has been convicted of an aggravated felony.''; and

(2) striking out the ''or'' at the end of subparagraph (C) and inserting ''or'' at the end of subparagraph (D).

SEC. 507. 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 out ''paragraph (2), (3), or 4 of'' the first time it appears, and

(2) by striking out ''shall be imprisoned not more than ten years'' and inserting in

lieu thereof, ''shall be imprisoned not more than two years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (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), by (A) inserting after ''commission of'' the following: ''three or more misdemeanors or'', and (B) striking out ''5'' and inserting in lieu thereof ''10'',

(2) in paragraph (2), by striking out ''15'' and inserting in lieu thereof ''20'', and

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

''For the purposes of this subsection, the term 'deportation' shall include any agreement where 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 inserting after subsection (b) the following new subsection:

''(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates—

''(1) that the alien exhausted the administrative remedies (if any) that may have been available to seek relief against such order,

''(2) that the deportation proceedings at which such order was issued improperly deprived the alien of the opportunity for judicial review, and

''(3) that the entry of such order was fundamentally unfair.''.

SEC. 508. 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 or without 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 right or benefit, substantive or procedural, which is legally enforceable by any party against the United States, its agencies, its officers or any other person.

SEC. 509. AUTHORIZATION OF APPROPRIATIONS FOR CRIMINAL ALIEN INFORMATION SYSTEM.

There is authorized to be appropriated to carry out section 242(a)(3)(A) of the Immigration and Nationality Act, $5,000,000 for fiscal year 1994 and $2,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

Subtitle B—Prevention and Punishment of Alien Smuggling

SECTION 511. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 3,000 full-time equivalent agent positions beyond the number of such positions at the Border Patrol on July 1, 1993.

SEC. 512. BORDER PATROL INVESTIGATORS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of investigators of the Border Patrol by 1,000 full-time equivalent investigator positions beyond the number of such positions at the Border Patrol on July 1, 1993.

SEC. 513. INCLUDING ALIEN SMUGGLING AS A RACKETEERING ACTIVITY FOR PURPOSES OF RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) ENFORCEMENT AUTHORITY.

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

(1) by striking ''or'' before ''(E) any act'', and

(2) by inserting before the period at the end the following: '', or (F) any act which is indictable under section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling)''.

SEC. 514. ENHANCED PENALTIES FOR EMPLOYERS WHO KNOWINGLY EMPLOY SMUGGLED ALIENS.

(a) ADDITIONAL CRIMINAL PENALTY.—Section 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (C),

(2) by striking the comma at the end of subparagraph (D) and inserting ''; or'',

(3) by inserting after subparagraph (D) the following:

''(E) contracts or agrees with another party for that party to provide, for employment by the person or another, an alien who is not authorized to be employed in the United States, knowing that such party intends to cause such alien to be brought into the United States in violation of the laws of the United States,'', and

(4) by striking ''five years'' and inserting ''ten years''.

(b) TREATMENT OF SMUGGLING AS AN AGGRAVATED FELONY.—The first sentence of section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by inserting ''or any offense under section 274(a)'' before ''for which the term of imprisonment''.

SEC. 515. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by striking ''five years'' and inserting ''ten years''.

SEC. 516. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Subsection 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of sections 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a), shall be subject to seizure and forfeiture, except that—

''(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

''(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which intended to further the business interests of the owner, or to confer any other benefit upon the owner.''.

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting in lieu thereof ''property''; and

(B) by striking ''is being used in'' and inserting in lieu thereof ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraphs (4) and (5) by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting in lieu thereof ''property''; and

(4) in paragraph (4) by—

(A) striking ''or'' at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting ''; or'', and

(C) by inserting at the end the following new subparagraph:

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to the Tariff Act of 1930, as amended (19 U.S.C. 1616a(c)).''.

TITLE VI—TAKING CRIMINALS OFF THE STREET

Subtitle A—Expanding Prison Capacity

SEC. 601. USE OF PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end thereof the following new paragraph:

''(13) correctional facilities.''

(b) DEFINITION.—Section 142 of such Code is amended by adding at the end thereof the following new subsection:

''(k) CORRECTIONAL FACILITIES.—For purposes of subsection (a)(13), the term 'correctional facilities' means facilities for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses, including prisons, jails, detention centers and drug and alcohol rehabilitation centers. Correctional facilities shall be treated in all events as serving the general public.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 602. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.

(a) CREATED BY ATTORNEY GENERAL.—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not

later than 180 days after the date of the enactment of this Act.

(b) SCOPE OF PLAN.—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) STATE ELIGIBILITY.—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under subsection (a) and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) PRISONER ELIGIBILITY.—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

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

(1) the term ''crime of violence'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term ''serious drug trafficking offense'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term ''serious felony'' means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term ''crime of violence involving a sexual assault'' is a crime of violence that is an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term ''State'' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) REGIONAL PRISON FUND.—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds $150,000,000; and

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) TRANSFERS.—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) USE OF REGIONAL PRISON FUND.—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Regional Prison Fund—

(1) $1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

SEC. 603. NON-APPLICABILITY OF DAVIS-BACON TO PRISON CONSTRUCTION.

(a) FEDERAL PRISON CONSTRUCTION.—Section 1 of the Davis-Bacon Act of March 3, 1991 (46 Stat. 1494, as amended, 40 U.S.C. 276a) is amended by adding at the end the following new subsection:

''(c) The requirements of this section shall not apply to contracts for construction, alteration, and/or repair of institutions used to incarcerate persons held under authority of any enactment of Congress.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this Act.

Subtitle B—Miscellaneous

SEC. 611. RESTRICTED FEDERAL COURT JURISDICTION IN IMPOSING REMEDIES ON STATE AND FEDERAL PRISON SYSTEMS.

(a) IN GENERAL.—Title 28, United States Code is amended by inserting after chapter 176 the following new chapter:

''CHAPTER 177—ACTIONS CHALLENGING CONDITIONS OF CONFINEMENT

''Sec.
''3401. Limitations on remedies.
''3402. Consent decrees.
''3403. Modification of orders or decrees.

''§ 3401. Limitations on remedies

''(a)(1) If the district court, in any action challenging the constitutionality of conditions of confinement in any prison, jail, detention facility, or other correctional institution housing persons accused or convicted of a crime or juveniles adjudicated delinquent, finds that one or more conditions of confinement are in violation of the United States Constitution, the court shall narrowly tailor any relief to fit the nature and extent of the violations and shall make the order no more intrusive than absolutely necessary to ensure that the violations are remedied. The court shall have no jurisdiction—

''(A) to impose a ceiling on the population of any institution or to require any adjustment of the release dates of inmates; or

''(B) to prohibit the use of tents or prefabricated structures for housing inmates.

''§ 3402. Consent decrees

''(a) No consent decree in any action challenging the constitutionality of conditions of confinement in any prison, jail, detention facility, or other correctional institution housing persons accused or convicted of a crime or juveniles adjudicated delinquent shall provide relief greater than the minimum required to bring the conditions of confinement into substantial compliance with the United States Constitution.

''(b) In entering a consent decree, the court shall make a written finding that the relief provided in the decree is no greater than the minimum required to bring the conditions of confinement into substantial compliance with the United States Constitution. If it appears to the court that the relief provided in the decree is greater than the minimum required, the court may recommend changes in the decree.

''§ 3403. Modification of orders or decrees

''(a)(1) Upon motion of a defendant at any time, the court may conduct a hearing on whether an order or decree described in section 3401 or 3402 of this title should be modified in light of—

''(A) changed factual circumstances affecting the operation of the order or decree, whether or not foreseeable;

''(B) a change or clarification of the governing law, whether or not foreseeable;

''(C) a succession in office of an official responsible for having consented to a decree;

''(D) the government's financial constraints or any other matter affecting public safety or the public interest; or

''(E) any ground provided in Rule 60(b) of the Federal Rules of Civil Procedure.

''(2) The court shall conduct such a hearing if the motion was filed more than one year after the date of the order or decree or the date on which the last previous modification hearing was conducted, whichever is later.

''(b) If the court denies a motion to modify an order or consent decree under subsection (a) of this section, the court shall make a written finding that the relief provided in the order or decree, as of the date of decision, is no greater than the minimum required to bring the conditions of confinement into substantial compliance with the United States Constitution.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 176 the following:

"177. Actions Challenging Conditions of Confinement ..... 3401".

TITLE VII—PUNISHMENT AND DETERRENCE

Subtitle A—Capital Offenses

SEC. 701. PROCEDURES FOR ENFORCING DEATH PENALTY.

Title 18 of the United States Code is Amended—

(1) by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

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

"(2) an offense described in section 1751(c) of this title if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder 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;

"(3) 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);

"(4) 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, attempts 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;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) or 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; or

"(6) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury;

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. However, no person may be sentenced to death who was less than eighteen years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether to recommend a sentence of death

"(a) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury, or if there is no jury, the court, shall consider whether any aspect of the defendant's character, background, or record, or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor.

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

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

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

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether to recommend a sentence of death for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

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

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

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

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether to recommend a sentence of death for an offense described in paragraph (2) or (6) of section 3591 of this title, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct 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), 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 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), chapter 109A (sexual abuse), chapter 110 (sexual abuse of children), section 2261 (domestic violence and stalking) 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), section 2381 (treason), or section 2423 (transportation of minors for sexual activity) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—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 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, 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 death was authorized by statute.

"(4) 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.

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

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—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) COMMISSION OF THE OFFENSE FOR 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.

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

''(11) TYPE OF VICTIM.—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 was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person 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) of this title, if that official was in the United States on official business; or

''(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

''(i) while such public servant was engaged in the performance of his official duties;

''(ii) because of the performance of such public servant's official duties; or

''(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal 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 of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

''(12) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—

''(A) IN GENERAL.—In the case of an offense under chapter 109A (sexual abuse) or chapter 110 (sexual abuse of children), the defendant has previously been convicted of a crime of sexual assault or crime of child molestation.

''(B) DEFINITIONS.—As used in this paragraph—

''(i) the term 'crime of sexual assault' means a crime under Federal or State law that involves—

''(I) contact between any part of the defendant's body or an object and the genitals or anus of another person, without the consent of that person;

''(II) contact between the genitals or anus of the defendant and any part of the body of another person, without the consent of that person;

''(III) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

''(IV) an attempt or conspiracy to engage in any conduct described in subclauses (I) through (III) of this clause;

''(ii) the term 'crime of child molestation' means a crime of sexual assault in which a child was the victim of the assault, and for the purposes of this clause, a child shall be considered not to have consented to any of the contact referred to in clause (i); and

''(iii) the term 'child' means a person below the age of 14 years.''.

''(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether to recommend a sentence of death for an offense described in paragraph (3), (4), or (5) of section 3591, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

''(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, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

''(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—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 which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

''(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 which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

''(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 which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

''(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution 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.

''§ 3593. Special hearing to determine whether to recommend a sentence of death

''(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time before trial as the court may permit for good cause. If the court permits a late filing of the notice upon a showing of good cause, the court shall ensure that the defendant has adequate time to prepare for trial. The notice shall set forth the aggravating factor or factors the Government will seek to prove as the basis for the death penalty. 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. 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.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of 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. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. 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 the section is necessary; or

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

A jury impaneled pursuant to paragraph (2) shall consist of twelve 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.—At the hearing, information may be presented as to—

''(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

''(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided. The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. 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 attorney for the Government and for 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

that case of imposing a sentence of death. The attorney for 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 an 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 evidence.

''(d) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (a) of this section and which the jury unanimously determines have been established by the Government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

''(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

''(f) SPECIAL PRECAUTION TO ASSURE 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 to recommend a sentence of death, it shall not be influenced by prejudice or bias relating to the race, color, religion, 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 regardless of the race, color, religion, national origin, or sex of the defendant or of any victim. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for the crime in question regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"§ 3594. Imposition of a sentence of death

''Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the 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 of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other non-capital matters in the court of appeals.

''(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) If the court of appeals determines that—

''(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

''(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

''(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal;

it shall affirm the sentence.

''(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

''(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 sentenced to death under 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 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. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was imposed does not provide for implementation of a sentence of death.

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

''(c) PERSONS MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no person 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 execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

''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.

"§ 3598. Appointment of counsel

''(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 848(q) (4) through (10) of title 21, United States Code.

''(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

''(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within ten days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order: (1) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

''(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is enti-

tled to appointment of counsel under this section, at least one counsel appointed for trial representation must have been admitted to the bar for at least five years and have at least three years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least five years and have at least three years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

''(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

''(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

''§ 3599. Collateral attack on judgment imposing sentence of death

''(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which sentence of death has been imposed, and the judgment has become final as described in section 3598(c) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within ninety days of the issuance of the order relating to appointment of counsel under section 3598(c) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding sixty days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

''(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence, and shall expire if—

''(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such motion by a district court; or

''(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

''(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

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

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

''(2) the failure to raise the claim was (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

''(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

''§ 3600. Application in Indian country

''Notwithstanding sections 1152 and 1153 of this title, 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 such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.''; and

(2) in the table of chapters at the beginning of part II, by adding the following new item after the item relating to chapter 227:

''228. Death penalty procedures ..... 3591.''.

SEC. 702. EQUAL JUSTICE ACT.

(a) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(4) 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 ''the death penalty or'' before ''imprisonment''.

SEC. 703. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this subtitle—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term ''State'' has the meaning given in section 541 of title 18, United States Code; and

(3) the term ''racial quota or statistical test'' includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 704. FEDERAL CAPITAL CASES.

In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

SEC. 705. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking ''inhabitant of'' and inserting in lieu thereof ''person in''.

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking ''inhabitant of'' and inserting in lieu thereof ''person in'', and by striking ''such inhabitant'' and inserting in lieu thereof ''such person''.

SEC. 706. FEDERAL DEATH PENALTIES.

(a) MURDER BY FEDERAL PRISONERS.—Chapter 51 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 1118. Murder by a Federal prisoner

''(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

''(b) For purposes of this section—

''(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

''(2) '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.''; and

(2) by amending the table of sections by adding at the end:

''1118. Murder by a Federal prisoner.''.

(b) MURDER OF FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 1114 of title 18, United States Code, is amended by striking ''be punished as provided under sections 1111 and 1112 of this title, except that'' and inserting '', or any State or local law enforcement officer while assisting, or on account of having assisted, any Federal officer or employee covered by this section in the performance of duties, in the case of murder as defined in section 1111 of this title, be punished by death or imprisonment for life, and, in the case of manslaughter as defined in section 1112 of this title, be punished as provided in that section, and''.

(c) HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''(c)'' and inserting ''(d)'';

(2) by inserting after subsection (b) the following:

''(c) Whoever 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—

''(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

''(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.'';

(3) in subsection (d)(2), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (g), by striking ''(d)'' each place it appears and inserting ''(e)''; and

(5) by redesignating subsections (c), (d), (e), (f) and (g) as subsections (d), (e), (f), (g), and (h), respectively.

(d) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking ''shall be subject to imprisonment for any term of years or for life'' and inserting ''shall be punished by death or imprisonment for any term of years or for life''.

(4) 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 ''the death penalty or'' before ''imprisonment''.

(e) DEATH PENALTY FOR GUN MURDERS.—Section 924 of title 18, United States Code, as amended by section 430 of this Act, is amended by adding at the end the following:

''(j) Whoever, in the course of a violation of subsection (c) of this section, 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 of this title, 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 of this title, be punished as provided in that section.''.

(f) MURDER BY ESCAPED PRISONERS.—

(1) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 110, is amended by adding at the end the following:

''§ 1119. Murder by escaped prisoners

''(a) Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

''(b) As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1118 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''1119. Murder by escaped prisoners.''.

(g) TORTURE.—

(1) 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

''As used in this chapter—

''(1) the term '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;

''(2) the term '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; and

''(3) the term '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, as amended (49 U.S.C. App. 1301(38)).

''§ 2340A. Torture

''(a) Whoever, outside the United States and in a circumstance described in subsection (b) of this section, commits or attempts to commit torture shall be fined under this title or 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) The circumstances referred to in subsection (a) of this section are—

''(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.''.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

''113B. Torture ..... 2340.''.

(3) EFFECTIVE DATE.—This subsection shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(h) CARJACKING RESULTING IN DEATH.—Section 2119 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever'';

(2) by striking '', possessing a firearm as defined in section 921 of this title,'';

(3) by striking ''shall—'' and all that follows through the end of the existing section and inserting ''shall be punished as provided in subsection (c) of this section.''; and

(4) by adding at the end the following:

''(b) Whoever, in furtherance of a State or Federal crime of violence, obstructs, impedes, or makes unauthorized physical contact with, a motor vehicle of another, if such vehicle has been transported, shipped, or received in interstate or foreign commerce, shall be punished as provided in subsection (c) of this section.

''(c) A person violating this section shall—

''(1) be fined under this title or imprisoned not more than 15 years, or both;

''(2) if serious bodily injury (as defined in section 1365 of this title) results, be fined under this title or imprisoned not more than 25 years, or both; and

''(3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, and shall be subject to the penalty of death.''.

SEC. 707. CONFORMING AND TECHNICAL AMENDMENTS.

(a) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 34 of title 18, United States Code, is amended by striking the comma after ''imprisonment for life'' and all that follows through the end of the section and inserting a period.

(b) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting the following: '', except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy.''.

(c) TRANSPORTING EXPLOSIVES.—Section 844(d) of title 18, United States Code, is amended by striking ''as provided in section 34 of this title''.

(d) MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.—Section 844(f) of title 18, United States Code, is amended by striking ''as provided in section 34 of this title''.

(e) MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.—Section 844(i) of title 18, United States Code, is amended by striking ''as provided in section 34 of this title''.

(f) MURDER.—Section 1111(b) of title 18, United States Code, is amended to read as follows:

''(b) Within the special maritime and territorial jurisdiction of the United States—

''(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

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

(g) KILLING OFFICIAL GUESTS AND INTERNATIONALLY PROTECTED PERSONS.—Subsection (a) of section 1116 of title 18, United States Code, is amended by inserting a period after ''title'' and striking the remainder of the subsection.

(h) 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''.

(i) 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''.

(j) MAILABILITY OF 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 all that follows through the end of the paragraph and inserting a period.

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

''(c) Whoever attempts to murder 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) by death or imprisonment for any term of years or for life if the conduct constitutes an attempt to murder 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.''.

(l) MURDER FOR HIRE.—Section 1958(a) of title 18 of the 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 in accordance with this title, or both''.

(m) VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.—Paragraph (1) of subsection (a) of section 1959 of title 18, United States Code, is amended to read as follows:

''(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;''.

(n) WRECKING TRAINS.—The second to the last paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after ''imprisonment for life'' and all that follows through the end of the section and inserting a period.

(o) 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''.

(p) TERRORIST ACTS.—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) of this title, be fined under this title, punished by death or imprisonment for any term of years or for life, or both;''.

(q) AIRCRAFT HIJACKING.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473), is amended by striking subsection (c).

(r) CONTROLLED SUBSTANCES ACT.—Section 408 of the Controlled Substances Act is amended by striking subsections (g)–(p), (q)(1)–(3) and (r).

(s) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''a fine of not more than $1,000,000 and imprisonment for life;'' and inserting ''death or imprisonment for life and a fine of not more than $1,000,000;''.

(t) INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.—Chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

Subtitle B—Violent Felonies and Drug Offenses

SEC. 711. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''§ 3608. Drug testing of Federal offenders on post-conviction release

''The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.''.

(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.''.

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking out ''and'';

(B) in paragraph (3), by striking out the period and inserting ''; and''; and

(C) by adding after paragraph (3) the following:

''(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition 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. A defendant who tests positive may be detained pending verification of a drug test result.''.

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: ''For a defendant convicted of a felony or other offense described in section 3563(a)(4) of this title, 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 periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.''.

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: ''If the parolee has been convicted of a felony or other offense described in section 3563(a)(4) of this title, the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title.''.

(c) REVOCATION OF RELEASE.—

(1) REVOCATION OF PROBATION.—The last sentence of section 3565(a) of title 18, United States Code, is amended by inserting ''or unlawfully uses a controlled substance or refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),'' after ''3563(a)(3)''.

(2) REVOCATION OF SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended by inserting ''or unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of supervised release,'' after ''substance''.

(3) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after ''substance'' the following: '', or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,''.

SEC. 712. LIFE IMPRISONMENT OR DEATH PENALTY FOR THIRD FEDERAL VIOLENT FELONY CONVICTION.

Section 3581 of title 18, United States Code, is amended by adding at the end the following:

''(c) PUNISHMENT OF CERTAIN VIOLENT FELONS.—

''(1) GENERAL RULE.—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 previously been convicted of two other violent felonies and if a death results from the violent felony, the defendant shall be subject to the death penalty.

''(2) DEFINITION.—As used in this section the term ''violent felony'' is a State or Federal crime of violence (as defined in section 16 of this title)—

''(A) that involves the threatened use, use, or the risk of use of physical force against the person of another;

''(B) for which the maximum authorized imprisonment exceeds one year; and

''(C) which is not designated a misdemeanor by the law that defines the offense.

''(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to prevent the imposition of the death penalty.''.

SEC. 713. STRENGTHENING THE ARMED CAREER CRIMINALS ACT.

Section 924(e)(2)(A) of title 18, United States Code, as amended by section 151 of this Act, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iv) an offense under State law which, if it had been prosecuted as a violation of the Controlled Substances Act at the time of the offense and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more;''.

SEC. 714. ENHANCED PENALTY FOR USE OF SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR DRUG TRAFFICKING OFFENSE.

(a) ENHANCED PENALTY.—Section 924(c)(1) of title 18, United States Code, is amended by inserting '', or semiautomatic firearm,'' after ''short-barreled shotgun''.

(b) SEMIAUTOMATIC FIREARM DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

''(29) The term 'semiautomatic firearm' means any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.''.

SEC. 715. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by

inserting ‘‘, and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than five years’’ before the period.

(b) 2 PRIOR CONVICTIONS.—Section 924 of such title, as amended by sections 430 and 706(e) of this Act, is amended by adding at the end the following:

‘‘(k)(1) Notwithstanding subsection (a)(2) of this section, any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both.

‘‘(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) of this subsection with respect to the conviction under section 922(g).’’.

SEC. 716. MANDATORY MINIMUM SENTENCE FOR UNLAWFUL POSSESSION OF A FIREARM BY CONVICTED FELON, FUGITIVE FROM JUSTICE, OR TRANSFEROR OR RECEIVER OF STOLEN FIREARM.

(a) IN GENERAL.—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:

‘‘(5) Whoever knowingly possesses a firearm in violation of paragraph (1) or (2) of section 922(g), or in violation of subsection (i) or (j), shall be imprisoned not less than 5 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted under this paragraph, nor shall the term of imprisonment imposed under this paragraph run concurrently with any other term of imprisonment imposed under any other provision of law.’’.

SEC. 717. INCREASE IN GENERAL PENALTY FOR VIOLATION OF FEDERAL FIREARMS LAWS.

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

(1) by striking ‘‘$5,000’’ and inserting ‘‘$10,000’’; and

(2) by striking ‘‘five’’ and inserting ‘‘10’’.

SEC. 718. INCREASE IN ENHANCED PENALTIES FOR POSSESSION OF FIREARM IN CONNECTION WITH CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

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

(1) by striking ‘‘five’’ and inserting ‘‘10’’; and

(2) by striking ‘‘twenty’’ and inserting ‘‘30’’.

SEC. 719. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING OR VIOLENT CRIME.

Section 924 of title 18, United States Code, as amended by sections 430, 706(e), and 715(b) of this Act, is amended by adding at the end the following:

‘‘(l) Whoever, with the intent to engage in or to promote conduct which—

‘‘(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) of this section;

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than ten years, fined under this title, or both.’’.

SEC. 720. DEFINITION OF CONVICTION UNDER CHAPTER 44.

Section 921(a)(20) of title 18, United States Code, is amended in the 3rd sentence by inserting ‘‘(other than for a violent felony (as defined in section 924(e)(2)(B)) involving the threatened or actual use of a firearm or explosive, or for a serious drug offense (as defined in section 924(e)(2)(A)))’’ after ‘‘Any conviction’’.

SEC. 721. DEFINITION OF SERIOUS DRUG OFFENSE UNDER THE ARMED CAREER CRIMINAL ACT.

Section 924(e)(2)(A) of title 18, United States Code, as amended by sections 151 and 713 of this Act, is amended—

(1) by striking ‘‘or’’ at the end of clause (iii);

(2) by inserting ‘‘or’’ at the end of clause (iv); and

(3) by adding at the end the following:

‘‘(v) an offense under State law that, if it were prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) as that Act provided at the time of the offense, would be punishable by a maximum term of imprisonment of 10 years or more;’’.

SEC. 722. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL ACT.

Section 924(e)(2) of title 18, 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:

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

‘‘(i) consists of entering or remaining surreptitiously in a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

‘‘(ii) is punishable by a term of imprisonment exceeding 1 year.’’.

SEC. 723. TEMPORARY PROHIBITION AGAINST POSSESSION OF A FIREARM BY, OR TRANSFER OF A FIREARM TO, PERSONS CONVICTED OF A DRUG CRIME.

(a) TEMPORARY PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

‘‘(s)(1)(A) Except as provided in paragraph (2), it shall be unlawful for any individual who has been convicted in any court of a drug crime to possess a firearm during the period described in subparagraph (B).

‘‘(B) The period described in this subparagraph is the period that begins with the date the individual committed the drug crime and ends 5 years after the most recent date (occurring after the commission of such crime) on which the individual has committed a drug crime or has violated any Federal or State law relating to firearms.

‘‘(2) Paragraph (1) shall not apply with respect to convictions occurring on or before the date of the enactment of this subsection.

‘‘(t)(1)(A) Except as provided in paragraph (2), it shall be unlawful for any person to transfer a firearm to any individual knowing or having reasonable cause to believe that the individual is under indictment for a drug crime.

‘‘(B)(i) Except as provided in paragraph (2), it shall be unlawful for any person, during the period described in clause (ii), to transfer a firearm to any individual knowing or having reasonable cause to believe that the individual has been convicted in any court of a drug crime.

‘‘(ii) The period described in this clause is the period that begins with the date the individual committed the drug crime and ends 5 years after the most recent date (occurring after the commission of such crime) on which the individual has committed a drug crime or has violated any Federal or State law relating to firearms.

‘‘(2) The second sentence of subsection (d) shall apply in like manner to paragraph (1) of this subsection.’’.

(b) PENALTY.—Section 924(a)(1)(B) of such title, as amended by section 103(b) of this Act, is amended by striking ‘‘or (r)’’ and inserting ‘‘(r), (s)(1), or (t)(1)’’.

(c) ENHANCED PENALTIES FOR POSSESSION OF A FIREARM DURING A DRUG CRIME.—Section 924 of such title, as amended by sections 430, 706(e), 715(b), and 719 of this Act, is amended by adding at the end the following:

‘‘(m) Whoever, during and in relation to a drug crime (including a drug crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, possesses a firearm, in addition to the punishment provided for such drug crime, may be sentenced to imprisonment for not less than 15 days and not more than 2 years, and shall be fined not less than $2,500 and not more than $10,000, and if the firearm is a machine gun, or is equipped with a firearm silencer or firearm muffler, shall be sentenced to imprisonment for 15 years. In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for not less than 15 days and not more than 2 years, and shall be fined not less than $2,500 and not more than $10,000, and if the firearm is a machine gun, or is equipped with a firearm silencer or firearm muffler, shall be sentenced to imprisonment for 30 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the drug crime in which the firearm was possessed.’’.

(d) DEFINITION OF DRUG CRIME.—Section 921(a) of such title, as amended by section 714(b) of this Act, is amended by adding at the end the following:

‘‘(30) The term ‘drug crime’ means any offense (other than a drug trafficking crime) punishable by imprisonment under—

‘‘(A) any Act specified in section 924(c)(2); or

‘‘(B) any State law involving the possession, distribution, or manufacture of a controlled substance (as defined in section 102 of the Controlled Substances Act).’’.

Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives

Chapter 1—Instant Check System for Handgun Purchases

SEC. 731. DEFINITIONS.

As used in this chapter:

(1) The term ‘‘background check crime’’ means a crime punishable by imprisonment for a term exceeding 1 year within the meaning of section 921(a)(20) of title 18, United States Code.

(2) The term ‘‘handgun’’ has the meaning given such term in section 921(a)(31) of title 18, United States Code.

(3) The term ‘‘licensee’’ means a licensed importer, licensed manufacturer, or licensed dealer, as defined in paragraphs (9), (10), and (11), respectively, of section 921(a) of title 18, United States Code.

(4) 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. 732. STATE INSTANT CRIMINAL CHECK SYSTEMS FOR HANDGUN PURCHASES.

(a) IN GENERAL.—Not later than the date that is 12 months after the date of the enactment of this chapter, each State shall establish and maintain a system that, on receipt of an inquiry from a licensee pursuant to section 922(u)(1)(A) of title 18, United States Code, immediately researches the criminal history of a prospective handgun transferee, advises the licensee whether its records demonstrate that such transferee is prohibited from receiving a handgun by reason of subsection (g) or (n) of section 922 of such title, and, if such transferee is not so prohibited, provides the licensee a unique identification number with respect to the transfer.

(b) ADDITIONAL REQUIREMENTS.—A State instant criminal check system shall—

(1) provide for the privacy and security of the information contained in the system at least to the extent of the protections and remedies provided in section 552a(g) of title 5, United States Code;

(2) ensure that information provided to the system by a licensee pursuant to section 922(u)(1)(B)(i) of title 18, United States Code, is not retained in any form whatsoever, is not conveyed to any person except a person who has a need to know to carry out the purpose of that section, and is not used for any purpose other than to carry out that section; and

(3) provide to a prospective handgun transferee who is denied receipt of a handgun on the basis of information provided by the system a procedure for the correction of erroneous information as otherwise set forth in this chapter.

(c) PROHIBITIONS ON USES OF INFORMATION.—

(1) RECORDATION BY THE GOVERNMENT.—No record or portion thereof generated by an inquiry concerning or a search of the criminal history of a prospective transferee under a State instant criminal check system established under subsection (a) shall be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof.

(2) REGISTRATION OF OWNERSHIP.—Neither the United States, nor a State, nor any political subdivision thereof may use information provided by a licensee pursuant to a State instant criminal check system established under subsection (a) of this section to establish any system for the registration of handguns, handgun owners, or handgun transactions or dispositions, except with respect to persons who are prohibited from receiving a handgun by reason of subsection (g) or (n) of section 922 of title 18, United States Code.

SEC. 733. AMENDMENT OF CHAPTER 44 OF TITLE 18, UNITED STATES CODE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, as amended by sections 714(b) and 723(d) of this Act, is amended by adding at the end the following:

''(31) The term 'handgun' means—

''(A) a firearm (other than a firearm that is a curio or relic under criteria established by the Secretary by regulation) 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 designed and intended to be assembled into such a firearm and from which such a firearm can be readily assembled.''.

(b) IDENTIFICATION PROCEDURE.—Section 922 of such title, as amended by section 721(a) of this Act, is amended by adding at the end the following:

''(u)(1) Upon a State instant criminal check system becoming operational pursuant to chapter 1 of subtitle C of title VII of the Crime Control Act of 1993, and notice by an appropriate State official by certified mail to each licensee in the State that such system is operational, a licensed importer, licensed manufacturer, or licensed dealer shall not knowingly transfer a handgun from the business inventory of such licensee to any other person who is not licensed under this chapter before the completion of the transfer unless—

''(A) the licensee contacts the State instant criminal check system; and

''(B)(i) the State system notifies the licensee that the system has not located any record that demonstrates that the receipt of a handgun by such other person would violate subsection (g) or (n); or

''(ii) at least 8 hours have elapsed since the licensee first contacted the system with respect to the transfer, and the system has not notified the licensee that the information available to the system demonstrates that the receipt of a handgun by the person would violate subsection (g) or (n).

''(2) Paragraph (1) shall not apply to a handgun transfer between a licensee and another person if—

''(A) the other person presents to the licensee a valid permit or license issued by the State or a political subdivision of the State in which the transfer is to occur that authorizes the person to purchase, possess, or carry a firearm;

''(B) the Secretary has, under section 5812 of the Internal Revenue Code of 1986, approved the transfer;

''(C) the ability of the licensee to exchange information with the system described in paragraph (1) is impaired for a period of more than 8 hours due to natural or human disaster, insurrection, riot, hurricane, other act of God, or other circumstance beyond the control of the licensee; or

''(D) on application of the licensee, the State instant criminal check system has certified that compliance with paragraph (1)(B)(i) is impracticable because of the inability of the licensee to communicate with the system due to the remote location of the licensed premises.

''(3) If the State instant criminal check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a handgun by the person would violate subsection (g) or (n), and the licensee transfers a handgun to the person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

''(4)(A) If the licensee knowingly transfers a handgun to a person and willfully fails to comply with paragraph (1) with respect to the transfer and, at the time of the transfer, the State instant criminal check system was operating and information was available to the system demonstrating that receipt of a handgun by the person would violate subsection (g) or (n), the Secretary may, after notice and opportunity for a hearing, suspend for not more than 12 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $10,000.

''(B) Any action by the Secretary under subparagraph (A) of this paragraph shall be subject to the procedures and remedies provided in subsections (e) and (f) of section 923.

''(5) A State employee responsible for providing information through a State instant criminal check system shall not be liable in an action at law for damages for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of a handgun is unlawful.

''(6) Notwithstanding any law, rule, or regulation of a State or political subdivision of a State that requires a waiting period prior to the receipt or sale of a handgun, after a State instant criminal check system has been placed in operation, a licensee may transfer, and a person may receive, a handgun immediately upon notification of the licensee pursuant to subparagraph (1)(B)(i). No permit or license shall be required by any State or political subdivision of a State for such transfer or receipt.''.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by section 716(a) of this Act, is amended by adding at the end the following:

''(6) A person who willfully violates section 922(u) shall be fined not more than $2,000, imprisoned not more than 1 year, or both.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this chapter.

SEC. 734. ESTABLISHMENT AND OPERATION OF CRIMINAL HISTORY SYSTEM.

(a) ESTABLISHMENT OF THE SYSTEM.—Each State shall establish a system accessible by telephone, and may establish other electronic means in addition to telephonic communication, that any licensee, law enforcement officer, or court of law may contact for criminal history information. Information available to a licensee shall be limited to information concerning a background check crime or other information concerning whether receipt of a handgun by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code. Information available to law enforcement officers and to courts of law shall include information concerning any arrest or conviction for any crime.

(b) CONTINUOUS OPERATION.—Each State shall take such steps as are necessary to ensure that the system operates continuously and without closing, at all times and days of each year for purposes of inquiries from law enforcement officers, licensees, and courts.

SEC. 735. OPERATION OF SYSTEM FOR PURPOSE OF SCREENING HANDGUN PURCHASERS.

(a) ACCURACY OF RESPONSES.—Each State shall take such steps as are necessary to ensure that not more than 2 percent of initial telephone responses of the system contain erroneous determinations that receipt of a handgun by a prospective handgun transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code.

(b) NOTIFICATION OF LICENSEES.—On establishment of a system under this section, each respective State shall notify the Secretary of the Treasury, and the Secretary shall notify each licensee, of the existence and purpose of the system and the telephone number and other electronic means that may be used to contact the system.

(c) OPERATION OF THE SYSTEM.—

(1) REQUIREMENTS FOR PROVISION OF INFORMATION.—The system established under this section shall not provide information to any person who places a telephone call to the system with respect to a person unless—

(A) the system verifies that the caller is a licensee; and

(B) the licensee—

(i) states that a person seeks to purchase a handgun from the licensee; and

(ii) provides the name, birth date, and social security account number (or if the transferee does not have a social security account number, other identifying information about the proposed transferee as required to make a valid identification).

(2) INFORMATION TO BE PROVIDED.—

(A) IN GENERAL.—If the system receives a telephone call with respect to the transfer of a handgun to a person and the requirements of paragraph (1) of this subsection are met, the system shall, in accordance with subparagraph (B) of this paragraph—

(i) if the receipt of a handgun by the person would violate subsection (g) or (n) of section 922 of title 18, United States Code, inform the licensee that the transfer is disapproved; and

(ii) if such a receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the number; and

(III) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(B) TIMING.—

(i) PROMPT RESPONSE REQUIRED.—The system shall make every effort to provide to the caller the information required by subparagraph (A) immediately or by return telephone call without delay.

(ii) RULES GOVERNING DELAYED RESPONSES.—If the system is unable to respond immediately to the inquiry due to circumstances beyond the control of the system, the system shall—

(I) advise the caller that the response of the system will be delayed and state the reasons for the delay and the estimated length of the delay; and

(II) make every effort to provide the information required by subparagraph (A) within 8 hours after the licensee first contacted the system with respect to the transfer.

(d) CORRECTION OF ERRONEOUS SYSTEM.—

(1) ADMINISTRATIVE PROCEDURES.—If the system established under this section informs a licensee that receipt of a handgun by a person would violate subsection (g) or (n) of section 922 of title 18, United States Code, the person may request the system to provide the person with a detailed explanation, in writing, of the reasons therefor. Within 5 days after receipt of such a request, the system shall comply with the request. The requestor may submit to the system information to correct, clarify, or supplement records of the system with respect to the requestor. Within 5 days after receipt of such information, the system shall consider such information, investigate the matter further, correct all erroneous records relating to the requestor, and notify any department or agency of the United States or of any State or political subdivision of a State that was the source of the erroneous records or such errors.

(2) PRIVATE COURSE OF ACTION.—After all administrative remedies are exhausted and such records are not corrected, a person disapproved for the purchase or receipt of a handgun because the system established under this section provided erroneous information relating to the person may bring an action in any court of competent jurisdiction against the United States, or any State or political subdivision of a State that is the source of the erroneous information, for damages (including consequential damages), injunctive relief, mandamus, and such other relief as the court may deem appropriate. If the person prevails in the action, the court shall allow the person a reasonable attorney's fee as part of the costs.

SEC. 736. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.

The Attorney General shall expedite—

(1) the incorporation of the remaining State criminal history records into the Federal criminal records systems maintained by the Federal Bureau of Investigation; and

(2) the development of hardware and software systems to link State criminal history check systems into the National Crime Information Center.

SEC. 737. ACCESS TO STATE CRIMINAL RECORDS.

(a) MEANS OF COMMUNICATION.—Not later than 60 days after the date of the enactment of this chapter, the Attorney General shall—

(1) determine the type of computer hardware and software that shall be used to operate the Federal criminal records system and the means by which State criminal records system shall communicate with the Federal system;

(2) investigate the criminal records system of each State and determine for each State the extent of such accessible criminal records that each State shall be able to provide thereafter to the Federal system by the effective date of section 733; and

(3) notify each State of the determination made pursuant to paragraphs (1) and (2).

(b) FEDERAL SYSTEM.—Not later than the effective date of section 733, the Attorney General shall provide to each State access to the Federal Crime Information Center, including the records of other States through a network, for the purpose of permitting the State to conduct instant criminal background checks required by that section.

SEC. 738. IMPROVEMENTS IN STATE RECORDS.

(a) IN GENERAL.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) 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 this Act with the Attorney General for the purpose of implementing this Act.''.

(b) ADDITIONAL FUNDING.—Section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759) is amended by adding at the end the following:

''(e) In addition to other funds authorized in this Act, there are authorized to be appropriated for fiscal year 1994, to be available until expended, $21,000,000 for the purpose of implementing subsection (b)(4).''.

(c) WITHHOLDING FUNDS.—

(1) Effective on the effective date of section 733 of this Act, the Attorney General may refuse to make grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968 to a State that does not establish and operate a State criminal background check system in compliance with this chapter. No State that receives funds pursuant to this chapter may charge more than $3 per transaction to check for the existence of a felony record of a prospective purchaser of a handgun.

(2) Effective 1 year after the date of the enactment of this chapter, 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 this chapter, and the portion of the amounts that are appropriated for allocation to the States under such title for the fiscal year that is equal to the amount of the reduction shall thereby be rescinded.

SEC. 739. FUNDING OF STATE CRIMINAL RECORDS SYSTEMS AND DEDICATION OF FUNDS.

(a) INCREASE IN SPECIAL ASSESSMENTS.—Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)(iii), by striking ''$25'' and inserting ''$30'';

(2) in paragraph (2)(A), by striking ''$50'' and inserting ''$75''; and

(3) in paragraph (2)(B), by striking ''$200'' and inserting ''$250''.

(b) SYSTEMS FOR SCREENING HANDGUN PURCHASERS AND FOR CRIMINAL JUSTICE PURPOSES.—Notwithstanding any other law, $5 of each assessment collected under section 3013(a)(1)(A)(iii) of title 18, United States Code, $25 of each assessment collected under subsection (a)(2)(A) of that section, and $50 of each assessment collected under subsection (a)(2)(B) of that section shall be paid to the States, in proportion to the respective populations thereof, for the purposes of carrying out this chapter.

SEC. 740. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(b) LIMITATION ON USE.—No appropriation, grant, or fund authorized under this chapter shall be used for any purpose other than the creation, maintenance, and operation of systems for access to criminal history records and screening systems for handgun purchasers as provided in this chapter.

Chapter 2—Other Firearms Provisions

SEC. 741. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, and 723(c) of this Act, is amended by adding at the end the following:

''(n) Whoever, with the intent to engage in conduct which 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.''.

SEC. 742. 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. 743. ENHANCED PENALTIES FOR USE OF FIREARMS IN CONNECTION WITH COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, is amended by inserting ''or during and in relation to any felony punishable under chapter 25,'' after ''United States,''.

SEC. 744. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN FIREARM PURCHASE FROM LICENSED DEALER.

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

(1) in paragraph (1)(B), by striking ''(a)(6),''; and

(2) in paragraph (2), by inserting ''(a)(6),'' after ''subsection''.

SEC. 745. REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM IN VIOLATION OF RELEASE CONDITION.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

''(h) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm (as defined in section 921) at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to subsection (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on post release supervision.''.

SEC. 746. RECEIPT OF FIREARMS BY NONRESIDENT.

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

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(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. 747. DISPOSITION OF FORFEITED FIREARMS.

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

''(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

''(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

''(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machine gun or a firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel, rare, or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

''(3) if the firearm has not been disposed of pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of the firearm; and

''(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.''.

SEC. 748. CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), and 741 of this Act, is amended by adding at the end the following:

''(o) Whoever conspires to commit any offense punishable 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.''.

(b) EXPLOSIVES.—Section 844 of such title is amended by adding at the end the following:

''(k) Whoever conspires to commit any offense punishable 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.''.

SEC. 749. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), 741, and 748(a) of this Act, is amended by adding at the end the following:

''(p) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than ten years, or both.''.

(b) EXPLOSIVES.—Section 844 of such title, as amended by section 748(b) of this Act, is amended by adding at the end the following:

''(l) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined under this title, imprisoned not more than ten years, or both.''.

SEC. 750. PENALTIES FOR THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), 741, 748(a), and 749(a) of this Act, is amended by adding at the end the following:

''(q) Whoever 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 less than two nor more than ten years, fined under this title, or both.''.

(b) EXPLOSIVES.—Section 844 of such title, as amended by sections 748(b) and 749(b) of this Act, is amended by adding at the end the following:

''(m) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than two nor more than ten years, fined under this title, or both.''.

SEC. 751. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

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

SEC. 752. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 722(c), 741, 748(a), 749(a), and 750(a) of this Act, is amended by adding at the end the following:

''(r) Whoever 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 less than two nor more than ten years, fined under this title, or both.''.

(b) EXPLOSIVES.—Section 844 of such title, as amended by sections 748(b), 749(b), and 750(b) of this Act, is amended by adding at the end the following:

''(n) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than two nor more than ten years, fined under this title, or both.''.

SEC. 753. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking ''ten'' and inserting ''twenty''.

SEC. 754. 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. 755. POSSESSION OF EXPLOSIVES DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''carries'' and inserting ''possesses''; and

(2) in the 3rd sentence, by striking ''carried'' and inserting ''possessed''.

SEC. 756. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

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

(1) by inserting ''(1)'' before ''Any''; and

(2) by adding at the end the following:

''(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 where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer is authorized to destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

''(3) Within sixty 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. 757. ELIMINATION OF OUTMODED PAROLE LANGUAGE.

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

(1) in subsection (c)(1), by striking ''No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.''; and

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

Subtitle D—Miscellaneous

SEC. 761. 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. 762. CRIMINAL OFFENSE FOR FAILING TO OBEY AN ORDER TO LAND A PRIVATE AIRCRAFT.

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

''§ 2237. Order to land

''(a)(1) A pilot or operator of an aircraft that has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, who intentionally fails to obey an order to land issued by an authorized Federal law enforcement officer who has observed conduct or is otherwise in possession of information establishing reasonable suspicion that the aircraft is being used unlawfully in violation of the laws of the United States relating to controlled substances as that term is defined in section 102(6) of the Controlled Substances Act, or section

1956 or 1957 of this title (relating to money launderings), shall be fined under this title, or imprisoned for not more than 2 years, or both.

''(2) The Secretary of the Treasury and the Secretary of Transportation, in consultation with the Attorney General, shall make rules governing the means by which a Federal Law enforcement officer may communicate an order to land to a pilot or operator of an aircraft.

''(3) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 or another law the Customs Service enforces or administers, or the authority of a Federal law enforcement officer under a law of the United States to order an aircraft to land.

''(b) A foreign nation may consent or waive objection to the United States enforcing the laws of the United States by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(c) For purposes of this section—

''(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, when that nation consents to United States enforcement of United States law; and

''(C) over the high seas, an aircraft without nationality, an aircraft of the United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the United States enforcement of United States law; and

''(2) the term 'Federal law enforcement officer' has the same meaning that term has in section 115 of this title.

''(d) An aircraft that is used in violation of this section is liable in rem for a fine imposed under this section;

''(e) An aircraft that is used in violation of this section may be seized and forfeited. The laws relating to seizure and forfeiture for violation of the customs laws, including available defenses such as innocent owner provisions, apply to aircraft seized or forfeited under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Order to land.''

SEC. 763. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of Public Law 87–195 (22 U.S.C. 2291(c)) is amended by inserting '', and archipelagic waters'' after ''territorial sea''.

SEC. 764. 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'';

SEC. 765. REMOVAL OF TV BROADCAST LICENSE CONTINGENT ON BROADCAST OF PUBLIC SERVICE ANNOUNCEMENTS REGARDING DRUG ABUSE.

Section 311 of the Communications Act of 1934 is amended by adding at the end the following new subsection:

''(e)(1) As part of its obligations to ensure that broadcast licenses are issued consistent with the public interest, convenience, and necessity, the Commission shall, in its review of any application for renewal of a commercial or noncommercial television broadcast license, consider the extent to which the licensee has participated in efforts to educate and inform the public as to the dangers of drug abuse and appropriate methods for obtaining treatment. The Commission shall not find that a renewal of such a license is consistent with the public interest, convenience, and necessity unless the applicant demonstrates that the station has broadcast public service announcements concerning drug and substance abuse and treatment during each hour of its broadcasting day, and that the duration of such announcements is equal to not less than 5 percent of the duration of the commercial advertisements broadcast by that station during that hour.

''(2) The Commission shall, in each annual report submitted under section 4(k) after the date of enactment of this subsection, include an analysis of broadcasters' progress in meeting the requirements of this subsection. Such report shall include statistics concerning the proportion of broadcast time devoted to public service announcements generally, and to meeting the requirements of this subsection.''.

TITLE VIII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES.

Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform.

SEC. 801. PERIOD OF LIMITATION FOR FILING WRIT OF HABEAS CORPUS FOLLOWING FINAL JUDGMENT OF A STATE COURT.

Section 2244 of title 28, United States Code, is amended by adding at the end the following:

''(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

''(1) The time at which State remedies are exhausted.

''(2) The time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action.

''(3) The time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

''(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.''.

SEC. 802. AUTHORITY OF APPELLATE JUDGES TO ISSUE CERTIFICATES OF PROBABLE CAUSE FOR APPEAL IN HABEAS CORPUS AND FEDERAL COLLATERAL RELIEF PROCEEDINGS.

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

''§2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

''(b) There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

''(c) An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.''.

SEC. 803. CONFORMING AMENDMENT TO THE RULES OF APPELLATE PROCEDURE.

Federal Rule of Appellate Procedure 22 is amended to read as follows:

''RULE 22

''HABEAS CORPUS AND SECTION 2255 PROCEEDINGS

''(a) APPLICATION FOR AN ORIGINAL WRIT OF HABEAS CORPUS.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

''(b) NECESSITY OF CERTIFICATE OF PROBABLE CAUSE FOR APPEAL.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.''.

SEC. 804. DISCRETION TO DENY HABEAS CORPUS APPLICATION DESPITE FAILURE TO EXHAUST STATE REMEDIES.

Section 2254(b) of title 28, United State Code, is amended to read as follows:

''(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.''.

SEC. 805. PERIOD OF LIMITATION FOR FEDERAL PRISONERS FILING FOR COLLATERAL REMEDY.

Section 2255 of title 28, United States Code, is amended by striking the second paragraph and the penultimate paragraph thereof, and by adding at the end the following new paragraphs:

''A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

''(1) The time at which the judgment of conviction becomes final.

''(2) The time at which the impediment to making a motion created by governmental

action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

''(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

''(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.''.

Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases

SEC. 811. DEATH PENALTY LITIGATION PROCEDURES.

Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.

''2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
''2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
''2258. Filing of habeas corpus petition; time requirements; tolling rules.
''2259. Evidentiary hearings; scope of Federal review; district court adjudication.
''2260. Certificate of probable cause inapplicable.
''2261. Application to State unitary review procedures.
''2262. Limitation periods for determining petitions.
''2263. Rule of construction.

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

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record: (1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254 of this chapter. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

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

''(a) Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

''(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

''(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

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

''(2) the failure to raise the claim is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

''(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

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

''Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within one hundred and eighty days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

''(3) during an additional period not to exceed sixty days, if (A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and (B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

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

''(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

''(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

''(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

''(b) Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it.

"§ 2260. Certificate of probable cause inapplicable

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

"§ 2261. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. The provisions of this chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) A unitary review procedure, to qualify under this section, must include an offer of

counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the one hundred and eighty day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or his counsel.

''§ 2262. Limitation periods for determining petitions

''(a) The adjudication of any petition under section 2254 of title 28, United States Code, that is subject to this chapter, and the adjudication of any motion under section 2255 of title 28, United States Code, by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

''(1) A Federal district court shall determine such a petition or motion within 180 days of filing.

''(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 180 days after the notice of appeal is filed.

''(B) The court of appeals shall decide any application for rehearing en banc within 30 days of the filing of such application unless a responsive pleading is required in which case the court of appeals shall decide the application within 30 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 180 days of the decision to grant such consideration.

''(b) The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the re-determination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

''(c) The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

''(d) The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

''(e) The Administrative Office of United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

''§ 2263. Rule of construction

''This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2256''.

Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases

SEC. 821. FUNDING FOR DEATH PENALTY PROSECUTIONS.

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 section:

''SEC. 515. Notwithstanding any other provision of this subpart, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.''.

TITLE IX—PUBLIC CORRUPTION

SEC. 901. OFFENSES.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 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 of the honest services of an official of that State, shall be fined under this title, or imprisoned for 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 of a fair and impartially conducted election process in any primary, run-off, special, or general election—

''(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 or imprisoned for 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 from any such post office or depository, any such matter or thing, or knowingly causes to be delivered by mail according to the direction on the mail, 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) 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

''(iii) uses or causes the use of any facility in 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 so 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 some 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 an official of the United States shall be fined under this title or imprisoned for not more than 10 years, or both.

''(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

''(1) CRIMINAL OFFENSE.—Whoever, being an official of a State or the United States, directly or indirectly, discharges, demotes, suspends, threatens, harasses, or, in any manner, discriminates against another official of a State or the United States, 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 or imprisoned for not more than 5 years, or both.

''(2) CIVIL ACTION.—(A) Any official who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the official as a result of a violation of subsection (a) or (b) or because of actions by the official on behalf of himself or herself or others in furtherance of a prosecution under subsection (a) or (b) (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may, in a civil action, obtain all relief necessary to make such individual whole, including—

''(i) reinstatement with the same seniority status the official would have had but for the violation of paragraph (1);

''(ii) 3 times the amount of back pay;

''(iii) interest on the back pay; and

''(iv) compensation for any special damages sustained as a result of the violation of paragraph (1), including reasonable litigation costs and reasonable attorney's fees.

''(B) An individual is not eligible for relief under subparagraph (A) if that individual participated in the violation of subsection (a) or (b) with respect to which such relief is sought.

''(C) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon the 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. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'official' means—

''(A) in the case of an official of a State—

''(i) any person employed by, exercising any authority derived from, or holding any position in the government of a State, including any department, independent establishment, commission, administration, au-

thority, board, or bureau, or a corporation or other legal entity established and subject to control by a State for the execution of a program of such State;

''(ii) a juror;

''(iii) any person acting or pretending to act under color of official authority; and

''(iv) any person who has been nominated, appointed, or selected to be an official described in clause (i), (ii), or (iii) or who has been officially informed that he or she will be so nominated, appointed, or selected; and

''(B) in the case of an official of the United States—

''(i) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of the United States Government in any official function, under or by authority of any such department, agency, or branch of Government;

''(ii) a juror;

''(iii) any person acting or pretending to act under color of official authority; and

''(iv) any person who has been nominated, appointed, or selected to be an official described in clause (i), (ii), or (iii), or 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' means any person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official;

''(3) the term 'State' means a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States, and any political subdivision of such State, District, commonwealth, territory, or possession; and

''(4) the term 'uses any facility in interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by adding at the end the following 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. 902. 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 in interstate or foreign commerce (as defined in section 226(d)(5) of this title)''; and

(2) by inserting ''or attempting to do so'' after ''for the purpose of executing such scheme or artifice''.

(b) CONFORMING AMENDMENTS.—(1) The section caption for section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility in interstate commerce".

(2) The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by striking the item relating to section 1343 and inserting the following:

''1343. Fraud by use of facility in interstate commerce.''.

SEC. 903. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following:

"§ 220. Narcotics and public corruption

''(a) OFFENSE BY PUBLIC OFFICIAL.—Any 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.—Any 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 the 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 such 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 given those terms in section 102 of the Controlled Substances Act;

''(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;

''(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 the United States Government 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, or any political subdivision of a State, in any official function, under or by the authority of any such State 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; and

''(4) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(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),''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following:

''220. Narcotics and public corruption.''.

TITLE X—FUNDING

SEC. 1001. REDUCTION IN OVERHEAD COSTS INCURRED IN FEDERALLY SPONSORED RESEARCH.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in overhead payments for federally funded university research required by this section will produce savings of $1,540,000,00 over 5 years ($150,000,000 for fiscal year 1994, $310,000,000 for fiscal year 1995, $350,000,000 for fiscal year 1996, $360,000,000 for fiscal year 1997, and $370,000,000 for fiscal year 1998).

(b) LIMITATION.—Notwithstanding any other law, on and after the date of the enactment of this Act, each head of a Federal agency making a grant to or entering into a contract with, an institution of higher education for research and development, shall reduce the overhead payment rate under the grant or contract to 90 percent of the current level and return the amount saved to the general fund of the Treasury.

(c) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' has the meaning stated in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)); and

(2) the term ''Federal agency'' means a department, agency, or instrumentality of the Federal Government (including an executive agency (as defined in section 105 of title 5, United States Code)).

SEC. 1002. OVERHEAD EXPENSE REDUCTION.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of $6,000,000,000 over 5 years ($1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) REDUCTION.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

SECTION 1101. 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.), 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:

"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1701. 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 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 offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young 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 offenders;

''(2) boot camp prison programs;

''(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

''(4) innovative projects;

''(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

''(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

''(7) demonstration restitution projects that are evaluated for effectiveness; and

''(8) innovative methods that address the problems of young 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. 1702. 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.

''(b) STATE OFFICE.—The office designated under section 507 of this title—

''(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. 1703. REVIEW OF STATE APPLICATIONS.

''(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 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.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after 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 alternative facilities described in section 1701(b).

''(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. 1704. 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 1701(b).

''(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 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 1701 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 45 days after the Director 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 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

''SEC. 1705. 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 young offenders of such State bears to the number of young offenders 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 for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such 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 under section 1701.

''(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 1701, 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) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

''(d) 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 1702(a) for the fiscal year for which the projects receive assistance under this part.

''SEC. 1706. EVALUATION.

''(a) IN GENERAL.—(1) 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) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

''(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.''.

(b) CONFORMING 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—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

''Sec. 1701. Grant authorization.
''Sec. 1702. State applications.
''Sec. 1703. Review of State applications.
''Sec. 1704. Local applications.
''Sec. 1705. Allocation and distribution of funds.
''Sec. 1706. Evaluation.

''PART R—TRANSITION—EFFECTIVE DATE—REPEALER

''Sec. 1801. 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 after paragraph (23) the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

SEC. 1102. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

''(11) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q.''.

Pending consideration of said motion to recommit with instructions,

¶137.15 POINT OF ORDER

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order that the motion is non germane.

''Mr. Speaker, it is the entire Republican crime bill tacked onto this bill, which is not pertinent to all of those programs and is well beyond the scope of the bill that is before us.''.

Mr. McCOLLUM was recognized to speak to the point of order and said:

''I do wish to be heard, Mr. Speaker, on the point of order. This bill on the motion to recommit involves a number of provisions that are very vital to this House and that we have not had a chance to vote on today, including measures that are very definitely related to the high rate of juvenile crime we have in this country. In fact, the juvenile crime rate, which is what we are talking about—the juvenile crime rate in this country is where the big prob-

lem is today, sadly. It is there we have the violent crimes that are causing a great deal of concern among our American citizenry.

''We have such an enormous growth in violent crime in this country among juveniles that it is a sad story that the Wall Street Journal reports that the district attorneys around this Nation say the single most important issue facing them is revising the laws of this Nation to solve that problem.

''So I propose today in this motion to recommit one simple thing, something that has not been out here on the floor before that should have been long ago, something that addresses the violent crime problem among the youth of this country and the violent crime problem generally in the only way we can get at it. It addresses the problem of the revolving door.

''This proposed motion to recommit is in order, it is the comprehensive Republican crime proposal. It is in order, I would submit to the Speaker, because it is indeed the root cause of the problems being addressed in this bill. It is the only way to get at it. We have all kinds of ways of getting at that. And the scope of the bill before us today is indeed broad enough to encompass this entire problem.

''The crux of this matter is that we have not faced the issue squarely. We need to face the fact we do not have enough prisons to house these folks in. We have a revolving door that basically the motion to recommit would establish that. We need to mend the law of the endless appeals of habeas corpus appeals by death row inmates, restore the death penalty at the Federal level. We have not had a vote on any of that in this session of Congress out on the floor, and this is one opportunity to have that vote today on this motion to recommit. It should be made in order, it should be put out. I tried to get it before the Rules Committee. We do not have it out here, and I submit this is the only way that this body can really address the violent crime problem facing our country today, Mr. Speaker.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The Chair is prepared to rule.

''The gentleman from Texas makes the point of order that the amendment proposed in the motion to recommit offered by the gentleman from Florida is not germane to the bill.

''The test of germaneness in the case of a motion to recommit with instructions is the relationship of those instructions to the bill as perfected in the House.

''In order to be germane, an amendment must relate to the subject matter under consideration. The bill as perfected narrowly amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a program of grants to States and local governments to develop alternatives to traditional incarceration of and unsupervised probation for youthful offenders.

''On the other hand, the amendment proposed in the motion offered by the gentleman from Florida goes beyond the subject of alternative punishments for youthful offenders and proposes and omnibus crime bill.

''Accordingly, the Chair finds that the amendment is not germane and, therefore, that the motion to recommit is not in order.''.

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 172

¶137.16 [Roll No. 586]

AYES—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Cantwell
Clinger
Dicks
Gingrich
Hall (OH)
McDermott
Pickle
Slattery
Stearns
Washington

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

Page 10, after line 3, insert the following:

SEC. 3. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.

(a) PLAN CREATED BY ATTORNEY GENERAL.—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not later than 180 days after the date of the enactment of this Act.

(b) SCOPE OF PLAN.—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) STATE ELIGIBILITY.—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under this section and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) PRISONER ELIGIBILITY.—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

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

(1) the term ''crime of violence'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term ''serious drug trafficking offense'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term ''serious felony'' means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term ''crime of violence involving a sexual assault'' is a crime of violence that is an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term ''State'' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) REGIONAL PRISON FUND.—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds $150,000,000;

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) TRANSFERS.—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) USE OF REGIONAL PRISON FUND.—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Regional Prison Fund—

(1) $1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

SEC. 4. OVERHEAD EXPENSE REDUCTION.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of $6,000,000,000 over 5 years ($1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) REDUCTION.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

Pending consideration of said motion to recommit with instructions,

¶137.17 POINT OF ORDER

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make the point of order that the motion to recommit is not germane.''.

Mr. MCCOLLUM was recognized to speak to the point of order and said:

''Mr. Speaker, the motion to recommit that I have offered would require that the Committee on the Judiciary take this bill back and report back to us an amendment to the bill, an addition to the bill, which would encompass a regional prison system being a partnership with the States whereby the Federal Government would pay 50 percent of the cost of building these regional prisons and the States would pay 50 percent to house violent criminals and sexual abusers who qualify in those States where the States have adopted truth in sentencing by requiring that all of those who are convicted who are eligible for these prisons serve at least 85 percent of their sentences, and it would require that they adopt minimum mandatory sentences for those individuals that would be sent to these regional prisons.

''This amendment, this provision that would be adopted by my motion to recommit, Mr. Speaker, is the only way we are going to get at the real problem here that is facing the country today of the revolving door, and it is germane to this bill today because this bill addresses crime and youthful offenders, and the only way to effectively stop youthful offenders who commit violent crimes, and that is the crisis today most Americans see, is by building the prison that we need in America, going into a cost-sharing partnership with the States and taking these violent youthful offenders off the streets, locking them up, and throwing away the keys. We are not doing that today, Mr. Speaker.

''If this is ruled out of order, which would be the second one today which we have tried to put out here, we will not be effectively dealing with the violent crime problem facing this Nation in this session of Congress. The American public demands that we have that opportunity, and that is why I am offering this motion to recommit today in the hopes that this body, with my colleagues' blessing, today will address the really critical problem of the revolving door of violent criminals and especially the violent crime among the youth today. We need the prisons. That is all this does is establish that which we have not brought out here.

''Let me point out to my colleagues in closing that in 6 months from now, by the statistics we have, because it is violent crimes that are being committed in this country at a rate of 160,000 a month, if it takes 6 months to get this out here, this kind of a bill, if we do not do it tonight, we do not address the crime problem tonight with the bill I propose here, there will be over 966,000 more violent crimes a committed in that 6-month period.

''It is shameful that we do not address it, Mr. Speaker. That is why I am offering it. That is what it is. I believe it is very germane to this crime bill today, because this crime bill, as it is tonight, really only addresses a very minor part of the problem.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The point of order of the gentleman from Texas [Mr. BROOKS] has been heard. For the reasons stated on the prior point of order, the Chair rules that this point of order is well-taken, and that the motion is not germane. A program to establish a regional prison system to be used by States that establish certain standards for incarceration of prisoners generally goes beyond the subject of alternative punishments for youthful offenders.''.

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 171

¶137.18 [Roll No. 587]

AYES—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—171

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Cantwell
Clinger
Dicks
Gingrich
Hall (OH)
Knollenberg
McDermott
Slattery
Stearns
Washington
Weldon

So the motion to lay the appeal on the table was agreed to.

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

Page 10, after line 3, insert the following:

SEC. 3. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—(1) The President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisory or the Deputy National Security Advisory for Special Operations Low Intensity Conflict, the Assistant Secretary of the Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation.

(2) The Deputy Attorney General and the Deputy Director of Central Intelligence shall serve as the Co-Chairs of the Task Force which shall coordinate all counterterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall prepare a report to the Congress which shall—

(1) define terrorism, both domestic and international;

(2) identify Federal Government activities, programs, and assets, which may be utilized to counter terrorism;

(3) assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement;

(4) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(5) assess the coordination among law enforcement, intelligence and defense agencies involved in counterterrorism activities and make recommendations concerning how coordination can be improved; and

(6) assess whether there should be more centralized operational control over Federal Government activities, programs, and assets utilized to counter terrorism, and if so, make recommendations concerning how that should be achieved

(c) SUPPORT.—(1) The National Task Force on Counterterrorism shall have a Chief of Staff appointed by the Director of Central Intelligence and a Vice Chief of Staff appointed by the Attorney General. The Chief of Staff and the Vice Chief of Staff shall be paid at a rate not to exceed the rate of basic pay for the highest rate payable for the Senior Executive Service.

(2) The Task Force shall hire or have detailed to it from other agencies such staff as necessary to carry out its functions.

(3) The staff of the National Task Force on Counterterrorism shall coordinate all activities of the Task Force and act as the liaison for all agencies involved.

(d) REPORT.—The Task Force shall—

(1) report to Congress no later than 6 months after the date of enactment of this Act as to the review and recommendations outlined in subsection (b) and how the Task Force will implement those recommendations,

(2) beginning 60 days after the date on which the report is submitted under paragraph (1), implement the recommendations outlined in subsection (b) in accordance with the report, and

(3) beginning 180 days after the date on which the report is submitted under paragraph (1), report to Congress every 120 days on the progress of Task Force in implementing its recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the National Task Force on Counterterrorism for fiscal year 1995 $5,000,000, which shall remain available until expended.

Pending consideration of said motion to recommit with instructions,

¶137.19 POINT OF ORDER

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order that the motion to recommit is not germane.''.

Mr. MCCOLLUM was recognized to speak to the point of order and said:

''What this proposed motion would do today will be to send this bill back to the Committee on the Judiciary to report it back with a very straightforward amendment to it that is one which would address the problem of terrorism at the World Trade Center. It would set up an interagency task force, among other things, to coordinate efforts so we do not have something like what happened at the World Trade Center.

''You are probably going to rule it out of order, like you have ruled the other two out of order, Mr. Speaker, and I respect that, but the fact is that the people who were involved with that World Trade Center and a lot of other Americans would like to see that issue addressed. We should be addressing the real crime issues tonight and not the issues that are out here.

''I have nothing else to say on it. I am sorry I have to do that, but that is the only effort we have got we can make. I respectfully suggest this ought to be ruled in order. It is a tough violent crime question.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The Chair has heard the argument on the point of order. The Chair rules that the motion to recommit is not germane for the similar reasons that were given on the other two points of order.

''The amendment proposed in the motion to recommit offered by the gentleman from Florida [Mr. MCCOLLUM] goes beyond the subject of alternative punishments for youthful offenders and establishes a National Task Force on Counter-Terrorism to study and report to Congress its assessment of existing Federal counterterrorism efforts and to make recommendations for improvements to those efforts.

''Accordingly, the Chair finds that the amendment is not germane, and therefore, that the motion to recommit is not in order.''.

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 171

¶137.20 [Roll No. 588]

AYES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—171

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)

Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Cantwell
Clinger
DeFazio
Derrick
Dicks
Gingrich
Hall (OH)
Johnson, E.B.
Knollenberg
McDermott
Mineta
Slattery
Stearns
Thomas (CA)
Valentine
Washington

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. SENSENBRENNER moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

On page 10, line 3, before the period, insert ''*Provided*, That 90 percent of the funds authorized under this Act be used to fund boot camp procedures authorized by Sec. 1701(b)(2):''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the nays had it.

Mr. SENSENBRENNER demanded a recorded vote on said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 177 / Nays ..... 243 }

¶137.21 [Roll No. 589]

AYES—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Cantwell
Clinger
Diaz-Balart
Dicks
Gingrich
Hall (OH)
Knollenberg
McDermott
Menendez
Ros-Lehtinen
Slattery
Stearns
Washington

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 336 / Nays ..... 82 }

¶137.22 [Roll No. 590]

AYES—336

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Goodlatte
Gordon
Grams
Green
Greenwood
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner

Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Scott
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—82

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Boehner
Bonilla
Bunning
Burton
Collins (GA)
Combest
Cox
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Fawell
Fields (TX)
Gekas
Gilchrest
Gonzalez
Goodling
Goss
Grandy
Gunderson
Hancock
Hansen
Hefley
Herger
Hoke
Hutchinson
Inglis
Inhofe
Johnson, Sam
Kim
King
Kolbe
Kyl
Lewis (CA)
Lightfoot
Linder
McCollum
McHugh
McInnis
Meyers
Mica
Michel
Miller (FL)
Molinari
Myers
Nussle
Packard
Paxon
Pombo
Quillen
Rohrabacher
Royce
Schiff
Sensenbrenner
Shays
Shuster
Skelton
Smith (TX)
Solomon
Stump
Taylor (MS)
Taylor (NC)
Vucanovich
Walker
Williams
Young (AK)
Zeliff

NOT VOTING—15

Cantwell
Clinger
Diaz-Balart
Dicks
Gingrich
Hall (OH)
Hunter
Knollenberg
McDermott
Menendez
Ros-Lehtinen
Serrano
Slattery
Stearns
Washington

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.23 PATENT AND TRADEMARK OFFICE AUTHORIZATION

On motion of Mr. BROOKS, by unanimous consent, the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; together the amendment of the Senate thereto, was taken from the Speaker's table.

On motion of Mr. BROOKS, said Senate amendment was agreed to with the following amendment:

In lieu of the text proposed to be inserted by the Senate amendment, insert the following:

SEC. 5. INTERIM PATENT EXTENSIONS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (c)(4) by striking out ''extended'' and inserting ''extended under subsection (e)(1)'';

(2) in the second sentence of subsection (d)(1) by striking ''Such'' and inserting ''Except as provided in paragraph (5), such''; and

(3) by adding at the end of subsection (d) the following new paragraph:

''(5)(A) If the owner of record of the patent or its agent reasonably expects that the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B)(ii), or (5)(B)(ii) of subsection (g) that began for a product that is the subject of such patent may extend beyond the expiration of the patent term in effect, the owner or its agent may submit an application to the Commissioner for an interim extension during the period beginning 6 months, and ending 15 days, before such term is due to expire. The application shall contain—

''(i) the identity of the product subject to regulatory review and the Federal statute under which such review is occurring;

''(2) the identity of the patent for which interim extension is being sought and the identity of each claim of such patent which claims the product under regulatory review or a method of using or manufacturing the product;

''(iii) information to enable the Commissioner to determine under subsection (a)(1), (2), and (3) the eligibility of a patent for extension;

''(iv) a brief description of the activities undertaken by the applicant during the applicable regulatory review period to date with respect to the product under review and the significant dates applicable to such activities; and

''(v) such patent or other information as the Commissioner may require.

''(B) If the Commissioner determines that, except for permission to market or use the product commercially, the patent would be eligible for an extension of the patent term under this section, the Commissioner shall publish in the Federal Register a notice of such determination, including the identity of the product under regulatory review, and shall issue to the applicant a certificate of interim extension for a period of not more than 1 year.

''(C) The owner of record of a patent, or its agent, for which an interim extension has been granted under subparagraph (B), may apply for not more than 4 subsequent interim extensions under this paragraph, except that, in the case of a patent subject to subsection (g)(6)(C), the owner of record of the patent, or its agent, may apply for only 1 subsequent interim extension under this paragraph. Each such subsequent application shall be made during the period beginning 60 days before, and ending 30 days before, the expiration of the preceding interim extension.

''(D) Each certificate of interim extension under this paragraph shall be recorded in the official file of the patent and shall be considered part of the original patent.

''(E) Any interim extension granted under this paragraph shall terminate at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use, except that, if within that 60-day period the applicant notifies the Commissioner of such permission and submits any additional information under paragraph (1) of this subsection not previously contained in the application for interim extension, the patent shall be further extended, in accordance with the provisions of this section—

''(i) for not to exceed 5 years from the date of expiration of the original patent term; or

''(ii) if the patent is subject to subsection (g)(6)(C), from the date on which the product involved receives approval for commercial marketing or use.

''(F) The rights derived from any patent the term of which is extended under this paragraph shall, during the period of interim extension—

''(i) in the case of a patent which claims a product, be limited to any use then under regulatory review;

''(ii) in the case of a patent which claims a method of using a product, be limited to any use claimed by the patent then under regulatory review; and

''(iii) in the case of a patent which claims a method of manufacturing a product, be limited to the method of manufacturing as used to make the product then under regulatory review.''.

SEC. 6. CONFORMING AMENDMENTS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''(d)'' and inserting ''(d)(1)''; and

(B) in paragraph (3) by striking ''subsection (d)'' and inserting ''paragraphs (1) through (4) of subsection (d)'';

(2) in subsection (b) by striking ''The rights'' and inserting ''Except as provided in subsection (d)(5)(F), the rights''; and

(3) in subsection (e)—

(A) in paragraph (1) by striking ''subsection (d)'' and inserting ''paragraphs (1) through (4) of subsection (d)''; and

(B) in paragraph (2) by striking ''(d)'' and inserting ''(d)(1)''.

SEC. 7. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 8. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 6 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

By unanimous consent, the title was amended so as to read:

''A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, and for other purposes.''.

A motion to reconsider the votes whereby said Senate amendment was agreed to with an amendment and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶137.24 ORDER OF BUSINESS—SUSPENSION OF THE RULES

On motion of Mr. FAZIO, by unanimous consent,

Ordered, That it may be in order on Saturday, November 20, 1993, for the Speaker to recognize Members for motions to suspend the rules under clause 1, rule XXVII, on the following measures: H.R. 1133, Violence Against Women; H.R. 324, Crimes Against Children Registration Act; H.R. 3378, International Parental Kidnaping; H.R. 3098, Youth Handgun Safety; H.R. 1237, National Child Protection Act; H.R. 783, Nationality and Naturalization Act; H.R. 897, Copyright Reform Act; H.R. 3515, Omnibus Agriculture Research and Promotion Improvements Act; H.R. 2811, National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization; H.R. 1994, Environmental Research and Development and Demonstration Authorization Act; H.R. 3512, National Environmental Policy Act administrative reorganization amendments; H.R. 3402, Fountain Darter Captive Propagation Research Act of 1993; H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act of 1993; H.R. 3509, Governing International Fisheries Agreement Between the United States and Russia; H.R. 58, Merchant Marine Memorial Enhancement Act of 1993; H.R. 1250, United States Flag Passenger Vessel Act of 1993; H.R. 3474, Community Development Banking and Financial Institutions Act of 1993; H.R. 2960, Amendments to the Competitiveness Policy Council Act; H.R. 2921, Authorize Appropriations for Restoration of Historic Buildings at Black Universities; H.R. 2947, 2-year Extension of Authorization for Black Revolutionary War Memorial; H.R. 486, Harry Truman National Historic Site in Missouri; H.R. 3505, Developmental Disabilities Reauthorization; H.R. 3216, Domestic Chemical Diversion Control Act; H. Con. Res. 131, Regarding Sudan; and H. Con. Res. 175, Antiboycott Resolution.

¶137.25 REA OVERSIGHT REGULATIONS

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3514) to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

When said bill was considered and read twice.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.26 SUBMISSION OF CONFERENCE REPORT—H.R. 1268

Mr. MILLER of California submitted a conference report (Rept. No. 103–383) on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶137.27 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT ON H.R. 1267

On motion of Mr. MILLER of California, by unanimous consent,

Ordered, That, notwithstanding the provisions of clause 2 of rule XXVIII, it may be in order for the House to immediately consider the conference report on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes; and said conference report shall be considered as read when called up.

¶137.28 TRIBAL JUDICIAL SYSTEMS

Mr. MILLER of California, pursuant to the foregoing order of the House, called up the following conference report (Rept. No. 103–383):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Justice Act''.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''Bureau'' means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term ''Courts of Indian Offenses'' means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term ''judicial personnel'' means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term ''Office'' means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term ''Secretary'' means the Secretary of the Interior.

(7) The term ''tribal organization'' means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term ''tribal justice system'' means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

TITLE I—TRIBAL JUSTICE SYSTEMS

SEC. 101. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are

hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) FUNCTIONS.—In addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination among tribal justice systems and the Federal and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(6) Provide funds to Indian tribes and tribal organizations for the continuation and enhancement of traditional tribal judicial practices.

(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide technical assistance and training to any Indian tribe or tribal organization upon request. Technical assistance and training shall include (but not be limited to) assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes or tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems and Courts of Indian Offenses, including (but not limited to) information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such actions as may be necessary to ensure the confidentiality of records and other matters involving privacy rights.

SEC. 102. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

(1) the geographic area and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the caseloads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the surveys, including updates thereof, under this section. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

SEC. 103. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized (to the extent provided in advance in appropriations Acts) to enter into contracts, grants, or agreements with Indian tribes for the performance of any function of the Office and for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems that take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 102 and to relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, the American Bar Association, and appropriate State bar associations.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the caseload and staffing needs identified under paragraph (2);

(B) the geographic area and population to be served;

(C) the volume and complexity of the caseloads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing and administering the formula for base support funding for the tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

SEC. 104. TRIBAL JUDICIAL CONFERENCES.

The Secretary is authorized to provide funds to tribal judicial conferences, under section 101 of this Act, pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference. Funds provided under this section may be used for—

(1) the employment of judges, magistrates, court counselors, court clerks, court administrators, bailiffs, probation officers, officers of the court, or dispute resolution facilitators;

(2) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(3) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;

(4) training programs and continuing education for tribal judicial personnel;

(5) the development and operation of records management systems;

(6) planning for the development, enhancement, and operation of tribal justice systems; and

(7) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional justice systems, and traditional methods of dispute resolution.

TITLE II—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 201. TRIBAL JUSTICE SYSTEMS.

(a) OFFICE.—There is authorized to be appropriated to carry out the provisions of sec-

tions 101 and 102 of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.—There is authorized to be appropriated to carry out the provisions of section 103 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) ADMINISTRATIVE EXPENSES FOR OFFICE.—There is authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.—There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) SURVEY.—For carrying out the survey under section 102, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000.

(f) INDIAN PRIORITY SYSTEM.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

(g) ALLOCATION OF FUNDS.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) among the Bureau, Office, tribal governments and Courts of Indian Offenses, the Secretary shall take such actions as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable to all tribal governments and is proportionate to base support funding under section 103 received by the Bureau, Office, tribal governments, and Courts of Indian Offenses.

(h) NO OFFSET.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against other funds otherwise available for use in connection with tribal justice systems.

TITLE III—DISCLAIMERS

SEC. 301. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution forum;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

And the Senate agree to the same.

GEORGE MILLER,
BILL RICHARDSON,
CRAIG THOMAS,
Managers on the Part of the House.

DANIEL K. INOUYE,
PAUL SIMON,
DANIEL K. AKAKA,
PAUL WELLSTONE,
BYRON L. DORGAN,
BEN NIGHTHORSE CAMPBELL,
JOHN MCCAIN,
FRANK H. MURKOWSKI,
THAD COCHRAN,
PETE V. DOMENICI,
NANCY LANDON KASSEBAUM,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection and, under the operation thereof, the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶137.29 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Michele Payne, one of his secretaries.

¶137.30 W. GRAHAM CLAYTOR, JR., COMMENDATION

On motion of Mr. SWIFT, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the joint resolution (H.J. Res. 294) to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶137.31 MESSAGE FROM THE PRESIDENT—IMPOUNDMENT CONTROL

The SPEAKER pro tempore, Mr. POMEROY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report four new and two revised deferrals of budget authority, totaling $7.8 billion.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development, the Department of State, and the General Services Administration. The details of these deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 19, 1993.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 103–173).

¶137.32 PROVIDING FOR THE CONSIDERATION OF H.R. 51

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103–384) the resolution (H. Res. 316) providing for consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union.

When said resolution and report were referred to the House Calendar and ordered printed.

¶137.33 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 714

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103–385) the resolution (H. Res. 317) waiving points of order against the conference report to accompany the bill of the Senate (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶137.34 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule referred as follows:

S. 732. An Act to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes, to the committee on Energy and Commerce.

¶137.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ROMERO-BARCELO, for today; and

To Mr. WASHINGTON, for today, November 20 and 21.

And then,

¶137.36 ADJOURNMENT

On motion of Mr. JOHNSON of Georgia, at 8 o'clock and 32 minutes p.m., the House adjourned.

¶137.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee of conference. Conference report on S. 714. An Act to provide funding for the resolution of failed savings associations, and for other purposes (Rept. No. 103–380). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3514. A bill to clarify the regulatory oversight exercised by the Rural Eletrification Administration with respect to certain electric borrowers (Rept. No. 103–381). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3509. A bill to approve a Governing International Fisheries Agreement; with an amendment (Rept. No. 103–382). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee of conference. Conference report on H.R. 1268. A bill to assist the development of tribal judi-

cial systems, and for other purposes (Rept. No. 103–383). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 316. Resolution providing for the consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union (Rept. No. 103–384). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 317. Resolution the title of which is not available (Rept. No. 103–385). Referred to the House Calendar.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3345. A bill to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes (Rept. No. 103–386). Referred to the Committee of the Whole House on the State of the Union.

¶137.38 SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on the Judiciary discharged from further consideration of H.R. 3. Referred to the Committee of the Whole House on the State of the Union.

¶137.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. MCCOLLUM, Mr. DELAY, Mr. PAXON, Mr. FISH, Mr. MOORHEAD, Mr. GEKAS, and Mr. LIVINGSTON):

H.R. 3545. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. OXLEY, Mrs. FOWLER, Mr. ENGLISH of Oklahoma, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. UPTON, Mr. JACOBS, Mr. BARCIA of Michigan, Mr. BACHUS of Alabama, Mr. BEVILL, Mr. GILMAN, Mr. STUMP, Mr. DICKEY, Mr. HANCOCK, Mr. MCCRERY, Mr. INHOFE, Mr. PAYNE of Virginia, Mr. EMERSON, Mr. SKELTON, Mr. LANCASTER, Mr. BRYANT, and Mr. BISHOP):

H.R. 3546. A bill to provide for the establishment of a program for safety, development, and education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. WYDEN:

H.R. 3547. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that human tissue intended for transplantation is safe and effective, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. BONIOR, Mr. MONTGOMERY, Mr. RIDGE, Mr. PAYNE of Virginia, and Mr. PETERSON of Florida):

H.R. 3548. A bill 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 on the occasion of the 10th anniversary of the memorial, and the Women in Military Service for America Memorial, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLLINS of Georgia:

H.R. 3549. A bill to amend the Internal Revenue Code of 1986 to provide that certain transportation expenses of employers incurred for the participation in the former Soviet Union of their employees in professional or technical programs are allowable as a business deduction; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. BROWN of California, Mr. VALENTINE, Mr. RICHARDSON, Mr. RIDGE, Mrs. ROUKEMA, Mr. HOYER, Mr. MFUME, Mr. KLINK, Mr. KLEIN, Ms. KAPTUR, Ms. MCKINNEY, Mr. HINCHEY, Ms. SCHENK, Mr. MURTHA, Mr. BORSKI, Mr. HOLDEN, Mr. FOGLIETTA, Mr. MCHALE, Mr. MURPHY, Mr. BLACKWELL, Mr. FINGERHUT, Mr. BARCA of Wisconsin, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. STUPAK, Mrs. THURMAN, Mr. BARRETT of Wisconsin, Mrs. UNSOELD, Ms. MARGOLIES-MEZVINSKY, Mr. ROTH, Mr. SHAYS, Mr. DOOLEY, Mr. DERRICK, Ms. VELÁZQUEZ, Mr. MCDADE, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. SAWYER, Mr. BILBRAY, Mr. MORAN, Ms. SLAUGHTER, Mrs. MINK, Mr. ORTON, Mr. FAZIO, Ms. SHEPHERD, Mr. LEWIS of Georgia, and Mr. BISHOP):

H.R. 3550. A bill to foster economic growth, create new employment opportunities, and strengthen the industrial base of the United States by providing credit for businesses and by facilitating the transfer and commercialization of Government-owned patents, licenses, processes, and technologies, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Science, Space, and Technology; the Judiciary; and Ways and Means.

By Mr. COLLINS of Georgia:

H.R. 3551. A bill to amend title XVIII of the Social Security Act to require renal dialysis facilities to make services available on a 24-hour basis as a condition of participation under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. COLLINS of Illinois:

H.R. 3552. A bill respecting market exclusivity for certain drugs; to the Committee on Energy and Commerce.

By Mr. COSTELLO:

H.R. 3553. A bill to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAPO:

H.R. 3554. A bill to require the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; to the Committee on Natural Resources.

By Ms. ESHOO:

H.R. 3555. A bill to coordinate environmental technology and research of the Federal Government, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. FRANKS of Connecticut:

H.R. 3556. A bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device; to the Committee on the Judiciary.

H.R. 3557. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

H.R. 3558. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H.R. 3559. A bill to amend the Dayton Aviation Heritage Preservations Act of 1992, and for other purposes; to the Committee on Natural Resources.

By Mr. HEFLEY:

H.R. 3560. A bill to establish certain requirements relating to the transfer or disposal of public lands managed by the Bureau of Land Management, and for other purposes; to the Committee on Natural Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Ms. MCKINNEY, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. BEILENSON, Mr. FILNER, Mr. HOCHBRUECKNER, Mr. SCOTT, Mr. SERRANO, Mrs. UNSOELD, Ms. WATERS, and Ms. WOOLSEY):

H.R. 3561. A bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself and Mr. FORD of Michigan):

H.R. 3562. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Education and Labor.

By Mr. KINGSTON:

H.R. 3563. A bill to provide for an exemption for certain U.S.-flag ships from radio operator and equipment requirements; to the Committee on Energy and Commerce.

By Mr. LIPINSKI:

H.R. 3564. A bill to amend section 255 of the National Housing Act to make homeowners who are at least 50 years of age and disabled or blind eligible for home equity conversion mortgages insured under such section; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARKEY:

H.R. 3565. A bill to provide regulatory incentives to promote national treatment by foreign countries to U.S. providers of certain financial and communications services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEHAN:

H.R. 3566. A bill to amend the Federal Election Campaign Act of 1971 and related laws to establish incentives to limit the cost of campaigns for the Congress, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Energy and Commerce.

By Mr. MINETA (for himself, Mr. MCDADE, Mr. WILSON, Mr. VENTO, Mr. TRAFICANT, Mr. DUNCAN, and Ms. NORTON) (all by request):

H.R. 3567. A bill to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MINGE:

H.R. 3568. A bill to support and develop environmentally advanced technologies education curricula; jointly, to the Committees on Education and Labor and Science, Space, and Technology.

By Mrs. MORELLA:

H.R. 3569. A bill to amend the Public Health Service Act to provide for an increase in the amount of Federal funds expended to conduct research on alcohol abuse and alcoholism among women; to the Committee on Energy and Commerce.

By Mr. PETRI (for himself, Mr. COX, Mr. ARMEY, Mr. LEVY, and Mr. ROHRABACHER):

H.R. 3570. A bill to amend the Federal Deposit Insurance Act to provide for a system of insuring the deposits of depository institutions through a self-regulating system of cross-guarantees, to protect taxpayers against deposit insurance losses, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Ways and Means.

By Mr. POMEROY:

H.R. 3571. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Administration.

By Mr. RICHARDSON (for himself, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. MANTON, Mr. MARGOLIES-MEZVINSKY, and Mr. WELDON):

H.R. 3572. A bill to establish minimum standards for the training and certification of environmental professionals performing phase I environmental site assessments; to the Committee on Energy and Commerce.

By Mr. ROWLAND (for himself and Mr. BILIRAKIS):

H.R. 3573. A bill to amend title XIX of the Social Security Act to promote demonstrations by States of alternative methods of delivering health care services through community health authorities; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 3574. A bill to amend title 10, United States Code, to provide improved benefits for former spouses of certain members of the uniformed services voluntarily or involuntarily discharged during the reduction in levels of military personnel; to the Committee on Armed Services.

By Mr. STENHOLM:

H.R. 3575. A bill to amend title 18, United States Code, to provide more complete protection to animal enterprises and the people associated with them; to the Committee on the Judiciary.

By Mr. TAUZIN:

H.R. 3576. A bill to clarify the tariff classification of certain organophosphorous compounds and preparations thereof; to the Committee on Ways and Means.

By Mr. WASHINGTON (for himself, Mr. FRANKS of Connecticut, and Mr. TOWNS):

H.R. 3577. A bill to establish a center for rare disease research in the National Institutes of Health, and for other purpose; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3578. A bill to authorize appropriations for the California Afro-American Museum; to the Committee on Natural Resources.

By Mr. ACKERMAN:

H.R. 3579. A bill to renew and extend patents relating to certain devices that aid in the acceleration of bodily tissue healing and the reduction of pain; to the Committee on the Judiciary.

By Mr. COOPER (for himself and Mr. FLAKE):

H.J. Res. 297. Joint resolution to designate 1994 as ''the Year of Gospel Music''; to the Committee on Post Office and Civil Service.

By Mr. ORTON:

H.J. Res. 298. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of Representatives and Senators, and to provide for a 4-year term for Representatives; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. HOYER, Mr. WILSON, Ms. NORTON, Mr. KLEIN, Mr. SMITH of New Jersey, Mr. SYNAR, Miss COLLINS of Michigan, Mr. LEVY, Mrs. LLOYD, Mrs. MEEK, Mr. REYNOLDS, Mr. OLVER, Mr. SOLOMON, Mr. DORNAN, Mr. SABO, Mr. OBERSTAR, Mr. RAHALL, Mr. ORTIZ, Mr. KENNEDY, Mr. ROYCE, and Ms. MOLINARI):

H. Con. Res. 183. Concurrent resolution expressing the sense of the Congress regarding the impeded delivery of natural gas for heating to the civilian population of Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mrs. MEYERS of Kansas:

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress that the U.S. Trade Representative should establish a new position of Assistant U.S. Trade Representative for Small Business; to the Committee on Ways and Means.

By Mr. FRANKS of Connecticut:

H. Res. 318. Resolution expressing the sense of the House of Representatives that, by January 1, 1998, States should eliminate the use of cash for payment of welfare benefits; to the Committee on Ways and Means.

¶137.40 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. MCCLOSKEY, Mr. ENGEL, and Mr. MARKEY.
H.R. 8: Mr. EVANS.
H.R. 66: Mr. ENGEL.
H.R. 68: Mr. ENGEL.
H.R. 133: Mr. ALLARD, Mr. ZELIFF, and Mr. GOODLATTE.
H.R. 214: Mr. GOODLATTE.
H.R. 324: Mr. HOYER.
H.R. 429: Mr. HOBSON, Mr. SCHAEFER, Mr. SCHIFF, and Mrs. VUCANOVICH.
H.R. 431: Mr. OWENS.
H.R. 476: Mr. KLUG, Mr. HILLIARD, Mr. MONTGOMERY, Mr. KING, and Mr. ABERCROMBIE.
H.R. 522: Mr. HUGHES and Mr. ANDREWS of Maine.
H.R. 602: Mr. UPTON and Mr. KNOLLENBERG.
H.R. 606: Mr. COLEMAN and Mr. HAMBURG.
H.R. 657: Mr. GOODLATTE.
H.R. 662: Mrs. VUCANOVICH.
H.R. 799: Mr. SLATTERY.
H.R. 830: Mr. ENGEL, Ms. MARGOLIES-MEZVINSKY, and Mr. JOHNSTON of Florida.
H.R. 967: Ms. FURSE and Mr. MICA.
H.R. 1055: Mr. JOHNSTON of Florida, Mr. EVANS, Mr. SCOTT, and Mr. HUGHES.
H.R. 1080: Mrs. VUCANOVICH.
H.R. 1108: Mr. KIM.
H.R. 1133: Mr. GILLMOR.
H.R. 1141: Ms. LAMBERT.
H.R. 1156: Mr. MOORHEAD.
H.R. 1300: Mr. DOOLITTLE and Mr. GOODLATTE.
H.R. 1421: Mr. THOMPSON.
H.R. 1455: Mr. BROWN of California.
H.R. 1457: Mr. HAMBURG.
H.R. 1461: Mr. BILBRAY.
H.R. 1490: Mr. CAMP, Mr. SOLOMON, Mr. CRANE, Mr. LIGHTFOOT, and Mr. BARRETT of Nebraska.
H.R. 1504: Mr. ROYCE.
H.R. 1534: Ms. FURSE and Mr. ROMERO-BARCELO.
H.R. 1566: Mr. CHAPMAN.
H.R. 1607: Mr. KLUG.
H.R. 1627: Ms. LONG.
H.R. 1697: Mrs. SCHROEDER.
H.R. 1702: Mr. ZIMMER and Mr. ZELIFF.
H.R. 1705: Mr. MATSUI, Mr. BILBRAY, Ms. BYRNE, Mr. WILSON, Mr. BARCA of Wisconsin, Mr. EVANS and Mr. HOCHBRUECKNER.
H.R. 1706: Mr. CONYERS.
H.R. 1722: Mr. FORD of Michigan, Mr. ANDREWS of Maine, Mr. RUSH, Mr. MACHTLEY, Mr. MCCLOSKEY, Ms. VELAZQUEZ, Mr. BOUCHER, and Mr. GLICKMAN.
H.R. 1770: Ms. LAMBERT.
H.R. 1771: Ms. LAMBERT.
H.R. 1795: Mr. ENGEL.
H.R. 1897: Mr. LANCASTER.
H.R. 1900: Mr. HINCHEY, Mr. THOMPSON, and Mr. DIXON.
H.R. 1910: Mr. TAYLOR of North Carolina, Mr. COX, Mr. DREIER, Mr. ACKERMAN, Mr. RAVENEL, Mr. CUNNINGHAM, Mr. BAKER of California, Ms. PRYCE of Ohio, and Mr. BILIRAKIS.
H.R. 1933: Mr. GUTIERREZ, Mr. MFUME, and Mr. SYNAR.
H.R. 1968: Mr. SUNDQUIST.
H.R. 2014: Mr. ZIMMER.
H.R. 2031: Mr. RAVENEL.
H.R. 2032: Mr. KLUG, Mr. MONTGOMERY, Mr. VENTO, Mr. FROST, and Mr. EVANS.
H.R. 2064: Mr. MCHUGH, Mr. LEVY, Mr. TORKILDSEN, Ms. ENGLISH of Arizona, and Mr. MACHTLEY.
H.R. 2135: Mr. KILDEE.
H.R. 2140: Mr. ENGEL.
H.R. 2148: Mr. PORTMAN.
H.R. 2169: Mr. FURSE and Mr. HILLIARD.
H.R. 2171: Mr. CLYBURN, Mr. ORTON, and Mr. HOUGHTON.
H.R. 2260: Mr. KLUG.
H.R. 2331: Mr. ENGEL.
H.R. 2375: Mr. ROMERO-BARCELO.
H.R. 2394: Mrs. THURMAN.
H.R. 2395: Mrs. THURMAN.
H.R. 2396: Mr. ANDREWS of Maine.
H.R. 2414: Mr. ENGEL.
H.R. 2455: Mr. KILDEE.
H.R. 2467: Mr. BILIRAKIS, Mr. DIXON, Mr. ENGEL, Ms. FURSE, Mr. GEJDENSON, Mr. GIBBONS, Mr. KLUG, Mrs. MINK, Ms. MOLINARI, Mr. PORTER, Ms. SLAUGHTER, and Ms. SNOWE.
H.R. 2481: Mr. ENGEL
H.R. 2512: Mr. HERGER of California.
H.R. 2623: Mr. GRAMS, Mr. HINCHEY, Mr. ARMEY, and Ms. KAPTUR.
H.R. 2720: Ms. LAMBERT.
H.R. 2727: Mr. ANDREWS of Maine.
H.R. 2759: Mr. CALLAHAN, Mr. COLEMAN, and Mr. MCDERMOTT.
H.R. 2927: Mr. SENSENBRENNER, Mr. EWING, and Mr. LEWIS of Florida.
H.R. 2958: Ms. FURSE.
H.R. 3017: Mr. GLICKMAN.
H.R. 3043: Mr. MURPHY.
H.R. 3080: Mr. CRAPO, Mr. MCCANDLESS, and Mr. SMITH of Oregon.
H.R. 3087: Mr. SABO, Mr. OLVER, and Mr. ABERCROMBIE.
H.R. 3088: Mr. GUNDERSON, Mr. QUINN, Ms. VELAZQUEZ, and Mr. PAXON.
H.R. 3098: Ms. FURSE.
H.R. 3109: Mr. GOODLING.
H.R. 3130: Mr. MURPHY and Ms. MOLINARI.
H.R. 3146: Mr. ARMEY.
H.R. 3183: Mr. PORTMAN and Mr. BILIRAKIS.
H.R. 3224: Mr. DELLUMS, Mr. LANCASTER, Mr. KOPETSKI, and Mr. STARK.
H.R. 3225: Mr. FLAKE.
H.R. 3233: Mr. FIELDS of Texas and Mr. WHITTEN.
H.R. 3246: Mr. COPPERSMITH and Mr. FROST.
H.R. 3269: Mr. BONIOR, Mrs. MINK, and Mr. JOHNSON of Florida.
H.R. 3283: Mr. MEEHAN.
H.R. 3328: Mr. KLUG.
H.R. 3342: Mr. ORTIZ, Mr. SERRANO, Mr. WASHINGTON, Mr. GORDON, Mr. PAYNE of New Jersey, Mr. BECERRA, Mr. BROWN of Ohio, Ms. BROWN of Florida, Mr. COPPERSMITH, Mr. PENNY, Ms. BYRNE, Mr. COSTELLO, Mr. DE LUGO, Mr. COYNE, Mr. SABO, Mr. PARKER, Mr. SYNAR, Mr. COLEMAN, Mrs. MORELLA, Mr. GOSS, Mr. HEFLEY, Mr. RAHALL, Mr. PACKARD, Mr. PICKLE, Mrs. SCHROEDER, Mr. LAZIO, Mr. TORRICELLI, Ms. KAPTUR, Mr. LAUGHLIN, Mr. MYERS of Indiana, Mr. HUNTER, Mr. DINGELL, Mrs. MEEK, Mr. SKELTON, Mr. WELDON, Mrs. BENTLEY, Mr. PORTMAN, Mr. HORN of California, Mr. BARTLETT of Maryland, Mr. RAVENEL, Ms. SNOWE, Mr. DORNAN, Mr. WHITTEN, Mr. HUTTO, Mr. RICHARDSON, Mr. HANSEN, Mrs. LLOYD, Mr. BALLENGER, Mr. COBLE, Mr. SKEEN, Mr. TOWNS, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. CARR, Mr.

HEFNER, Mr. LEHMAN, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Ms. MOLINARI, Mr. PAXON, Mr. MINETA, Mr. FROST, Mr. BOEHLERT, Mr. QUILLEN, Mr. DUNCAN, Ms. NORTON, Mr. OBERSTAR, Mr. MAZZOLI, Ms. ESHOO, Mr. GUNDERSON, Mr. FINGERHUT, Mr. NUSSLE, Mr. VISCLOSKY, Mr. CLYBURN, Mr. MARTINEZ, Mr. SANDERS, Mr. CLAY, Mr. WISE, Mr. HAMBURG, Mr. MCCLOSKEY, Mr. MANTON, Mr. SUNDQUIST, Mrs. MINK, Mr. BEILENSON, Ms. PELOSI, Mr. VOLKMER, Mr. BISHOP, Mr. MOAKLEY, Mr. SMITH of Michigan, Mr. MFUME, Mr. PRICE of North Carolina, Mr. VENTO, Mr. MANN, Mrs. COLLINS of Illinois, Mr. BROWN of California, Mr. FALEOMAVAEGA, Mr. STUPAK, Mr. MORAN, Mr. JACOBS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DEUTSCH, Miss COLLINS of Michigan, Mr. WILLIAMS, Mr. DERRICK, Mr. OXLEY, Mr. LEWIS of California, Mr. HOBSON, Mr. GILMAN, Mr. COLLINS of Georgia, Mr. WILSON, Mr. KLINK, Mr. LIVINGSTON, Mr. YATES, Mr. EVANS, Mr. BORSKI, Mr. INHOFE, Mr. THORNTON, Ms. MCKINNEY, Ms. WATERS, Ms. HARMAN, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DURBIN, Mr. HASTINGS, Mr. MURPHY, Mr. HYDE, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLUTE, Mr. MCCURDY, Mr. HAYES, Mr. ROHRABACHER, Mr. KIM, Mr. KANJORSKI, Mr. BARTON of Texas, Mr. HUGHES, Mr. EDWARDS of California, Ms. DELAURO, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. STOKES, Mr. HOLDEN, Ms. SHEPHERD, Mr. SCOTT, Mr. VALENTINE, Mr. BARCIA of Michigan, Mr. ENGEL, Mr. MOLLOHAN, Ms. DUNN, Mr. BERMAN, Mr. BILBRAY, Mr. FRANKS of Connecticut, Mr. TUCKER, Mr. FOGLIETTA, Mr. STUMP, Mr. BLACKWELL, and Mr. JEFFERSON.

H.R. 3392: Mr. GILLMOR, Ms. DANNER, Mr. PARKER, Mr. BLUTE, Mr. BALLENGER, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. CONDIT, Mr. KYL, Mr. MCCURDY, Mr. STEARNS, and Mr. SARPALIUS.

H.R. 3424: Mr. LEWIS of Florida, Mr. BRYANT, Mr. RAMSTAD, and Mr. FRANKS of New Jersey.

H.R. 3434: Mr. ACKERMAN, Mr. EDWARDS of California, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FROST, Mr. MATSUI, Mr. OWENS, and Mr. YATES.

H.R. 3440: Mr. BERMAN, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. KOPETSKI, Mr. LANCASTER, Mr. STARK, and Mr. TORRES.

H.R. 3490: Mrs. MORELLA, Mr. ROSE, Mr. BOUCHER, Mr. GRANDY, Mr. HEFNER, Mr. QUILLEN, and Mr. SPENCE.

H.R. 3498: Mr. BEILENSON, Mr. ROMERO-BARCELO, Mr. LAROCCO, and Mr. BACCHUS of Florida.

H.R. 3509: Mr. TAUZIN, Mr. COBLE, and Mr. LIPINSKI.

H.J. Res. 90: Mr. EVANS, Mr. DUNCAN, Mr. SCHIFF, Mr. ROMERO-BARCELO, and Mr. SHAW.

H.J. Res. 175: Mr. BAKER of California, Ms. DUNN, Mr. DIAZ-BALART, Mr. CONDIT, Mrs. LLOYD, Mr. MYERS of Indiana, Mr. MCCRERY, Mr. OLVER, Mr. SARPALIUS, Mr. STENHOLM, Ms. SNOWE, Mr. WILSON, Mr. ZIMMER, Mr. BECERRA, Mr. DURBIN, Mr. DORNAN, Ms. CANTWELL, Mr. COPPERSMITH, Mr. FLAKE, Mr. INSLEE, Mrs. MINK, Mr. RUSH, Mr. RAHALL, Mr. STARK, Mrs. UNSOELD, Mr. HOAGLAND, Mr. HOYER, Ms. ENGLISH of Arizona, Ms. MCKINNEY, Mr. MILLER of California, Mr. REYNOLDS, Mr. ROEMER, Mr. SANGMEISTER, Mr. TUCKER, Mr. CRANE, Mr. ARCHER, Mr. GIBBONS, Mr. SMITH of Iowa, Mr. HAMBURG, Mr. STUDDS, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, and Mr. BARRETT of Wisconsin.

H.J. Res. 257: Mr. HOEKSTRA, Mr. FRANKS of New Jersey, Mr. SMITH of Texas, Mr. APPLEGATE, Mr. PALLONE, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. VOLKMER, Mr. BORSKI, Mr. SCHIFF, Mr. GINGRICH, and Mr. CHAPMAN.

H.J. Res. 266: Ms. SNOWE and Mr. HOYER.

H.J. Res. 272: Mr. LEHMAN, Mr. RAHALL, Mr. SLATTERY, Mr. BARTLETT of Maryland, Mr. BROWN of California, Mr. RICHARDSON, Ms. SCHENK, Mr. HAMBURG, Mr. LEWIS of Georgia, and Mr. LAFALCE.

H.J. Res. 278: Mr. RAHALL, Mr. BORSKI, Mr. TALENT, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. VALENTINE, and Mr. HUGHES.

H.J. Res. 285: Mr. BLUTE, Mr. CRAMER, Mr. SARPALIUS, Mr. POSHARD, Mr. TAYLOR of North Carolina, Mr. MCCLOSKEY, and Mr. HEFNER.

H. Con. Res. 4: Mr. HASTINGS.

H. Con. Res. 20: Mr. MANTON.

H. Con. Res. 110: Mr. PETE GEREN of Texas, Mr. CHAPMAN, and Mrs. MEEK.

H. Con. Res. 131: Mr. BATEMAN, Mr. STARK, Mr. PRICE of North Carolina, Mr. PAYNE of Virginia, Mr. SENSENBRENNER, Mr. SCHUMER, Mr. RAHALL, Mr. PENNY, Mr. SAWYER, Mr. FORD of Michigan, and Mr. SWETT.

H. Con. Res. 166: Mr. LIPINSKI.

H. Con. Res. 167: Mr. PALLONE, Mr. GEJDENSON, Mr. ANDREWS of Maine, Mr. MFUME, Mr. JOHNSON of South Dakota, Mr. ENGEL, Mr. FILNER, Mr. MINETA, Mr. MINGE, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. WISE, Mr. ABERCROMBIE, Mr. BECERRA, Mr. VENTO, Mr. HINCHEY, Mr. OLVER, Mr. INSLEE, and Mr. LIPINSKI.

H. Res. 225: Mr. ALLARD, Mr. GUTIERREZ, Mr. KLUG, Ms. SHEPHERD, Mr. ZELIFF, and Mr. STRICKLAND.

H. Res. 234: Mr. BOEHNER, Mr. VENTO, Mr. REED, Mr. ARMEY, and Mr. GILLMOR.

H. Res. 290: Mr. SOLOMON, Mr. WALKER, Mr. BOEHNER, Ms. PRYCE of Ohio, and Mr. CRAPO.

SATURDAY, NOVEMBER 20, 1993 (138)

The House was called to order by the SPEAKER.

¶138.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, November 19, 1993.

Pursuant to clause 1, rule I, the Journal was approved.

¶138.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 914. An Act to amend the Wild and Science Rivers Act to designate certain segments of the Red River in Kentucky as components of the national wild and scenic rivers system, and for other purposes, and

H.R. 2650. An Act to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the national wild and scenic rivers systems.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 698. An Act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 24. An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes;

S. 716. An Act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes;

S. 1299. An Act to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes;

S. 1670. An Act to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes; and

S. 1685. An Act to amend the Federal Deposit Insurance Act to permit the continued insurance of deposits in minority- and women-owned banks by the Bank Deposit Financial Assistance Program.

¶138.3 COPYRIGHT REFORM

Mr. HUGHES, pursuant to the order of the House of November 19, 1993, moved to suspend the rules and pass the bill (H.R. 897) to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. HUGHES and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 17, United States Code, to modify certain registration requirements, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.4 INTERNATIONAL PARENTAL KIDNAPPING

Mr. SCHUMER, pursuant to the order of the House of November 19, 1993, moved to suspend the rules and pass the bill (H.R. 3378) to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, recognized Mr. SCHUMER and Mr. SENSENBRENNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCHUMER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.