

less, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

“(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

“(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender’s address during the term of the restitution order.

“(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

“(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant’s employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant’s ability to comply with the restitution order.

“(k) An order of restitution may be enforced—

“(1) by the United States—

“(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

“(B) in the same manner as a judgment in a civil action; and

“(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

“(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.”.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

“(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant’s dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.”; and

(4) by adding at the end thereof the following new subsection:

“(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”.

It was decided in the { Yeas 129
negative } Nays 294

28.15 [Roll No. 65]

AYES—129

- | | | |
|--------------|---------------|---------------|
| Abercrombie | Gutierrez | Pallone |
| Ackerman | Hastings (FL) | Pastor |
| Andrews | Hilliard | Payne (NJ) |
| Baldacci | Hinchev | Pelosi |
| Barrett (WI) | Hoyer | Peterson (FL) |
| Becerra | Jackson (IL) | Pomeroy |
| Beilenson | Jackson-Lee | Rahall |
| Berman | (TX) | Rangel |
| Bishop | Jacobs | Reed |
| Bonior | Jefferson | Rivers |
| Boucher | Johnson, E.B. | Rose |
| Brown (CA) | Johnston | Roybal-Allard |
| Brown (FL) | Kaptur | Rush |
| Brown (OH) | Kennedy (MA) | Sabo |
| Cardin | Kennedy (RI) | Sanders |
| Clay | Kennedy | Sawyer |
| Clayton | Kildee | Schroeder |
| Clyburn | Klecza | Schumer |
| Coleman | LaFalce | Scott |
| Collins (MI) | Lantos | Serrano |
| Conyers | Lavin | Skaggs |
| Coyne | Lewis (GA) | Slaughter |
| DeFazio | Lofgren | Stark |
| DeLauro | Lowey | Stockman |
| Dellums | Maloney | Studds |
| Dicks | Markey | Stupak |
| Dixon | Martinez | Thompson |
| Engel | Matsui | Thornton |
| Eshoo | McCarthy | Torres |
| Evans | McDermott | Towns |
| Farr | McKinney | Velazquez |
| Fattah | McNulty | Vento |
| Fazio | Meehan | Visclosky |
| Fields (LA) | Meek | Ward |
| Finler | Miller (CA) | Waters |
| Flake | Mink | Watt (NC) |
| Foglietta | Mollohan | Waxman |
| Ford | Morella | Williams |
| Frank (MA) | Nadler | Wise |
| Furse | Neal | Woolsey |
| Gejdenson | Oberstar | Wynn |
| Gephardt | Obey | Yates |
| Gibbons | Olver | |
| Gonzalez | Owens | |

NOES—294

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|--------------|--------------|---------------|
| Allard | Clement | Franks (NJ) |
| Archer | Clinger | Frelinghuysen |
| Army | Coble | Frist |
| Bachus | Coburn | Frost |
| Baesler | Collins (GA) | Funderburk |
| Baker (CA) | Combest | Galleghy |
| Baker (LA) | Condit | Ganske |
| Ballenger | Cooley | Gekas |
| Barcia | Costello | Geren |
| Barr | Cox | Gilchrest |
| Barrett (NE) | Cramer | Gillmor |
| Bartlett | Crane | Gilman |
| Barton | Crapo | Goodlatte |
| Bass | Creameans | Goodling |
| Bateman | Cubin | Gordon |
| Bentsen | Cunningham | Goss |
| Bereuter | Danner | Graham |
| Bevill | Davis | Green |
| Bilbray | Deal | Greenwood |
| Bilirakis | DeLay | Gunderson |
| Bliley | Deutsch | Gutknecht |
| Blute | Diaz-Balart | Hall (TX) |
| Boehlert | Dickey | Hamilton |
| Boehner | Dingell | Hancock |
| Bonilla | Doggett | Hansen |
| Bono | Dooley | Harman |
| Borski | Doolittle | Hastert |
| Brewster | Dornan | Hastings (WA) |
| Browder | Doyle | Hayes |
| Brownback | Dreier | Hayworth |
| Bryant (TN) | Duncan | Hefley |
| Bryant (TX) | Dunn | Hefner |
| Bunn | Edwards | Heineman |
| Bunning | Ehlers | Hergert |
| Burr | Ehrlich | Hilleary |
| Burton | Emerson | Hobson |
| Buyer | English | Hoekstra |
| Callahan | Ensign | Hoke |
| Calvert | Everett | Holden |
| Camp | Ewing | Horn |
| Campbell | Fawell | Hostettler |
| Canady | Fields (TX) | Houghton |
| Castle | Flanagan | Hunter |
| Chabot | Foley | Hutchinson |
| Chambliss | Forbes | Hyde |
| Chenoweth | Fowler | Inglis |
| Christensen | Fox | Istook |
| Chryslers | Franks (CT) | Johnson (CT) |

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|--------------|---------------|-------------|
| Johnson (SD) | Moorhead | Shays |
| Johnson, Sam | Moran | Shuster |
| Jones | Murtha | Sisisky |
| Kanjorski | Myers | Skeen |
| Kasich | Myrick | Skelton |
| Kelly | Nethercutt | Smith (MI) |
| Kim | Neumann | Smith (NJ) |
| King | Ney | Smith (TX) |
| Kingston | Norwood | Smith (WA) |
| Klink | Nussle | Solomon |
| Klug | Ortiz | Souder |
| Knollenberg | Orton | Spence |
| Kolbe | Oxley | Spratt |
| LaHood | Packard | Stearns |
| Largent | Parker | Stenholm |
| Latham | Paxon | Stump |
| LaTourette | Payne (VA) | Talent |
| Laughlin | Peterson (MN) | Tanner |
| Lazio | Petri | Tate |
| Leach | Pickett | Tauzin |
| Lewis (CA) | Pombo | Taylor (MS) |
| Lewis (KY) | Porter | Taylor (NC) |
| Lightfoot | Portman | Tejeda |
| Lincoln | Poshard | Thomas |
| Linder | Pryce | Thornberry |
| Lipinski | Quillen | Thurman |
| Livingston | Quinn | Tiahrt |
| LoBiondo | Radanovich | Torkildsen |
| Longley | Ramstad | Torricelli |
| Lucas | Regula | Traficant |
| Luther | Richardson | Upton |
| Manton | Riggs | Volkmer |
| Manzullo | Roberts | Vucanovich |
| Martini | Roemer | Waldholtz |
| Mascara | Rogers | Walker |
| McCollum | Rohrabacher | Walsh |
| McCrery | Ros-Lehtinen | Wamp |
| McDade | Roth | Watts (OK) |
| McHale | Roukema | Weldon (FL) |
| McHugh | Royce | Weldon (PA) |
| McInnis | Salmon | Weller |
| McIntosh | Sanford | White |
| McKeon | Saxton | Whitfield |
| Metcalf | Scarborough | Wicker |
| Meyers | Schaefer | Wilson |
| Mica | Schiff | Wolf |
| Miller (FL) | Seastrand | Young (AK) |
| Minge | Sensenbrenner | Young (FL) |
| Molinari | Shadegg | Zeliff |
| Montgomery | Shaw | Zimmer |

NOT VOTING—8

- | | | |
|--------------|-----------|---------|
| Chapman | Durbin | Moakley |
| Collins (IL) | Hall (OH) | Stokes |
| de la Garza | Menendez | |

So the amendment in the nature of a substitute was not agreed to.

After some further time, The SPEAKER pro tempore, Mr. HOBSON, resumed the Chair.

When Mr. LINDER, Chairman, pursuant to House Resolution 380, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

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

On the first page, beginning in line 4, strike “Comprehensive” and all that follows through “1995” in line 5 and insert “Effective Death Penalty and Public Safety Act of 1996”.

Page 6, line 1, strike “should have known” and insert “has reasonable cause to believe”.

Page 34, strike line 19 and all that follows through the matter appearing before line 3 on page 47, and redesignate succeeding sections and any cross references (including the table of contents) accordingly.

Page 137, line 15, insert “the court shall decline to hear a claim under this paragraph” after “except that”.

Page 137, beginning in line 16, strike “an action under” and all that follows through “affords” ending in line 18, and insert “if the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded”.

Page 137, beginning in line 21, strike "an action under" and all that follows through "national" and insert "if the claimant or victim was not a national".

Page 138, line 2, insert "when the act upon which the claim is based occurred" after "Act".

Page 138, line 2, strike "and" and insert "or".

Page 138, line 3, strike "the court shall" and all that follows through "has been brought" in line 5, and insert "if the act occurred in the foreign state against which the claim has been brought and that state".

Page 138, beginning in line 9, strike "new subsection".

Page 138, line 22, strike the close quotation mark and the period that follows it.

Page 138, after line 22, insert the following: "(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling, including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period."

Page 151, after line 5, insert the following:
SEC. 807. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

SEC. 808. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the courts involved shall, if donations under subsection (b) will defray the entire cost of doing so, order closed circuit televising of the proceedings to that location, for viewing by such persons the courts determine have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) NO REBROADCAST.—No rebroadcast of the proceedings shall be made.

(c) LIMITED ACCESS.—

(1) GENERALLY.—No other person, other than official court and security personnel, or other persons specifically designated by the courts, shall be permitted to view the closed televising of the proceedings.

(2) EXCEPTION.—The courts shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(d) DONATIONS.—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a). No appropriated money shall be used to carry out such subsection

(e) DEFINITION.—As used in this section, the term "State" includes the District of Columbia and any other possession or territory of the United States.

Modify the table of contents accordingly.

Page 52, strike line 1 and all that follows through line 17 on page 53.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

Page 125, strike line 13 and all that follows through line 20.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

Page 28, strike lines 10 through 20, and insert the following:

SEC. 112. STUDY AND RECOMMENDATIONS FOR ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes; and

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns; and

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as "armor piercing ammunition" under 18, §921(a)(17)(B)(i) and (ii) pierced the protective material of bullet resistant vests or bullet resistant headgear; and

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities; and

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement; and

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

Page 34, strike line 6, and all that follows through the matter following line 2 but before line 3 on page 47.

Redesignate succeeding sections accordingly.

Page 48, strike lines 3 through 14.

Redesignate succeeding sections accordingly.

Page 63, strike line 14 and all that follows through line 23 on page 94.

Redesignate succeeding sections accordingly.

Page 95, strike line 10 and all that follows through line 17 on page 100.

Redesignate succeeding sections accordingly.

Page 6, line 1, strike "or should have known".

Page 32, line 22, strike the one-m dash and all that follows through "(2)" on page 33, run in the material before and after the matter so stricken, and realign the margins of lines 1 through 5 on page 33 so as to be flush to the margin.

Page 47, after line 22, insert the following:

(b) EXCLUSION.—No study undertaken under this section shall include black or smokeless powder among the explosive materials considered.

Page 47, line 23, strike "(b)" and insert "(c)".

Page 49, strike line 12 and all that follows through line 7 on page 51.

Redesignate succeeding sections accordingly.

Page 6, beginning in line 23, strike "32" and all that follows through "2332b" in line 25 and insert "32, 37, 81, 175, 351, 831, 842(m) or (n), 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A".

Add at the end of title VII the following:

SEC. 704. SENSE OF CONGRESS.

It is the sense of Congress that, whenever practicable recipients of any sums authorized to be appropriated by this Act, should use the money to purchase American-made products.

Add at the end the following new title:

TITLE —INTERNATIONAL COUNTERFEITING

SEC. 01. SHORT TITLE.

This title may be cited as the "International Counterfeiting Prevention Act of 1996".

SEC. 02. AUDITS OF INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary"), in consultation with the advanced counterfeit deterrence steering committee, shall—

(1) study the use and holding of United States currency in foreign countries; and

(2) develop useful estimates of the amount of counterfeit United States currency that circulates outside the United States each year.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The Secretary shall develop an effective international evaluation audit plan that is designed to enable the Secretary to carry out the duties described in subsection (a) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The Secretary shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The Secretary shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit a written report to the Committee on Banking and Financial Services of the House

of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) **CONTENTS.**—In addition to such other information as the Secretary may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to develop estimates of the amount of counterfeit United States currency in circulation outside the United States.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and a statistical analysis of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) An estimate of the total amount of United States currency found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(3) **CLASSIFICATION OF INFORMATION.**—

(A) **IN GENERAL.**—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) **CLASSIFIED AND UNCLASSIFIED FORMS.**—If, in the interest of submitting a complete report under this subsection, the Secretary determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) **SUNSET PROVISION.**—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

(e) **RULE OF CONSTRUCTION.**—No provision of this section shall be construed as authorizing any entity to conduct investigations of counterfeit United States currency.

SEC. 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) **FINDINGS.**—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) **TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.**—

(1) **IN GENERAL.**—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) **COOPERATION OF TREASURY REQUIRED.**—The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) **REPORTS REQUIRED.**—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) **ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

TITLE —BIOLOGICAL WEAPONS RESTRICTIONS

SEC. 001. SHORT TITLE.

This Act may be cited as the “Biological Weapons Enhanced Penalties Act of 1996”.

SEC. 002. ATTEMPTS TO ACQUIRE UNDER FALSE PRETENSES.

Section 175(a) of title 18, United States Code, is amended by inserting “attempts to acquire under false pretenses,” after “acquires,”

SEC. 003. INCLUSION OF RECOMBINANT MOLECULES.

Section 175 of title 18, United States Code, is amended by inserting “recombinant molecules,” after “toxin,” each place it appears.

SEC. 004. DEFINITIONS.

Section 178 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “or naturally occurring or bioengineered component of any such microorganism, virus, or infectious substance,” after “infectious substance”;

(2) in paragraph (2)—

(A) by inserting “the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances” after “means”; and

(B) by inserting “, and includes” after “production”;

(3) in paragraph (4), by inserting “or a molecule, including a recombinant molecule,” after “organism”.

SEC. 005. THREATENING USE OF CERTAIN WEAPONS.

Section 2332a of title 18, United States Code, is amended by inserting “, threatens,” after “uses, or”.

SEC. 006. INCLUSION OF RECOMBINANT MOLECULES AND BIOLOGICAL ORGANISMS IN DEFINITION.

Section 2332a(b)(2)(C) of title 18, United States Code, is amended by striking “disease organism” and inserting “biological agent or toxin, as those terms are defined in section 178”.

At the end of title II, add the following:

SEC. 206. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title

28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

Amend the table of contents accordingly.

At the end of title VIII (Miscellaneous) add the following:

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 1996 through 2000 to the Federal Bureau of Investigation such sums as are necessary—

(1) to hire additional personnel, and to procure equipment, to support expanded investigations of domestic and international terrorism activities;

(2) to establish a Domestic Counterterrorism Center to coordinate and centralize Federal, State, and local law enforcement efforts in response to major terrorist incidents, and as a clearinghouse for all domestic and international terrorism information and intelligence; and

(3) to cover costs associated with providing law enforcement coverage of public events offering the potential of being targeted by domestic or international terrorists.

Conform the table of contents accordingly.

Add at the end the following new title:

TITLE —COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

SEC. 01. ESTABLISHMENT.

There is established a commission to be known as the “Commission on the Advancement of Federal Law Enforcement” (in this title referred to as the “Commission”).

SEC. 02. DUTIES.

The Commission shall investigate, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(2) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(3) The criminal investigation and handling by the United States Government, and the Federal law enforcement agencies therewith—

(A) on February 28, 1993, in Waco, Texas, with regard to the conception, planning, and execution of search and arrest warrants that resulted in the deaths of 4 Federal law enforcement officers and 6 civilians;

(B) regarding the efforts to resolve the subsequent standoff in Waco, Texas, which ended in the deaths of over 80 civilians on April 19, 1993; and

(C) concerning other Federal criminal law enforcement cases, at the Commission's discretion, which have been presented to the courts or to the executive branch of Government in the last 25 years that are actions or complaints based upon claims of abuse of authority, practice, procedure, or violations of constitutional guarantees, and which may indicate a pattern or problem of abuse within an enforcement agency or a sector of the enforcement community.

(4) The necessity for the present number of Federal law enforcement agencies and units.

(5) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(6) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(7) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and correct systemic or gross individual Federal law enforcement abuses.

(8) The extent to which Federal law enforcement agencies have attempted to pursue community outreach efforts that provide meaningful input into the shaping and formation of agency policy, including seeking and working with State and local law enforcement agencies on Federal criminal enforcement operations or programs that directly impact a State or local law enforcement agency's geographic jurisdiction.

(9) Such other related matters as the Commission deems appropriate.

SEC. 03. MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(1) 1 member appointed by the President pro tempore of the Senate.

(2) 1 member appointed by the minority leader of the Senate.

(3) 1 member appointed by the Speaker of the House of Representatives.

(4) 1 member appointed by the minority leader of the House of Representatives.

(5) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(b) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(f) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

SEC. 04. STAFFING AND SUPPORT FUNCTIONS.

(a) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(b) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants

under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed per day the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

SEC. 05. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to the United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 06. REPORT.

The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

SEC. 07. TERMINATION.

The Commission shall terminate 30 days after submitting the report required by this title.

Add at the end the following:

TITLE —DEATH PENALTY AGGRAVATING FACTOR

SEC. . DEATH PENALTY AGGRAVATING FACTOR.

Section 3592(c) of title 18, United States Code, is amended by adding after paragraph (15) the following:

“(16) MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.—The defendant intentionally kills or attempts to kill more than one person in a single criminal episode.”.

Page 133, after line 17, insert the following new section (and conform the table of contents accordingly):

SEC. 678. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States, and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction,

but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

Add at the end the following:

TITLE —FINANCIAL TRANSACTIONS WITH TERRORISTS

SEC. . FINANCIAL TRANSACTIONS WITH TERRORISTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting before section 2333 the following:

§ 2332c. Financial transactions

“(a) Except as provided in regulations made by the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is a country that has been designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism; engages in a financial transaction with that country, shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) As used in this section—

“(1) the term ‘financial transaction’ has the meaning given that term in section 1956(c)(4); and

“(2) the term ‘United States person’ means any United States citizen or national, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter of title 18, United States Code, to which the amendment of subsection (a) was made is amended by inserting before the item relating to section 2333 the following new item: “2332c. Financial transactions.”.

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

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, *viva voce*, Will the House recommit said bill?

The SPEAKER pro tempore, Mr. HOBSON, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, *viva voce*, Will the House pass said bill?

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

Mr. CONYERS 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 { Yeas 229
affirmative { Nays 191

¶28.16

[Roll No. 66]
AYES—229

Andrews	Emerson	Leach
Archer	English	Lewis (CA)
Army	Ensign	Lightfoot
Bachus	Everett	Lincoln
Baessler	Ewing	Linder
Baker (LA)	Fawell	Lipinski
Baldacci	Fields (TX)	Livingston
Ballenger	Flanagan	LoBiondo
Barr	Foley	Longley
Barrett (NE)	Forbes	Lucas
Barton	Fowler	Luther
Bateman	Fox	Manton
Bereuter	Franks (CT)	Martini
Bevill	Franks (NJ)	Mascara
Bilbray	Frelinghuysen	McCollum
Bilirakis	Frisa	McCrery
Bishop	Frost	McDade
Bliley	Galleghy	McHale
Blute	Ganske	McHugh
Boehlert	Gekas	McKeon
Boehner	Geren	McNulty
Bono	Gilchrist	Metcalf
Borski	Gilman	Meyers
Brewster	Gingrich	Miller (FL)
Browder	Goodlatte	Molinari
Brownback	Goss	Montgomery
Bryant (TN)	Greenwood	Moorhead
Bunning	Gunderson	Myers
Burton	Gutknecht	Myrick
Buyer	Hall (TX)	Norwood
Calvert	Hamilton	Nussle
Camp	Hancock	Ortiz
Canady	Hansen	Orton
Castle	Harman	Oxley
Chabot	Hastert	Packard
Chambliss	Hayes	Pallone
Christensen	Hefley	Parker
Chrysler	Heineman	Paxon
Clement	Hobson	Payne (VA)
Clinger	Hoke	Peterson (FL)
Coble	Holden	Petri
Coburn	Horn	Pomeroy
Collins (GA)	Houghton	Porter
Combest	Hunter	Portman
Condit	Hyde	Pryce
Cox	Inglis	Quinn
Cramer	Istook	Radanovich
Cunningham	Johnson (CT)	Ramstad
Danner	Johnson (SD)	Reed
Davis	Johnson, Sam	Regula
Deal	Kasich	Riggs
DeLay	Kelly	Roberts
Deutsch	Kim	Roemer
Diaz-Balart	Kingston	Rogers
Dooley	Klug	Rohrabacher
Dornan	Knollenberg	Ros-Lehtinen
Doyle	Kolbe	Roth
Dreier	Lantos	Roukema
Duncan	Largent	Royce
Dunn	Latham	Saxton
Edwards	Laughlin	Schaefer
Ehrlich	Lazio	Schiff

Sensenbrenner	Tanner
Shaw	Tauzin
Shays	Taylor (MS)
Shuster	Taylor (NC)
Sisisky	Tejeda
Skelton	Thomas
Smith (MI)	Thornberry
Smith (NJ)	Tiahrt
Smith (TX)	Torkildsen
Solomon	Torrice
Spence	Traficant
Spratt	Upton
Stenholm	Volkmer
Stupak	Vucanovich
Talent	Waldholtz

Walker
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zimmer

NOES—191

Abercrombie	Gonzalez	Nethercutt
Ackerman	Goodling	Neumann
Allard	Gordon	Ney
Baker (CA)	Graham	Oberstar
Barcia	Green	Obey
Barrett (WI)	Gutierrez	Olver
Bartlett	Hastings (FL)	Owens
Bass	Hastings (WA)	Pastor
Becerra	Hayworth	Payne (NJ)
Beilenson	Hefner	Pelosi
Bentsen	Heger	Peterson (MN)
Berman	Hilleary	Pickett
Bonilla	Hilliard	Pombo
Bonior	Hinchee	Poshard
Boucher	Hoekstra	Rahall
Brown (CA)	Hostettler	Rangel
Brown (FL)	Hoyer	Richardson
Brown (OH)	Hutchinson	Rivers
Bryant (TX)	Jackson (IL)	Rose
Bunn	Jackson-Lee	Roybal-Allard
Burr	(TX)	Rush
Campbell	Jacobs	Sabo
Cardin	Jefferson	Salmon
Chenoweth	Johnson, E. B.	Sanders
Clay	Johnston	Sanford
Clayton	Jones	Sawyer
Clyburn	Kanjorski	Scarborough
Coleman	Kaptur	Schroeder
Collins (MI)	Kennedy (MA)	Schumer
Conyers	Kennedy (RI)	Scott
Cooley	Kennelly	Seastrand
Costello	Kildee	Serrano
Coyne	King	Shadegg
Crane	Klecza	Skaggs
Crapo	Klink	Skeen
Creameans	LaFalce	Slaughter
Cubin	LaHood	Smith (WA)
DeFazio	LaTourrette	Souder
DeLauro	Levin	Stark
Dellums	Lewis (GA)	Stearns
Dickey	Lewis (KY)	Stockman
Dicks	Lofgren	Studds
Dingell	Lowey	Stump
Dixon	Maloney	Tate
Doggett	Manzullo	Thompson
Doolittle	Markey	Thornton
Ehlers	Martinez	Thurman
Engel	Matsui	Torres
Eshoo	McCarthy	Towns
Evans	McDermott	Velazquez
Farr	McInnis	Vento
Fattah	McIntosh	Visclosky
Fazio	McKinney	Walsh
Fields (LA)	Meehan	Wamp
Finer	Mica	Waters
Flake	Miller (CA)	Watt (NC)
Foglietta	Minge	Waxman
Ford	Mink	Williams
Frank (MA)	Mollohan	Wise
Funderburk	Moran	Woolsey
Furse	Morella	Wynn
Gejdenson	Murtha	Yates
Gephardt	Nadler	Young (AK)
Gillmor	Neal	Zeliff

NOT VOTING—12

Callahan	Durbin	Menendez
Chapman	Gibbons	Moakley
Collins (IL)	Hall (OH)	Quillen
de la Garza	Meek	Stokes

So the bill was passed.

On motion of Mr. HYDE, pursuant to House Resolution 380, the bill of the Senate (S. 735) to prevent and punish acts of terrorism, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. HYDE submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 2703, as passed by the House.

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

By unanimous consent, the title was amended so as to read: "An Act to combat terrorism."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

On motion of Mr. HYDE, pursuant to House Resolution 380, it was,

Resolved, That the House insist upon its amendments to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. HOBSON, by unanimous consent, appointed Messrs. HYDE, MCCOLLUM, SCHIFF, BUYER, BARR, CONYERS, SCHUMER and BERMAN, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, H.R. 2703, a similar House bill, was laid on the table.

¶28.17 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HYDE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk; (1) be authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill; and (2) be instructed to change line 1, page 6, to read: "which the person knows is a terror-".

¶28.18 AGRICULTURE MARKET TRANSITION

On motion of Mr. ROBERTS, by unanimous consent, the bill (H.R. 2854) to modify the operation of certain agricultural programs; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROBERTS, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

¶28.19 MOTION TO INSTRUCT CONFEREES—H.R. 2854

Mr. PETERSON of Minnesota moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2854, be instructed to insist on the House language regarding program extension of Conservation Reserve Program through the year 2002.

After debate, On motion of Mr. PETERSON of Minnesota, the previous question was or-