SENATE—*Wednesday, May 6, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

*God that made the world and all things therein * * * hath made of one blood all nations of men for to dwell on the face of the Earth, and hath determined the times before appointed, and the bounds of their habitation; That they should seek the Lord * * *.*—Acts 17:24, 26, 27.

Almighty God, our hearts are heavy and sad at the injustice of racism and its tragic violation of love and law. We beg Your forgiveness for the human propensity to exalt self or race while demeaning others, failing to accept that we are all created, in the image of God, as equals. We pray that Thou wilt do what we cannot do, that Thou wilt overrule pride and greed; that Thou wilt minister to those who suffer the evil of racism; that Thou wilt deliver us from the secular, godless materialism that binds us to the Earth and limits our thinking, our expectation, our vision.

Mighty God, Light of the world and infinite love, help us in our helplessness, in our weakness, in our sin, to seek the Lord and His truth and His righteousness, lest we perish.

We pray in the name of Him whose love is boundless, unconditional, universal, and eternal. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, morning business will extend until 11:30 a.m., at which time the Senate will resume consideration of S. 2403, the rescission bill, with 2 hours remaining for debate on that bill.

At 1:30 p.m. today, the Senate will vote on the committee substitute to that bill, as amended.

Upon disposition of the rescission bill, the Senate will then proceed to the consideration of S. 652, the telephone privacy bill.

Therefore, Mr. President, Senators should be aware that a vote will occur on the committee substitute to S. 2403 at 1:30 p.m. today, and other votes are possible thereafter once the Senate begins consideration of S. 652.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the majority leader or his designee.

HEALTH CARE COST CONTAINMENT

Mr. MITCHELL. Mr. President, this is the second in a series of statements I intend to make on the subject of health care reform. Today I will focus on the need for cost containment as a critical part of any comprehensive health care reform proposal.

Several weeks ago, during debate on the budget, an amendment was offered which would have effectively capped all entitlement programs, including Medicare and Medicaid. I opposed this amendment because it did not address the fundamental problem of health care costs—in fact its enactment would have exacerbated the underlying problem by further cost-shifting to private payers.

We cannot solve the rising health care cost problem just by capping payments to Federal health programs. The Office of Management and Budget estimated that 60 percent of the rise in Medicaid costs between 1980 and 1990 were attributable to overall health care inflation—not to additional services or beneficiaries. Clearly, we must address spending in the overall health care system if we are going to succeed in limiting the rising costs in Federal health programs.

Comprehensive health care reform must achieve three major objectives: it must control cost, it must provide access to care for all Americans, and it must emphasize preventive care.

It is becoming increasingly more evident that the crisis in our Nation's health care system is being fueled by the rapidly escalating cost of providing quality care to all of our citizens. More and more Americans are finding it impossible to afford to buy health insurance policies, either through their employers or as individuals.

An increasing number of American businesses—particularly small businesses—cannot afford to offer health insurance to their employees. More dependents—particularly more children—are being dropped from their parent's health insurance policies.

The United States spends more of its gross national product on health care than any other industrialized nation in the world—and at the same time fails to provide access to care for millions of its citizens.

In 1992, our Nation will spend an estimated $817 billion on health care, up from $738 billion in 1991. In 1991, national health expenditures consumed 13 percent of the gross national product.

In testimony to the House Ways and Means Committee in October of last year, OMB Director Darman said:

> Total public and private health spending is on a growth path that would take over the Gross National Product. Total health spending has grown from less than 6% of GNP three decades ago to about 13% today. It is currently projected to reach 16% by the year 2000 and 26% of GNP by 2030.

The rapidly rising costs of health care cannot be sustained by American families, by businesses, or by the Nation as a whole.

According to a recent Families USA study, in 1991, on average, each American family spent $4,296 out-of-pocket, on health care—nearly 12 percent of family income. In 1980, the average American family paid a total of $1,742 for health care. By the end of this decade that same family will be paying $9,397 for health, an increase of 439 percent.

The average cost of providing traditional medical coverage for an em-

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ployee rose 13 percent in 1991, from $3,161 per employee in 1990 to $3,573 per employee in 1991. In 1991, employers spent an estimated $171 billion to provide benefits to workers and dependents. Costs are rising 15 to 20 percent annually for large companies and as much as 20 to 50 percent for some small firms. As a result, an increasing number of businesses are dropping health coverage for their employees and their families.

Part of this increase in health care spending has paid for widely acclaimed improvements in procedures and technology. But higher spending has not prevented reductions in coverage nor significantly increased health status relative to that of people in other countries.

Americans demand the most up-to-date and sophisticated treatment available. We value speed and accuracy of diagnosis and a short length of time between diagnosis and treatment. Many Americans would find some of the delays in treatment experienced by Canadians or British unacceptable. Yet we, as a society and as individuals, pay for this access to care.

Over the last two decades many strategies for controlling health care costs have been attempted. Managed care and utilization review requirements have been implemented in both the public and private sectors. Controls have been placed on physician payment reform under the Medicare Program. Medicare implemented a prospective payment system for hospitals to create incentives for greater efficiency. Competition among providers and insurers increased. However, according to the Congressional Budget Office, while it is difficult to quantify the overall effects of each change separately, it appears that these efforts to contain costs have had little impact on total health care spending.

Evidence from other industrialized nations suggests that it may be possible to achieve greater control over health care spending in the United States than has been achieved in the past decade. It would be necessary, however, to make significant changes in the financing and delivery of health care. Several policies used in combination could, in my judgment, substantially increase our ability to control health care spending.

Among these policies are the following: Elimination of first-dollar coverage under insurance policies; uniform payment levels for services that apply to all payers; prohibition of balanced billing; health planning that establishes capital and technology targets relative to population at national and regional levels; and effective national and regional budgets for overall spending, or expenditure targets for specific types of spending. These policy changes would require difficult and controversial tradeoffs.

However, in the absence of these significant changes in the structure of the health care system, the Congressional Budget Office asserts that it is unlikely that the United States will be able to achieve much greater control over health care spending than was evident in the 1980's.

The consequences of failure to obtain the benefits from effective cost containment are many. Health care spending will grow as a share of national income. Workers will receive a greater share of compensation as health insurance coverage, and less in the form of direct wages and salaries. As health care costs continue to rise at a rate that exceeds the rate of increase in wages and salaries, fewer workers—particularly lower-wage workers—will have employment-based group insurance.

Governments, both Federal and State, will spend a larger amount in order to maintain current health programs, exerting pressure on Government budgets and potentially crowding out funds for other programs. Finally, not controlling health care spending will make it more difficult to address the other major failure of the health care system—the large and growing number of people in the United States without health insurance coverage.

It is clear that other industrialized nations have had more success than the United States in controlling health care spending while at the same time assuring access to care for all of their citizens. Contrary to popular belief, these nations do not all have a government-financed health care system. In fact, several of the industrialized nations of the world—including Germany, France, and Japan—have mixed public-private health care systems which share several major traits with the health care system in the United States.

In each of these nations, medical care is provided by private physicians and by both private and public hospitals, and patients have free choice of physicians. Most people in Germany, France, and Japan receive health insurance coverage through their workplace, and health insurance is provided by multiple third-party payers.

However, the health care systems of Germany, France, and Japan differ from the United States in several fundamental aspects. First, insurers—who are predominantly nonprofit—are required to provide minimum coverage that includes a wide range of health care benefits. Second, insurance enrollment is compulsory for all residents, and there is little or no choice of insurers.

Third, workplace-based insurance is financed not by premiums that reflect each individual group's expected costs of care, but largely by employer and employee payroll contributions that reflect the average cost of a larger cross section of the population.

All three countries standardize reimbursement rates for providers, which are negotiated among physicians, hospitals, third-party payers and, in France and Japan, the Government. All three countries establish global budgeting which set limits on overall health spending as national goals.

Each country sets limits on overall health spending as national goals, but only France and Germany have added policies to achieve compliance with the limits.

Overall, these budget controls have been successful in reducing real health care spending below levels that would have been expected had they not been in place. The most successful caps were those accompanied by a mechanism to achieve compliance.

I do not advocate that the United States adopt a German model or a Canadian model. I believe that health care reform in the United States must be designed in a way that is uniquely American—that builds upon our own system, our own customs, and our own practices.

Last year, I joined with a number of my colleagues in introducing legislation to reform the Nation's health care system. My bill contains a number of important cost containment provisions which are intended to eliminate payment for unnecessary procedures, reduce administrative costs in the system, and move toward a single payer system with global budgeting and negotiated payment rates for providers.

Many of the cost containment provisions incorporated in my legislation are similar to concepts which exist in other national systems. Some say they go too far and threaten quality of care. Some say they do not go far enough to control the rate of health care inflation.

I believe these provisions are well-balanced and deserve serious consideration in the health care reform debate. I urge my colleagues to examine these proposals carefully. We must control the amount the Nation spends on health care. It must be our highest priority.

Mr. President, I yield the floor, and I designate the Senator from Massachusetts to be in control of the time for the remainder of the hour.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

HEALTH CARE CRISIS

Mr. KENNEDY. Mr. President, America's health care crisis has been worsening for more than a decade. Year after year of soaring costs threaten to price health care out of the reach of the average family. Rising costs are eating up wages, harming our competitive position in the world, and denying accessible and affordable health care to millions of families.

Between 1980 and 1991, health payments by the average family rose 150 percent, to $4,300 a year. By the year 2000, if present trends continue, these costs will top $9,000. Businesses increasingly are cutting back or dropping coverage as exploding health care costs eat away at the bottom line.

America's health care system is the most expensive in the world, but all our spending has not brought adequate protection for the average family.

Thirty-six million of our fellow citizens are uninsured, and the number grew by more than 1 million in the past year alone. Even those who have insurance today cannot be confident that it will be there to protect them tomorrow. If your employer decides your coverage is too expensive, he can cut it back or eliminate it entirely.

If you lose your job or change jobs, you can lose your health insurance. If you develop a chronic illness, your insurance company can cancel your coverage when you need it the most.

No health reform is worthy of the name unless it meets two basic tests: It must guarantee coverage for every American, and it must put reasonable limits on health care costs.

Majority Leader MITCHELL, and Senators DON RIEGLE, JAY ROCKEFELLER, and I have introduced a legislative program called HealthAmerica that meets these tests.

It establishes a tough, comprehensive program to control costs that is directed at all four parts of the cost problem: cost shifting, unnecessary care, excessive redtape, and administrative costs; and open ended, blank-check reimbursement for health care providers.

The independent consulting firm of Lewin-ICF has estimated that 5-year savings from the plan could be as much as $215 billion, even after taking account of the additional costs of covering the uninsured.

At the same time that HealthAmerica brings soaring health care costs under control, it guarantees every American affordable health insurance coverage. It requires every business to either provide coverage for its employees and their families directly, or else contribute to their coverage under a new public plan, like Medicare.

The new public plan will also cover the unemployed, with premiums based on ability to pay. When the plan is fully implemented, every American will be assured of coverage from one of three sources: A plan sponsored by an employer, the new public plan, or, for senior citizens and the disabled, the current Medicare Program.

At long last, the United States will guarantee the fundamental right to health care for all its citizens.

The Bush administration's proposal also claims to be comprehensive, but the fact is that it cannot pass the truth-in-advertising test.

It will not guarantee affordable coverage for all Americans, and it does not control costs.

The heart of the administration's plan is a system of tax credits for the poor and tax deductions for the middle class.

The tax credits will help many of the poor, but they are not large enough to do the job in some States. In addition, they are financed by cuts in the existing Medicaid Program for the poor. Once you strip away the rhetoric, it's the same old shell game. It looks good at first, but once you turn over the shell, you cannot find the pea.

The program for the middle class is even more inadequate. Under the administration's plan, middle-income families can deduct the cost of their health plan, up to a maximum deduction of $3,750 per family. For the average family in a 15-percent tax bracket, the tax deduction will save a maximum of 15 percent of $3,750, a mere $563.

At current prices, that is only enough to buy 6 weeks of health care. A family that loses a job, whose employer drops or cuts back coverage, or that works for a business that does not offer insurance will simply not be able to afford the premiums.

The administration's attempt to control costs is equally half-hearted. It adopts some of the proposals in our HealthAmerica plan, such as administrative simplification, steps to reduce unnecessary care, and small business insurance reform. But it is unwilling to take the tough steps necessary to solve this problem.

To have an effective program to control costs and guarantee coverage, the administration must be willing to take on powerful entrenched interests. Businesses that will not insure their workers have to be told that the free ride is over. Doctors and hospitals must face up to the fact that they cannot charge whatever the market will bear.

But the administration has not been willing to challenge these powerful interest groups. Instead of requiring businesses to insure their workers or contribute to public coverage, the program squanders billions of dollars on tax deductions that are too small to buy a decent health insurance policy for the average family.

Instead of offering a plan guaranteeing coverage to the middle class and poor alike, the administration plans to fund coverage for the uninsured poor by taking from Medicaid.

Instead of putting reasonable limits on what doctors and hospitals can charge, the administration avoids the hard choices necessary to hold costs down.

Will the administration program guarantee you coverage if you lose your job? No. You will get a tax credit that may be large enough to help you buy coverage, but only if you are destitute.

Will the administration program guarantee you coverage if your employer does not provide it? No. The tax savings to the average family that tries to purchase its own plan is only a small fraction of the cost—and you have to wait a year before you can even collect this inadequate help.

Will the administration plan guarantee protection if your employer decides to reduce your coverage or cancel it? No. The administration does not believe that any business has any obligation to cover its workers, or even make a contribution to public coverage on their behalf.

The administration plan simply does not measure up. It does not meet the needs of the American people. And even more troubling than the specifics of the plan is the failure of the administration to follow through on its own proposal. When Secretary Sullivan testified before the Labor Committee 2 months ago, he was unwilling to commit the administration even to submitting legislation to implement the proposal. Senator MITCHELL has challenged the administration to submit their legislation by today, the date the Finance Committee will begin hearings on the various proposals.

In response to this challenge, the Bush administration is finally submitting at least a part of its plan today. The Reagan-Bush and Bush-Quayle administrations have had 11 years to come up with a plan. The President announced that he would have a plan in his State of the Union Message.

I hope the administration has finally become serious about health care reform, and that it will promptly submit its entire plan.

The time is long overdue for the administration to demonstrate that it is serious about solving the health care crisis that affects millions of our citizens.

Democrats in Congress are serious about responding to the needs of the American people.

We introduced comprehensive legislation a year ago; we have reported the bill out of the Committee on Labor and Human Resources; and we are committed to bringing this issue before the full Senate.

The American people deserve action and they deserve it now.

Mr. President, I yield such time as the majority leader yielded to me to my friend and colleague, the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania.

LEADERSHIP IN THE HEALTH CARE CRISIS

Mr. WOFFORD. Mr. President, it has been 3 years since George Bush said he would get to work on the Nation's health care crisis, 6 months since he re-

acted to our Pennsylvania election by promising a health care proposal before the 1992 election—not afterwards, as he had said before—and now 3 months since he finally made his big health care speech in Cleveland. But Mr. Bush still has not sent this Congress a draft of his own health care reform legislation.

Today marks another day of no leadership, another day of health care reform held hostage by this administration. By contrast, today marks an important step by the Senate majority toward comprehensive action to control the skyrocketing costs and expand access to health care for every American.

Senator BENTSEN's Finance Committee begins hearings this morning on legislation to accomplish these vital goals.

But as with every other issue pressing down on the American people that calls for real change, for hard choices and real leadership, this President's response is to give a quick speech and then do nothing. That is not the kind of leadership we need to turn this country around—on health care, on our stagnant economy, our neglected cities.

Each day that George Bush sits back and does nothing, Americans spend more than $2 billion on health care. That adds up to some $185 billion since he gave his health care speech in February.

And perhaps even more than that. The violence in Los Angeles and elsewhere was not sparked by the lack of health care coverage for more than 35 million Americans. But one thing I learned when I walked the streets of south central Los Angeles and talked with the people involved in the confirguration—I learned on Sunday was that our health care system will be yet another casualty of the rioting.

At least two-thirds of the injured and dying brought into hospital emergency rooms do not have health insurance. The cost of caring for them is estimated to be $500,000 a day—cost shifted onto those who do have insurance, onto the taxpayers, onto our economy.

Those costs are already staggering our families, our companies, our international competitiveness. When I started campaigning for national health insurance last spring, the United States was estimated to have spent some $666 billion—more than 12 percent of our gross national product—on health care in 1990. A few months later, the estimates for 1991 put that number at $738 billion—13 percent of GNP. In 1992, Americans will spend some $817 billion—up to 14 percent of our otherwise stagnant economy, and still climbing every day.

Without fundamental reform to control costs and expand access—especially to the kind of lower-cost primary and preventive care that is so lacking for millions of Americans—it is estimated that health care spending in the United States will grow to nearly $2 trillion by the end of the decade.

The fuse has been lit on our health care crisis. It is burning faster and faster. But instead of taking action to stop the explosion, this administration tells us it is too complex, too difficult a problem to do anything about right now.

We know the problem is complex. We know it is difficult. We know there are competing plans, different approaches, and that hard bargaining lies ahead to hammer out of a good, unique, American plan for comprehensive health care.

But we also know that complexity is no excuse for doing nothing.

After waiting for more than a year to even admit there was a recession, President Bush gave Congress a deadline to act on economic legislation which he promptly vetoed. It's time for the American people to give the President a deadline to present his bill for health care reform.

Before the holiday recess, Majority Leader MITCHELL issued a deadline for today, May 6, for George Bush to put his plan on the table. The day has come, the hour is here. Where is our President? Where is his plan? And where is his leadership?

Before the recess, 47 Democratic Senators joined me in a letter to Majority Leader MITCHELL committing ourselves to action on comprehensive health care reform this year. With our leaders' affirmative response, more than half the Senate has declared itself in agreement on the basic principles of cost control and universal coverage that are essential for comprehensive health care reform.

Mr. President, for too long, the health care debate has been a symbol of the political gridlock among parties and special interest groups that frustrates our people with Government's inability to take action. As with so many issues on our national agenda, our ability to break that gridlock and take action will depend on a President truly committed to change. George Bush did not meet our deadline this morning. His next deadline comes from the American people on November 3.

Until then I look forward to working with my colleagues on both sides of the aisle in shaping a uniquely American plan that will turn the right to affordable health care from a privilege for some into a reality for every American. Today, that work begins anew and I commend Senator BENTSEN and the Finance Committee for their efforts.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2659 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE RESCISSION PROCEDURE

Mr. ADAMS. Mr. President, I am taking this time in morning business rather than during the time of the debate on the rescission package because I feel it is necessary to put into some perspective the overall policy debate that is taking place on this issue.

I was the first chairman of the House Budget Committee that took a bill through in 1974, and along with Dick Bolling, Al Ullman, and many others, drafted this provision that deals with rescissions. It is not a provision to be dealt with lightly and certainly not to be used, as is being attempted by the President, to tie the Congress into knots.

Mr. President, I may not agree with every point listed in this appropriations bill that has come as a rescission package, but it is a very important and significant separation of powers issue. I support it completely and wholeheartedly on that basis, as well as many of its provisions.

I am in strong support of the Appropriations Committee's rescission package for fiscal year 1993, and I want to pay my compliments to the chairman of that committee for accepting a challenge that was given to him by the administration on three separate occasions where literally dozens of rescission requests were sent forth in an attempt to stop the appropriations process and really to almost use the rescission process as a line item veto—in other words, item by item.

The President has attempted to portray the rescission procedures as something new. They are not at all new. They were part of the original package in 1974 and involved a very hotly contested tradeoff between the President of the United States and the Congress of the United States after President Nixon had impounded funds appropriated by Congress during his administration. It was a very bitter fight, be-

cause the President had simply stated that no matter what funds were appropriated by Congress, he would spend what he wanted to spend simply by impounding those funds he chose not to spend.

This power goes far beyond any constitutional power ever granted to the President and was the reason that the Congress and the administration worked together to pass the Budget Reform Act of 1974.

As I mentioned before, I had the honor of being the first chairman of the House Budget Committee to carry that act clear through. Representative Al Ullman, who is no longer with us, was the first chairman. But he chaired Ways and Means during the course of that year, Carl Albert was the Speaker of the House, and the Budget Act fell to me to implement. The section of the Budget Reform Act of 1974 which dealt with rescissions was not designed with the idea in mind that such change numbers of rescissions would be sent to Congress with an attempt to obtain a vote on each one. This type of process could literally take all of Congress' time between now and the end of the session.

Since 1974, to indicate that this is not something new, there have been over 974 rescissions sent up by Presidents. This rescission procedure was carefully drafted, and each of these rescissions was considered. Some rescissions were accepted; some were rejected. It became a part of the regular functioning procedure of the U.S. Senate and the House of Representatives to rescind funding of certain appropriated items. We have a procedure where we will proceed just as though we had passed a bill, and redo what we had done, but in an expedited manor, that being the rescission. This process allows the Appropriations Committee to consider the item. In a limited amount of time and discharge it very quickly. There is a very short time limit on debate and amendments.

This was carefully structured by statute, not with the idea that this was something strange, but that it was to fit within the 1974 Budget and Impoundment Act. They were to be handled very quickly as corrections to the appropriations process. They were not meant to be major line-item vetoes or major issues to be considered by individual authorizing or appropriating committees.

That process has worked very well. And it also has been firmly established that the Congress can establish rescissions as well as the President. I have read the act carefully, as one of its drafters. It was always contemplated that the House and Senate would operate on it in a slightly different way, but each would have the opportunity to amend rescissions as they came up. This was an attempt to implement rescission power, and it succeeded in doing away with and outlawing impoundments. It stopped the Nixon administration from using impoundment procedures to usurp congressional power.

The President's attempt now to shift the blame for budget woes from the White House to Capitol Hill is not new. But this attempt by President Bush to tie the Congress into knots by threatening, through members of his administration, to send up 1,300 separate rescissions, and demanding a separate vote on each one, was simply never contemplated by the act and is very destructive to the manner in which the Congress and the administration should operate. We revolted against King George and Government was deliberately created so there would never be another king. The Founders ensured this change by creating our Government's system of the separation of so that no one person, no one group could control everything that happened in the Government, so that the people could not be oppressed. It does slow the process down at times, because power is separated, and compromises must be made between the branches, and they should be made. But it was never contemplated that the administration should have the power of the purse; they should have the power to administer only after the Congress has acted.

If the President persists in this game of sending up rescission after rescission, it is a game he will lose. If the Congress were to follow the President's wish and have a separate vote on each rescission, the Congress would spend 750 legislative hours voting only on these rescissions. If this is the President's idea of leadership, I reject it. Is this what the American people really want? Or would they rather see the Congress spend its time attempting to enact legislation to revive economic growth, to reform health care, or strengthen the schools?

If we were to allow this to go through without the fight we had yesterday and will have later today, President Bush's rescissions would become a line-item veto placebo. That is not what was contemplated. For example, although the fiscal year 1992 Defense Department authorization prevents the release of $1 billion for the B–2 bomber in the current fiscal year because certain statutory flight and other tests have not been met, the President opposes the rescission of that program. The chairman of the full committee considered this, and that is the reason that that $1 billion was not placed in the rescission bill.

The SDI Program has in it Brilliant Pebbles, which no one says at this point has the possibility of working. So the committee took that part out and left in the part involving land-based missiles.

This process allowed the committee to retain the option of having two Seawolf submarines. This is a congressional decision worked through committees, worked through the administration, and attempted to be changed by a quick procedural rescission opportunity. The money would not have been released for the B–2 in any event and should not have been spent for the B–1. President Bush pretended that it would be. President Bush should take the message sent to him last week By Senator BYRD, the distinguished chairman of the Appropriations Committee: Stop playing games and carefully consider the implications of sending us more than 1,000 additional rescissions.

I hope that the Congress will pass the appropriations bill today with the rescission package intact as it is. It is a good package. It rescinds more money than the President rescinded. It carefully considers the programs that can go forward and those which will not go forward. It leaves in place the opportunity, in fiscal year 1993, for the committees to continue to work on the structure of the Defense Department. I am very hopeful, Mr. President, that my words this morning about where this all started, and how the rescission fit into the total appropriations package, will be heard by the administration, and that we will go about the business of solving America's problems.

I stated yesterday afternoon on the floor that I had been part of the historical pattern of the sixties and the seventies. I was a U.S. attorney when we were admitting blacks for the first time in the South in the Department of Justice; and I was a Congressman during the riots that occurred in the sixties. I was here during the Vietnam war; and I was later Secretary of Transportation when we attempted to go forward with additional programs to take houses from the freeway and place them in Watts, so that there would not be a lack of hope. I think that we should stretch out our hands—the Congress and the administration—to meet our urban problems, not threaten one another, not try to make this a thee and thou type proposition. If the administration has a private enterprise program that will work, let them couple that with the programs we have attempted to place in these areas with housing, education, and drug treatment. Let us have some successes.

I have also been chairman of the Appropriations Subcommittee for the District of Columbia. I have seen the destruction of these streets. We cannot continue the path we have started, and I hope the President will reconsider it. This is not just a law and order problem. I have supported putting 1,000 additional policemen on the streets of Washington, DC. We did this 2 years ago. We approved additional prosecutors, the building of a new jail, and additional courts. All of this has gone through the Congress. But these measures are only the answer when all else

has failed. The use of force is necessary only when hope has been abandoned, and when the choice of those living there becomes so limited that there is no other option.

So I plead with the administration to forget this game playing with rescissions. Use them for the purpose they were created. We will take them up and pass them. Do not try to bash the Congress. Reach out with your hands and let us try to solve the urban problem; let us try to solve our health problem; let us try to solve our social justice problem in this country, and let us get jobs for our people. These are the kind of things that we can agree upon and that we should be moving forward with.

No more rhetoric, no more stamping of feet, no more trying to put a spin on things, but let us enact a few good programs.

I expressed my outrage yesterday concerning the administration's placing of blame on the social programs of the 1960's and 1970's for the riots in Los Angeles. That is absolutely false. Those programs were our attempts—and many successes came out of them—to respond to the riots that had happened in Watts and that had happened in Washington, DC, and that were occurring in our country, as we became deeply divided over a terrifying war in Vietnam. These efforts by the Congress, and the Presidents, two Democrats, two Republicans, up until 1980 were all attempts to try to alleviate the problem. The darkness fell in 1980 when we began to neglect these programs and we stopped them. Let us turn the lights back on. Let us see if we cannot make America a place where people not only want to live but have a chance to live. Let us, once again, be the light of the world, as we should be.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of Senate Joint Resolution 298 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RACISM IN AMERICA

Mr. COHEN. Mr. President, one simply cannot read a magazine or a newspaper or turn on a television set without feeling a sense of anger, revulsion, and frustration. These emotions may erupt for entirely different reasons: The sight of uniformed police officers savagely beating a black man; the injustice of a nearly all-white jury concluding that the officers were simply doing what they were trained to do, or that the victim of the beating was in complete control of the circumstances and responsible for the ferocity with which the police batons shattered his arm and cheek bones and bruised his brain; the equally horrifying spectacle of a group of black men dragging a white trucker from his cab, kicking and clubbing and indeed even shooting him until he was rescued by several other black men—and I might add his life saved by a team of doctors consisting of two blacks and one Asian; the photographs of fires burning throughout Los Angeles, looters leaping with boxes in their arms and anarchy in their hearts, make our hearts go cold with anger and fury.

There is no one in this country or, indeed, Canada—not here or abroad—who can condone the violence that has scarred the city of Los Angeles and left at least 58 people dead, most of whom were black, and family businesses burned out and dreams destroyed. And those who first called for understanding the basis of this inner-city rage find a counterreaction and a counterrage at what appears to be a condonation of mob violence, and it should come at no surprise. Order and public safety must be restored before we can begin to sift through the rubble and debris that is all around us.

Mr. President, battle lines have been drawn over this tragedy; political advantage is being sought. Polls are being conducted and they will no doubt tell us that the overwhelming weight of public opinion falls on the side of those who stand tall for law and order. And the few who speak about the need for hearing are certain to have their voices drowned out by the many who will believe that their tax dollars are simply being used as a reward for anarchy and plunder.

Already, every program conceived or carried out under the rubric of the Great Society has been deemed a failure. Conversely, every initiative proposed by President Bush or HUD Secretary Jack Kemp has been labeled a gimmick.

We are engaged in a dangerous, dangling conversation, without rhyme and with very little reason. Our opinions, much like our races, have become irrationally polarized and driven by the arrogance of absolutists. Order must be restored. Laws must be respected. No excuses can be offered or condoned. Those who robbed and plundered and ransacked Los Angeles and other cities have to be punished.

But we must also be willing to insist that all forms of lawlessness be condemned with equal vigor and passion.

Some years ago Justice Louis Brandeis warned us. He said:

> When government becomes a lawbreaker it breeds contempt for the law. It invites every man to become a law unto himself; it invites anarchy.

So we must condemn governmental lawbreakers, whether they wear pinstriped suites in Washington or wear badges and carry police batons on the streets. If we expect people to be guided by the rule of law and the hand of justice, then justice must be done. We can never return to that time when those of African-American descent are forced to drink from the fountains of justice at the rear of the courtroom while whites line up at those in the front.

In spite of the landmark case Brown versus Board of Education, the Civil Rights Act of 1964 and that of 1991, of the soaring Michael Jordan and the singing Michael Jackson, of Oprah and Cosby and Gumbel and, yes, even Clarence Thomas, the fires of racial hatred still burn in our hearts and in our deeds. And there is a sad, pathetic and I suggest dangerous discrepancy between what we profess and what we practice as a people who claim the Judeo-Christian faith as our heritage.

By invidious design or callous neglect, we have erected invisible barriers to black people and other minorities and we have locked them in a ghetto from which only a fortunate few can ever hope to escape. We call them names. We consign them to the animal kingdom. At Rodney King's trial the jury was told he grunted like a bull when he was being struck and, by another account, he was no more than a gorilla in the mist. We deny them access to capital, to credit, to homes and jobs and dreams, and them dismiss them as lazy and slothful and drug-filled wastrels who are genetically predisposed to committing violent crimes. We deprive them of their sense of dignity, humanity, and self-worth and then shake our heads in disgust as they find their rainbows at the end of a needle.

One cannot read the words of Richard Wright or James Baldwin or Gordon Parks and remain indifferent to the pain and humiliation and the injustice they have suffered because of the color of their skin.

These are not the fantasies or the whimperings of literate men. They are the facts of ghetto life and of racist attitudes and actions.

Back last fall when we were debating whether we were going to pass a Civil

Rights Act, I called to my colleagues' attention a segment that appeared on "Primetime Live" on ABC television. The producers of that show took two equally attractive, articulate, male college graduates; one was white and one black. They sent them out into the world. They had a hidden camera that followed them for a day.

How was the black man treated? He went into one store and immediately he became the object of suspicion. He was well dressed. He posed no threat to those in the store. Yet he was followed by a security guard the moment that he walked into that store.

He went to an auto dealership and he waited and waited and waited and no one waited on him.

He went to another auto dealership and they charged him a higher price than they charged his colleague who followed him shortly thereafter.

When he went to look for an apartment he was told the last apartment had just been leased.

Needless to say, his white colleague received a much warmer and a much different welcome in each of these settings. And the camera never blinked. And neither did any of the unwitting participants in that film. They either denied they had engaged in acts of racism or discrimination or they reacted with anger at the exposure of their behavior.

It is frequently said that morality cannot be legislated and it may well be that laws can never purge private resentments or hatreds. But we who hold positions of honor and responsibility as lawmakers have an absolute duty to see to it that the laws that we pass are carried out with fairness and with complete impartiality.

I am taking the floor this morning to alert my colleagues to a GAO report that will be released within several days. The report concludes that there appears to be a pattern of racial discrimination in the laws which apply to our Social Security Disability and Supplemental Security Income Programs. The GAO has found that in the adjudicatory process, and at other points in the process, there appears to be about an 8-percent differentiation, an unexplained differentiation between the treatment of whites and blacks, in favor of whites.

Let me say initially that perhaps 8 percent does not seem like a large amount to some of the people who might be watching or who will read that particular report. Calculations of averages are deceptive. I need only remind my colleagues that one can drown in a body of water that on an average is only 3 feet deep.

But let me also add that any racially biased difference is devastating to any individual who has waited months and perhaps years to obtain the benefits to which he or she is entitled, only to find at the long end of that appellate process that right is going to be denied on the basis of the color of his or her skin.

GAO has recommended that the Commissioner of the Social Security Administration conduct a further investigation and take steps to correct whatever bias currently exists within our system, and I am pleased to alert my colleagues that Commissioner Gwendolyn King is very eager and enthusiastic about doing precisely that. She has pledged to do that, and I have complete confidence that she will.

Mr. President, I want to return to my initial remarks. There is no doubt that a significant criminal element lurks in the underclass of our major cities, waiting for the opportunity to engage in acts of violence and nihilism. But there are far more law-abiding minorities who are trapped in neighborhood ghettos, and they are destined to become the victims of that violence.

The resolution of this crisis in our cities does not lie in condemning all past attempts to deal with poverty or deprivation or discrimination, and it surely does not lie in condemning proposals that involve something other than billions of Federal dollars.

We are not going to remain history's greatest experiment in self-government and serve as a beacon to the rest of the world if our only answer is to line the streets of our cities with National Guardsmen and Federal troops. Bayonets will not solve teenage pregnancies, the birth of crack babies, unemployment, poverty, drug addiction, and violent crime.

So, Mr. President, in a spirit that is worthy of a Nation that exists under God and under the rule of law, I think we need to call forth the best in our heads and the best in our hearts, and not succumb to the worst of our passions.

Mr. President, I yield the floor.

GEORGE E. EVANS, JR.

Mr. FORD. Mr. President, George E. Evans, Jr., of Lexington, KY, is a longtime friend of mine. He recently announced his retirement as special assistant to the Governor of Kentucky. Mr. Evans has played a prominent role in the coal industry for many years. He has been a strong, vocal proponent of a national energy policy. He has been active in civic affairs and public service.

A short review of George Evans' biography quickly reveals a man who has contributed much to the Commonwealth of Kentucky. He came to Kentucky for a summer job in June 1939, and returned after he graduated from Notre Dame in 1940 to work for Central Elkhorn Coal Co. In 1942 he started Evans Elkhorn Coal. He stayed active in coal mining until he sold his company to Island Creek in 1966. George also served as president of National Mines and president of the Coal Development Division of National Steel Corp.

As Governor of Kentucky, I appointed George Evans to the Kentucky Racing Commission. In 1983 Gov. Martha Layne Collins appointed him Secretary of the Kentucky Energy Cabinet; Governor Wilkinson reappointed him to that position in 1988. The following year he was made special assistant for coal and energy policy in the Wilkinson administration.

George Evans is a member of the National Coal Council, the Southern States Energy Board, the board of directors of the Mississippi Valley Coal Exporters Association, the Association for the Development of Inland Navigation in America's Ohio Valley [DINAMO], Clean Coal Technology Coalition, the Atmospheric Fluidized Bed Development Corp., the executive committee of the East Kentucky Corp., and the University of Kentucky Mining Engineering Foundation. He also is a past director and chairman of the Kentucky Coal Association, past president of the Kentucky Mining Institute, and a past member of the American Mining Congress. Because of his many contributions to the coal industry, he was named Coal Man of the Year for 1985 by Coal Age magazine.

He also is chairman of the board of Liberty National Bank of Lexington, curator and member of the executive committee of Transylvania University, and trustee of Ephriam McDowell Cancer Research Foundation. He served as a trustee of the Appalachian Regional Hospital, a trustee of Alice Lloyd College and Prestonsburg Community College, a trustee of the Lexington School, and trustee of St. Joseph Hospital in Lexington.

Mr. President, George E. Evans, Jr., has made a valuable contribution to Kentucky. He is a distinguished public servant, and I am proud to say that he is my friend. I extend to him and his wonderful family my very best wishes. I wish him a long, healthy, and successful retirement.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,878,577,969,805.24, as of the close of business on Monday, May 4, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,100.03—

thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

SHREVEPORT SENDS AID TO EKATERINBURG

Mr. JOHNSTON. Mr. President, those of us who have been so heartened by political changes throughout the world that have advanced the cause of democracy, must also feel deeply troubled by the price that so many men and women and children are paying for the freedom they have won.

In the former Soviet Union particularly, this period of political and economic transition has also been a time of enormous human suffering.

Eight months ago, Rev. Dwight Ramsey, pastor of Broadmoor United Methodist Church, and a group of residents in my hometown of Shreveport, LA, began asking how they, as private citizens, could reach out to the people of these emerging democracies with a hand of friendship and support.

What followed was a massive humanitarian relief effort involving an airlift of tons of food and medical supplies from Shreveport, LA to a sister community in the former Soviet Union, Ekaterinburg.

The fascinating story of this community-based effort and the individuals who contributed to its success, has been chronicled by the Times of Shreveport. I ask that a series of articles from the Times be printed in the RECORD, along with my nomination of Reverend Ramsey for the Presidential Point of Light Award, and I commend this material to the attention of my colleagues.

I am especially pleased that my office could be of assistance in making this project a success. I would like to acknowledge the help of Mr. Gregory Touma, logistics officer in the Office of the Secretary of Defense, and Ms. Heather Bomberger, special assistant to Ambassador Richard L. Armitage and Deputy Coordinator for U.S. Assistance to the New Independent States. Their assistance was invaluable in securing air transportation for the relief.

The success of this remarkable project is a testament to the generous nature and industrious character of the people of Shreveport, who were the guiding force behind this noble effort, and of the charitable spirit of countless others throughout Louisiana and other States who became a part of it.

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

[From the Shreveport (LA) Times, Apr. 19, 1992]

RESURRECTING OUR POSITIVE IMAGE—FROM RUSSIA

(By Frank May)

World image makers, take notice.

This Easter Sunday Shreveport is writing, as the old marching hymn goes, "a story to tell to the nations."

It's a story about homespun generosity, about international brotherhood and about visionary people who have thrust Shreveport upon the world stage with positive images. It's the kind of story that, if given its due, could "turn their hearts to the right," as the hymn says. Worldwide critics who hear this tale might, finally, forget our political and social fiascoes and look upon us without premonition.

As part of a cultural exchange program in 1990, Shreveport minister Dwight Ramsey traveled to Moscow and the historic Russian city of Ekaterinburg, formerly named Sverdlovsk after one of Communist revolutionary Vladimir Lenin's generals.

Ramsey called the industrial city of 1.5 million people the one-time "heart of the Soviet military complex." It's where Soviets developed nuclear and chemical weapons and Scud missiles and where Francis Gary Powers was shot down in his U2 spy plane in June 1960.

But what Ramsey saw upon his visit in July 1990 and in a return trip in March 1991 was the domestic wreckage that the Soviet military machine had wrought on the Russian people.

"We saw Russia in the raw," the softspoken, persevering pastor of Broadmoor United Methodist Church told a fellow Shreveport congregation recently. Homes had little or no plumbing and electricity; women hauled wood on their backs to their kitchen stoves; oxen pulled plows through fields and gardens.

"I'm nowhere close to having the grace these people have in living in those conditions," Ramsey said.

Turning that inner grace into abounding faith has been Ramsey's mission ever since. And he has not been denied.

Though he received an official "nyet" when he asked to organize a Methodist church in Ekaterinburg, he later gained permission to form a Methodist "society"—societies of engineers, craftsmen, etc., are routinely recognized by government authorities. He also received 20 acres of land on which to build his Russian rock, a church filled with many Communists and atheists-turned-Christians.

Last year, Ramsey's efforts led to formal organization of a Methodist church, the first legally sanctioned Protestant church in Russia since the Communist revolution of 1918. Since last spring, Ramsey has kept in contact with Russian officials and, of course, watched the miraculous emergence of Boris Yeltsin and his reformist movement last year.

Yeltsin's roots, it turns out, are in the city about 1,000 miles east of Moscow: Ekaterinburg. It's the Russian president's hometown. And he welcomes its visitors from Shreveport.

In January, Yeltsin granted the 500-member, Ramsey-founded church permission to use a large building until a sanctuary could be built on the designated 20-acre property. Ramsey's plans call for a food distribution center, medical outpatient clinic, school classrooms and worship services in the building's 1,500-seat auditorium.

Ironically—and this story is full of remarkable ironies—the building formerly served as the Communist Party's headquarters in Ekaterinburg.

The rest, in a sense, is history.

Last month's community wide and statewide food drive that raised 131 tons for Ekaterinburg residents drew widespread publicity, and local reporters traveled with Ramsey and fellow Shreveporter David Stone on their return trip to Russia last week.

Today's historic Easter service from Moscow is slated for broadcast internationally, and delivery of the Louisiana-sent food to Ekaterinburg also will attract intense news coverage.

Behind it all remains Ramsey's resolve. "Unless we do something to help the people of Russia, there'll be bloodshed," he said. "It would only take a few bullets to change the situation dramatically."

And who could get the call to arms if war breaks out in Russia? Would U.S. forces from Louisiana have to go, as they did in the Persian Gulf War?

We all hope that we'll never have to answer those questions. But a Shreveport minister—with his community's support—is upholding that hope through his peace-promoting, faith-finding mission.

That's a story to tell the nations, and community leaders should start singing it. It's something worthy of pride and promotion, because it definitely reflects something that's right—right here in Shreveport.

World image makers, take notice.

[From the Shreveport (LA) Times, Apr. 25, 1992]

RUSSIAN TRANSPORT ARRIVES, LOADS UP

(By John Andrew Prime)

If one ever needed proof the Cold War is over, it happened at Barksdale Air Force Base just after 1 a.m. Friday.

A Russian Antonov-124 cargo plane, one of the largest and heaviest now flying, landed there and parked within a softball-toss of U.S. bombers.

"This is unbelievable!" said Capt. Steve Hess, radar-navigator of a B-52 that visited the Russian Air Base of Dyagilevo in an historic visit in early March. "It's parked right next to the B-52s. You can't see it in the dark, but they're sitting wing to wing."

That was history: Russian military planes have visited U.S. airfields and some military bases, but none with the national security import of Barksdale.

Just after the plane nosed into position near the south end of Barksdale's huge parking apron, Lt. Gen. Martin J. Ryan Jr., commander of the Eight Air Force, and Brig. Gen. George P. Cole Jr., in charge of the base's 2nd Wing less than a day, walked to the huge gray, blue and white airplane to make the official welcome.

Less than an hour later, the Russian crew and a team of site inspection officers piled onto buses to drive to visitor's quarters, passing parked and silent B-52s and KC-10 tankers.

"They're beat," said Capt. Joey Hickox, a Dover AFB-based C-5 pilot with the flight after a stopover in Alaska. "They left Moscow this morning. They've been airborne about 24 hours."

But there wouldn't be much time for sleep. For the green-suited officers, the day would be spent inspecting the bases's suitability for a reciprocal visit by Russian bombers in coming months.

For the blue-suiters, the job would be more complex: loading 170,000 pounds of non-perishable food and medical supplies collected by Methodists from North Louisiana under the leadership of Shreveport's own Broadmoor United Methodist Church, followed by refueling. Takeoff will be between 8 a.m. and 9 a.m. today. "Plans are for a quick refueling and loading," said Jim Waddle, chairman of the Broadmoor church's Mission's Committee, on hand with his wife, Mary, to welcome the airplane. "We plan to end the loading by noon."

Waddle said food boxes consisting of rice, powdered milk, pasta, shortening, canned meat and other items filled 135 pallets—24 boxes per pallet. Each box could feed a family of four for two weeks, he said. An additional 8,500 pounds of bulk food also was loaded onto the cargo plane. In all, Waddle estimated, enough food was loaded to feed more then 15,000 people.

The loading was actually finished by 9 a.m., a six-hour process that saw a half-dozen Russian loadmasters working with a slightly larger number of personnel from Barksdale's 2nd Transportation Squadron. Airmen who'd completed their duty crowded around the gaping opening of the hold, pointing a things that were similar to, or different from, the U.S.'s equivalent airplane, the C-5 Galaxy. Other airmen worked forklifts, easing loaded pallets of plastic-wrapped medical gear.

"There's a lot of excitement," said Tech. Sgt. Ken Cantor. "The guys are really proud to be doing it. They consider it an honor to be on the team."

The crowd member with perhaps the most expertise in dealing with Russians on peaceful terms was Hess. He was on hand to greet members of the Russian site-inspection team, several of whom he met and got to know well during his March visit. He wanted to make sure they saw at least one familiar face Friday.

"I saw them every day for five days, and had breakfast, lunch and dinner with these gentlemen. I spent a lot of time with them. I'd like to go back and visit them again some day."

Hess wants to make sure the Russians are treated as well as he was in March.

"They gave us the best of what they had when we were over there," Hess said. "They flew food into the base, from what I understand. We had the best of what they had to offer."

[From the Shreveport (LA) Times, Apr. 26, 1992]

RUSSIANS GO, NOT EMPTY-HANDED

(By John Andrew Prime)

The Russians—with a few friends and tokens of Louisiana aboard—are up, up and away, and heading for home.

With a cascade of dust kicked up by its four huge turbofan jets, a Russian An-124 transport sped northward on the runway at Barksdale Air Force Base early Saturday and headed for home.

Aboard the aircraft were two dozen Russian airmen and soldiers, who arrived early Friday morning for an historic visit to Barksdale. The closely guarded facility is headquarters of the Eighth Air Force and the 2nd Wing, the largest bomber-tanker unit in the Strategic Air Command.

Also aboard: 170,000 pounds of non-perishable food, medical supplies and educational materials collected by members of the Broadmoor United Methodist Church and other Louisiana Methodists.

Finally, the flight included three members of the church, Dr. Larry Hiller, James Gillespie and David Hochstetler.

They will travel with the plane and crew to its destination, Ekaterinburg, in Russia, to assist Broadmoor's pastor, the Rev. Dwight Ramsey, in distribution of the food and the medical supplies.

"We're just happy its finally on its way to Ekaterinburg," said Jim Waddle, a church member and head of the its missions committee. He and a group of about three dozen church members were on hand to watch the plane leave.

He said his thoughts are with Ramsey and other church members awaiting the plane's safe arrival. "I don't think the total impact of the quantity of it has hit him yet."

Also among those on hand to watch the huge plane take off just after 8 a.m. was Beverly Parault of the perfusion department of Schumpert Medical Center.

She said Hiller was to accompany and assist in the use of a brand-new intra-aortic balloon pump Schumpert donated for use in Ekaterinburg. The device is used in open-heart surgical procedures.

Hochstetler, also with Schumpert, will assist in placement and use of medical equipment.

He will also assist in the installation of transformers that will convert electricity in Russia to the same cycles and voltage necessary for operation of the U.S. equipment.

Gillespie, principal of George P. Hendrix Elementary School, is on the flight to assist at a private school Broadmoor has opened in Ekaterinburg, Waddle said.

The airplane's trip from Russia to Barksdale took 24 hours and involved one refueling stop in Alaska. The return visit may take longer, said Maj. Dave Turner, head of the 2nd Wing's public affairs office, since it now has a load of cargo and may thus require additional refueling stops.

[From the Shreveport (LA) Times, Apr. 26, 1992]

EKATERINBURG: FOOD FROM SHREVEPORT LANDS IN A BREWING STORM OF CHANGE

(By David Westerfield)

EKATERINBURG, RUSSIA.—They're people with patience, these mothers and fathers standing in a late-April snow for bread and milk.

Wool scarves and fur caps are pulled tight against somber faces. Gloved hands clutch shopping bags. No one talks, no one laughs.

At least 30 stand on the ice in one line as flurries swirl about them like the political changes that have so altered their lives. They're waiting to buy bread. Across the way, another 20 or so wait to buy milk. At other stores they walk past empty shelves in search of canned fish, sausage and butter. Across town, some 100 drivers wait to fill their compact cars with fuel.

This is the world a Russian cargo plane flew into from Shreveport last week with 84 tons of food and medical supplies. In this city of 1.5 million the economic revolution now raging in Russia has stormed into every home. The cost of bread, for instance, has gone from 20 kopeks a loaf to four rubles and 80 kopeks—a 2,400-percent increase—in just four months.

Ekaterinburg, once closed to outsiders because of its secret military production of weaponry from Scud missiles to satellite components, is now openly worried about its future. And some wonder how long the patience can last.

"In two months we have become beggars. In the university my students are always hungry, especially the boys. But how can they eat?" said Violetta Brizgalova, 60, a professor at the Ural Polytechnical Institute.

"Some people think we should go back to the past. I think it is impossible to return. It's like for me to return to the first grade; it is the same. It is impossible."

Pride is as strong as the ruble is weak. The food and medical supplies that arrived here from Shreveport were accepted with half-open arms. Some even denied the obvious need.

"It is humiliating," said Ivan Burlakov, a 40-year-old artist. "I think this is only a picture that we have no food. We have food."

But it's limited. Sugar has not been available for more than three months; fruit is rare. When a local woman ate with a group of Shreveporters last week at a hotel that imports food, it was the first time in three years she had eaten an orange.

Most residents tended to feel grateful for the aid, but ashamed—of their past as well as their current plight.

"Maybe it's not only real help we can touch, it's part of them, part of their heart. They see we are not animals," said Dr. Vladimir Uporov, 44, of those who sent food boxes.

"But we want not to take, but to give. I very like for you to help me, but I feel bad. I only take. I cannot give."

This is a place of historic events. Czar Nicholas II and his family were murdered here in 1918. Russian President Boris Yeltsin was born here. The first Methodist church in Russia was started here by Shreveport's Broadmoor Methodist.

Ekaterinburg has been an industrial city ever since Joseph Stalin's government built the Uralmash plant here in the hills of the Ural Mountains. Thousands of workers now face possible layoffs at the factory, which has been a producer of tanks, oil rigs and heavy machinery.

That concerns Tonia Malikbayeva, who directs the Methodist church's outreach program to the needy, which assists about 150 people a week. On Fridays, a free meal is served to the elderly in a local cafeteria. Some of the food sent by Shreveporters will go toward those meals.

"We were told promises by Communism and they weren't true. Never," she said. "We tried to build a just society with unjust means. We ignored common sense, but I believe Russia will revive.

"After 70 years we must cure our wounds. Your help is good, but food must be produced here. When people only get and not give, it is immoral."

Vladimir Borovsky, economic advisor to the governor of the region, is trying to help the Methodist church secure land for growing crops. He used a familiar saying to explain: "If you would like to help a friend to eat, give him a fish. If you want him to survive, teach him to fish."

Yet there are those like Clava Jalashmanova, and 89-year-old widow who brings out a small dish of eight pieces of hard candy and two sugar cubes when guests arrive. "This is from previous times," she said.

She gets a pension of 460 rubles a month—not even enough to buy two pounds of coffee. Roses bloomed in her two-room apartment, books bound by string sat on the shelves.

"I can't buy meat or fish. I can't buy butter. Only vegetables and milk. I live alone. I have nobody," she said.

The prospect of receiving free food from Shreveport made her smile.

"Americans are very clever. They can foresee everything and they can share," she said. "I'm glad we're becoming friends."

[From the Shreveport Times, Apr. 28, 1992]

FOOD ARRIVES TO HELP RUSSIANS

(By David Westerfield)

EKATERINBURG, RUSSIA.—Maria-Maryina, 78, didn't hear the thunder roaring from the Russian cargo plane that landed here Monday after a two-day trip from Shreveport.

All she heard in her two-room flat was the hungry cry of her black-and-white cat—a pet she feeds before she feeds herself.

"I was a victim of the Leningrad siege. I am in my second siege now," said the thin, white-haired widow. She gets a pension of about $3 a month and is one of those getting a small part of the 84 tons of food and medical supplies aboard the plane.

"Until now, I have never gotten anything," she said. "I am very thankful. It's a shame for us that we are asking."

The plane arrived at 4:30 p.m. here—5:30 a.m. Monday in Shreveport. It was delayed overnight at a Russian base near the Chinese border because of a lack of fuel at the base.

Food distribution begins today by 12 teams of volunteers from the United Methodist Church here. They have already identified those persons with the greatest needs.

The Rev. Dwight Ramsey, organizer of the food drive, decided earlier in the day what he would say when the plane arrived: "Eight months of work and prayer just landed." But when the plane finally landed, he was too choked up to speak.

Said a grateful Lydia Istomina, pastor of the church here: "This is a great symbol of love from the American people."

Ten trucks owned by a church member's road-paving firm hauled the food boxes to a world-renowned eye institute here and the medical supplies to a diagnostic center, where it was secured by church members.

Uniformed student firefighters, also part of the church, unloaded the plane. One student wrote "thanks" on one truck.

Three Shreveporters made the trip to help ensure the safety of the shipment and help with church projects, including a health clinic and school.

They were Dr. Larry Hiller, cardiac surgeon; David Hochstetler, of Schumpert Medical Center, and James Gillespie, principal at George P. Hendrix Elementary.

Local church leaders, aware of concerns about food ending up on the black market, stayed with the trucks as they left the airport. Persons receiving food will sign receipts. "We realize this is a token gift," Ramsey said, "But it will make a difference for families who are living off crumbs."

U.S. SENATE,
Washington, DC, May 5, 1992.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Eight months ago a group of Citizens in Shreveport, Louisiana, led by The Reverend Dwight Ramsey, Pastor of Broadmoor United Methodist Church, launched a community effort to deliver humanitarian aid to citizens of a sister community in the former Soviet Union, Ekaterinburg.

As you will see from the enclosed newspaper articles, this project was recently concluded with the successful delivery of tons of food and other urgently needed supplies.

I am confident you will agree that the efforts of Reverend Ramsey and his group exemplify a spirit of charity and goodwill that brings credit to the citizens of Shreveport and to all of the American people.

I am proud to recommend Reverend Ramsey for the Presidential Point of Light Award as a fitting tribute to his leadership in this remarkable humanitarian effort.

With kindest personal regards, I am

Sincerely,

J. BENNETT JOHNSTON,
U.S. Senator.

SCHUMPERT MEDICAL CENTER,
Shreveport, LA, April 27, 1992.

Senator J. BENNETT JOHNSTON, Jr.,
U.S. Senate, Washington, DC.

DEAR BENNETT: Shreveport is basking in the emotional uplift produced by its humanitarian help to the Russian city of Ekaterinburg. It was an incredible dream—to bring a Russian transport plane into Barksdale to be loaded with food and medical supplies—a seemingly far-fetched plan that required the help of many people to be successful.

Bennett, perhaps the most valuable assistance was provided through your office. Patsy Guyer was the key person in the success of the project. We appreciate her courtesy, perseverance, and know how more than we can express. She was great!

Thanks for your continuing support of our church's Russian project. It has grown far beyond our expectations, and has gained world wide praise. Your staff's assistance has been invaluable.

Enclosed is a recent article written by Frank May that speaks kindly of the project and what it means to Shreveport.

Yours sincerely,

ROBERT E. HALEY, M.D.

SENATOR BIDEN WRITES ON AMERICA'S ROLE IN THE NEW WORLD ORDER

Mr. PELL. Mr. President, I would like to call my colleagues' attention to an op-ed piece written by Senator BIDEN. The piece, entitled "How I Learned To Love the New World Order," appeared in the Wall Street Journal on April 23, 1992.

Senator BIDEN contends that as America seeks to define its place in a new world order, it must avoid the extremes. Specifically, he argues that it would be pennywise and pound-foolish for the United States to withdraw into a neoisolationist, "America First" posture. On the other hand, it would be equally wrong for the United States to attempt to assume the role of globocop, a role in which a hegemonic United States would attempt to establish a Pax Americana without regard to the consequences.

In a thoughtful critique of the America as globocop mentality, Senator BIDEN proves an articulate spokesman for the utility of collective security in the new world order. As Senator BIDEN notes:

Rather than denigrating collective security, we should regularize the kind of multilateral response we assembled for the Gulf war. Why not breathe life into the United Nations Charter? It envisages a permanent commitment of forces, for use by the Security Council. That means a presumption of collective action—but with a U.S. veto.

I heartily endorse Senator BIDEN's point of view. I was, in fact, present at the San Francisco conference in 1945, when the U.N. Charter was chiseled out. I worked specifically on some of the chapter 7 articles of the charter—those dealing with threats to the peace and acts of aggression. I can well recall the atmosphere of hope and excitement that surrounded the San Francisco conference. There was a real sense among the delegations that we were reshaping the world, introducing new standards of civility, normalcy, and order into the conduct of interstate relations.

For me that sense of hope was rekindled during the Security Council's consideration of the Persian Gulf war resolutions. The chapter 7 articles played a crucial part in United Nations response to Iraq's aggression, a response that the President characterized as a shining example of what the United Nations founders intended. To me, the Security Council's actions demonstrate that the charter is a viable document, capable of being adapted to present-day crises 47 years after it was adopted. They also demonstrate that the United States is capable of pursuing a collective response to aggression without diminishing our sovereignty or hurting our national interests.

That is why I join Senator BIDEN in calling for a renewed commitment to the charter and its principle of collective security. I commend Senator BIDEN's piece to my colleagues, and I ask unanimous consent that it be inserted in the RECORD at this point.

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

[From the Wall Street Journal, Apr. 23, 1992]

HOW I LEARNED TO LOVE THE NEW WORLD ORDER

(By Joseph R. Biden, Jr.)

Imagine my surprise when a Wall Street Journal editorial appointed me dean of the Pat Buchanan school of neo-isolationism. My credentials? Believing that the Pentagon's new strategy—America as "Globocop"—could render the United States a hollow superpower.

All agree we need the military capacity to defend our vital interests—by ourselves when need be. The question is grand strategy. With the Journal's endorsement, the Pentagon has called for a Pax Americana: The U.S. should cast so large a military shadow that no rival dare emerge.

American hegemony might be a pleasant idea, but is it economically, politically or even militarily wise? Bristling with weapons, we would continue our economic decline, while rising industrial and financial giants in Europe and Asia viewed our military pretensions with indifference or contempt.

Defense Secretary Dick Cheney outdid even the Journal, dipping deep into the well of Cold War argumentation to accuse Pax Americana critics of thinking "America's world presence is somehow immoral and dangerous."

Why doesn't the Journal stop the name-calling, get its schools sorted out, and court an honest debate over America's proper role in the new world order?

Pat Buchanan's "America First" preaches martyrdom: We've been suckered into fight-

ing "other" people's battles and defending "other" people's interests. With our dismal economy, this siren song holds some appeal.

But most Americans, myself included, reject 1930s-style isolationism. They expect to see the strong hand of American leadership in world affairs, and they know that economic retreat would yield nothing other than a lower standard of living. They understand further that many security threats—the spread of high-tech weapons, environmental degradation, overpopulation, narcotics trafficking, migration—require global solutions.

What about America as globocop? First, our 21st-century strategy has to be a shade more clever than Mao's axiom that power comes from the barrel of a gun. Power also emanates from a solid bank balance, the ability to dominate and penetrate markets, and the economic leverage to wield diplomatic clout.

Second, the plan is passive where it needs to be aggressive. The Journal endorses a global security system in which we destroy rogue-state threats as they arise. Fine, but let's prevent such problems early rather than curing them late. Having contained Soviet communism until it dissolved, we need a new strategy of "containment"—based, like NATO, on collective action, but directed against weapons proliferation.

The reality is that we can slow proliferation to a snail's pace if we stop irresponsible technology transfers. Fortunately, nearly all suppliers are finally showing restraint. The maverick is China, which persists in hawking sensitive weapons and technology to the likes of Syria, Iran, Libya, Algeria and Pakistan—even while pledging otherwise.

The Senate has tried to force China's leaders to choose between Third World arms sales (1991 profits of $500 million) and open trade with the U.S. (a $12.5 billion annual Chinese surplus). Even though we have convincing intelligence that China's leaders fear the use of this leverage, the president inexplicably refuses to challenge Beijing.

Weapons containment can't be fool-proof; and against a nuclear-armed North Korea, I would support pre-emptive military action if necessary. But let's do our best—using supplier restraint and sanctions against outlaw sellers and buyers—to avoid having to round up the posse. Why not an anti-proliferation "czar" in the cabinet to give this objective the prominence it urgently needs?

Third, Pax Americana is a direct slap at two of our closest allies—Japan and Germany—and a repudiation of one of our great postwar triumphs. For years, American leaders argued that building democracy in Europe and Asia would guarantee stability because democracies don't start wars. Now the Pentagon says we must keep our military large enough to persuade Japan and Germany "not to aspire to a greater role [even] to protect their legitimate interests."

How has our success suddenly become a threat? It hasn't, but the Pentagon plan could become a self-fulfilling prophecy. By insulting Tokyo and Berlin, and arrogating to ourselves military stewardship of the world, we may spark the revival no one wants.

Secretary Cheney says he wants the allies to share the burden on defense matters. But Pax Americana puts us on the wrong end of a paradox: Hegemony means that even our allies can force ever greater U.S. defense spending the more they try to share the burden!

Fourth, collective security doesn't rule out unilateral action. The Journal says I'm among those who want "Americans . . . to trust their security to a global committee." But no one advocates that we appeal the "inherent" right of self-defense enshrined in Article 51 of the United Nations Charter.

Secretary Cheney says this plan wouldn't undermine support for the U.N. Who would know better than the U.N.'s usually understated secretary general? If implemented, says Boutros Boutros-Ghali, the Pentagon's strategy would spell "the end of the U.N."

Rather than denigrating collective security, we should regularize the kind of multilateral response we assembled for the Gulf War. Why not breathe life into the U.N. Charter? It envisages a permanent commitment of forces, for use by the Security Council. That means a presumption of collective action—but with a U.S. veto.

Rather than defending military extravagance, the Bush administration should be reallocating Pentagon funds to meet more urgent security needs: sustaining democracy in the former Soviet empire's supporting U.N. peace keepers in Yugoslavia. Cambodia and El Salvador; and rebuilding a weakened and debt-burdened America.

If Pentagon strategists and their knee-jerk supporters could broaden their horizons, they would see how our superpower status is best assured. We must get lean militarily, revitalize American economic strength, and exercise a diplomatic leadership that put new muscle into institutions of collective security.

THE REAL MESSAGE FROM THE LOS ANGELES CRISIS

Mr. KASTEN. Mr. President, like all Americans I watched on television last week as the streets of Los Angeles erupted in an inferno of anger and hopelessness.

There are no easy answers to these problems. It took America a long time to get in the mess we are in today when it comes to race relations—and it will take some time before we get out.

But we will never get out if we refuse to take the first small steps toward full empowerment of minorities and poor people in this country. We cannot afford to divide America between a class of property owners and a class of the dispossessed.

It has been America's unique role in history to assert the dignity of working people. We are not supposed to be a classed-based society—but the violence in L.A. indicates that we are on the way toward becoming one.

We have to start reversing this—and fast.

We need to let the people in the inner cities know that they are first-class citizens—people who have rights and dignity. They need hope, they need jobs, and they need economic opportunities to succeed.

That is why Senator JOE LIEBERMAN and I are renewing our effort to target economic growth where it is needed the most through our enterprise zone legislation, S. 1032. Enterprise zones are the key to empowering the people of these blighted areas.

The people of inner-city Los Angeles—inner city Milwaukee—inner-city Bridgeport—need to become a working part of America. We can get the ball rolling by encouraging small businesses to invest in these areas through enterprise zone tax incentives. New plants, factories, and stores mean a new kind of life for inner-city residents—a life that includes a better standard of living and a future to look forward to.

The goal of the Danforth-Lieberman-Kasten enterprise zone bill is to make sure that each individual has a full-time, private sector job. A job with a future, not a dead-end, make-work Government job.

Specifically, S. 1032, the Enterprise Zones Jobs Creation Act includes the following:

First, the designation of 50 economically distressed urban and rural regions as Federal enterprise zones;

Second, a zero capital gains tax rate for the sale of a business that has been held for at least 2 years in an enterprise zone;

Third, a deduction of up to $50,000 a year for the purchase of stock in companies located in an enterprise zone, with a lifetime cap of $250,000; and

Fourth, a 5-percent tax credit to enterprise zone employees for the first $10,000 in wages, up to $525 per worker.

Enterprise zones will help us create those jobs. For as long as I have been in the Senate, I have been pressing for enactment of enterprise zone legislation. On the Republican side, then-Congressman Jack Kemp was a leader in the effort back in the early 1980's—and he is still a leader today.

But there is already broad bipartisan support for enterprise zones. Both Democrats and Republicans who appreciate the problem of the inner cities know that economic growth—economic empowerment—is the answer. Talk to Mayor Tom Bradley in Los Angeles. Talk to inner-city people in Wisconsin, where State enterprise zones are already showing promise. They will tell you that those communities need to be greenlined for growth—and that means enterprise zones. Now more than ever before, it is time to give new approaches a chance.

That is why Senator LIEBERMAN and I will be offering enterprise zones as an amendment to the next available legislative vehicle—whether it is the unemployment compensation bill, or the tax extenders bill, or whatever it might be.

The saddest legacy of the L.A. riots would be if white America were to retreat into a self-protective shell, as if it is a question of defending a peaceful us against a rioting them.

In America, there is no us versus them. There is only us. And we need to do all we can to start including those who are excluded from prosperity under the current system.

The only long-term prescription for prosperity, racial harmony, and social peace is economic empowerment at the

neighborhood level. Today, we are throwing away far too many human resources in the inner city. It is time for a serious and fundamental change is how we look at this resource. And that's what the enterprise zone proposal is all about.

I would also like to call to the attention of my colleagues an important article on how to empower the poor by HUD Secretary Jack Kemp that appeared in Sunday's edition of the Washington Post.

Since 1989, Secretary Kemp has championed the Bush administration's antipoverty and homeownership agenda in Congress. But so far, the Congress has failed to act on it. In the wake of the L.A. riots, I think it is high time for the leadership in the Congress to set partisan politics aside, and pass President Bush's empowerment agenda.

Mr. President, I ask unanimous consent that Secretary Kemp's article be printed in the RECORD immediately following my remarks.

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

[From the Washington Post, May 3, 1992]

A NEW AGENDA FOR ENDING POVERTY

(By Jack Kemp)

Like all Americans watching television this week, I was stunned by the tragedy in the streets of Los Angeles. The first thing I did was to call Los Angeles Mayor Tom Bradley. I was fascinated by his first words in response to the riots: "Now maybe Congress will pass the enterprise zone bill and get some jobs into the inner city."

Of course, it's true that enterprise zones alone are not the whole cure. But Mayor Bradley's statement struck the theme for the broader and deeper message emerging from the streets of America's inner cities. When people lack jobs, opportunity and ownership of property, they have little or no stake in their communities. This is precisely what undermines respect for the law and encourages disregard for other people's property.

There can be no excusing wanton violence, lawlessness and destruction of life and property, and the president has acted decisively to end the anarchy. He has empowered a federal grand jury to investigate a potential miscarriage of justice in the beating of Rodney King. But once peace is restored, we must go beyond just ending the violence by adopting a dramatic new agenda for ending the poverty that keeps too many inner city residents locked in hopelessness and despair. We can't permanently rely on police, troops and the National Guard to defend communities where people have no stake in their neighborhoods and nothing to lose but the shirts off their backs.

Eliminating the tax on capital gains in enterprise zones would flood the inner cities with capital and help create ownership, entrepreneurship and jobs.

In the "State of Black America," John Jacobs points out that of the more than 14 million small businesses nationwide, blacks own only about 450,000. Black Americans represent more than 12 percent of the population, yet control only one-half of one percent of the nation's capital stock. A zero capital gains rate for those who live, work and invest in inner cities cannot by itself erase poverty, but it can create growth, opportunity and prosperity where today there is virtually none.

We cannot afford to resort to the bureaucratic, government redistributionist solutions that followed Watts in the 1960s. Instead, government must break down the barriers to ownership, job creation and entrepreneurship from East Harlem to East Los Angeles. Ultimately, it's not the amount of money we spend, but how we spend it; it's not government that creates economic growth, but individual workers, savers and entrepreneurs.

I was equally impressed to hear resident leaders in some of the poorest L.A. neighborhoods tell me that in public housing where residents are managing their own communities and homesteading toward ownership, there was no property damage. that should come as no surprise. When people have a stake in their neighborhoods, they will not only defend their homes and property, but their neighborhoods as well.

Since the Watts riots of 1965, we've spent more than $2.5 trillion fighting poverty at all levels of government. But the tragic truth is that after urban riots galvanized the first "war on poverty," inner-city poverty has gotten worse, not better; unemployment has risen, not fallen; homeownership has dwindled, not grown; and the pathologies of crime, drugs and family breakup have accelerated.

Today our welfare system provides millions of Americans with just enough cash to keep their heads barely above water. But it prevents them from saving, stops them from owning their homes and acquiring assets, discourages work and, worst of all, subsidizes family breakup. The combination of tax disincentives and a flawed welfare system has shattered the link between human effort and reward. It stifles incentives and suffocates the human spirit of upward mobility. As Mayor Unita Blackwell of Mayersville, Miss., outgoing president of the National Conference of Black Mayors, said to me in Kansas City last week, we must "get our people off the plantation" of government welfare and dependency.

We need emergency congressional action on several key urban initiatives:

Eliminating the capital gains tax for those people who work, save and invest in our inner cities.

Reducing taxes on the wages of the poor by increasing the earned-income tax credit.

Rewarding, not penalizing, poor people who take jobs to work their way off welfare. Existing rules often reduce benefits for recipients who join the work force.

Repealing the law that prohibits poor people from saving their way out of poverty. We should raise the savings limit to $10,000 for poor people who are saving for a home, to send their children to college or to start a business.

Stop subsidizing family breakup and reward families that stay together.

Expanding homesteading in urban areas as embodied in the president's HOPE initiative—Homeownership and Opportunity for People Everywhere. HOPE would allow public housing residents to recapture the American Dream of homeownership by managing their own communities and ultimately owning their own homes.

Immediately implementing the kind of program advanced by Polly Williams in Milwaukee and in President Bush's America 2,000 initiative to provide educational choice for all Americans, especially in the inner cities.

Our ghettos and barrios reflect a welfare model that is deeply, systemically flawed. The Great Society—however well-intentioned—was predicated on a mistaken understanding of the nature and causes of the wealth of families and the wealth of cities. We must discard the failed bureaucratic model for fighting poverty and instead empower individuals to control their lives through the power of property ownership and entrepreneurship.

The critics ask, "Where are the president's ideas and solutions?" The answer is: on Congress's desk, in the president's budget. It is time for Congress to act on a bipartisan agenda for immediate reform.

As a nation, we must make a fundamental change in course to begin to heal our divisions and bring Americans together. Only then can we hope for a return to what Abraham Lincoln called the "better angels of our nature."

HONORING JOHNSON C. SMITH UNIVERSITY FOR 125 YEARS OF EXCELLENCE

Mr. SANFORD. Mr. President, I rise today to congratulate Johnson C. Smith University on its 125th anniversary.

Since its founding in 1867, this historically black institution has sought to develop young minds for the challenge and responsibility of Christian citizenship. Samuel Caruthers Alexander, the university's founder, first saw the need for this mission as a Presbyterian missionary during the difficult years after the close of the Civil War. Finally free from their years of bondage, the thousands of slaves from the Mecklenberg County area knew little about how one lived a freedman's life. Many were without direction, literally wandering through the countryside confused and unsure. Despite their newfound freedom, these people had much to learn before they would be truly liberated.

Alexander was determined to help them. With the assistance of the Reverend Willis Miller, a fellow missionary, Alexander obtained funds from the Northern Presbyterian Church for a school for freedmen in Charlotte, NC. In memory of a Union officer whose widow had given $1,900 to the effort, the new school was named the Henry J. Biddle Memorial Institute.

For the next 50 years, the institute grew in size and stature, earning the respect and support of the community. When fire swept through much of the campus in 1921, another widow came to the school's aid. Ms. Mary Jane Smith, wife of the late Johnson C. Smith, a Pennsylvania druggist, gave a total of nearly $700,000 to repair existing facilities and expand into new ones. In recognition of her generosity, President Henry McCrorey renamed the Biddle Institute the Johnson C. Smith University in 1922. Two years later, North Carolina benefactor James Buchanan Duke granted J.C. Smith ongoing support from the Duke endowment.

Boosted by this financial strength, Johnson C. Smith continued to grow and prosper. Throughout this time, the school remained true to its calling to nurture and develop the minds and characters of America's future black leaders. The university not only teaches its students to take pride in their African-American history but also works to focus minds on the future, where they may translate the determination of this tradition into a new era of accomplishment. Squarely situated in the banking capitol of the South, Johnson C. Smith has developed a strong banking and finance program to prepare students for management in area businesses. In an effort to ensure a minority presence in the technical and scientific fields, Johnson C. Smith has also shown a particular dedication to the sciences, seeking to pave the way for contributions from the black leaders of tomorrow. The strategy is working. Armed with lessons learned at JCSU, graduates of the university have moved on to distinguished careers as businesspeople, educators, politicians, doctors, lawyers, and professional athletes.

From the beginning, Samuel Alexander's goal was to educate the entire student—to teach the lessons of compassion, honesty, and responsibility in addition to math, science, and English. This spirit lives on today in the university's commitment to service and community outreach programs. An example of this involvement is the Kiddie Kollege Program begun by the university's current president, Robert L. Albright. Instead of lamenting the poor showing of urban black children in math and science, JCSU Kiddie Kollege attacks the problem head on. Spending weekends and summers learning to appreciate and excel in math and science, the young participants in this innovative program are known as Bumblebees. As Albright explains it, logic tells us that a bumblebee has too large a body and too small a wingspan to fly. Although flight may seem impossible on the surface, no one bothered to tell the bumblebee that it could not do it.

The moral of the story is obvious, as is the translation into human experience. Albright's program takes young black children and gets them excited about learning. There is no talk of structural impossibilities, of underprivileged minorities born into immediate disadvantage. JCSU teaches these children that with work and determination, there is nothing they cannot do.

This is the contribution that Johnson C. Smith University has made, is making, and will continue to make in the lives of North Carolinians, both black and white. From the first freed slaves that sat in a borrowed classroom of Biddle Institute to the bright young African-American students that teach the Bumblebees to fly, Johnson C. Smith University has made this world a better place.

And so, on behalf of the U.S. Senate, I commend the Johnson C. Smith University for 125 years of distinguished history, thank the institution for the contribution it is making today, and wish JCSU many more years of success.

I thank the Chair, and I yield the floor.

WOMEN'S ARMY CORPS 50TH ANNIVERSARY

Mr. HEFLIN. Mr. President, the 50th anniversary of the Women's Army Corps [WAC] will be celebrated May 13–16, 1992, at Fort McClellan, AL, by former members and current women soldiers in the Army. This reunion will focus on the contributions of all the women who have served since 1942. The historic firsts of these women have led to the integrated position of women in today's Army, so evident in recent military engagements in Grenada, Panama, and especially the Persian Gulf.

The Women's Army Corps Foundation has coordinated biennial WAC reunions at Fort McClellan since 1977. These reunions give participants a chance to meet old friends, rekindle memories, and, most importantly, help recognize WAC's place in history as pioneers for all women in the U.S. Armed Forces. As many as 1,000 attendees are expected for this year's event. As the Women's Army Corps approaches the 50th anniversary of its establishment, it is important for us to reflect upon the history and groundbreaking contributions of this elite group of military pioneers. I am proud to join my colleagues and other defense leaders in paying tribute to their service.

The first of the U.S. women's wartime services, the Women's Army Auxiliary Corps [WAAC] was established on May 14, 1942. The following year, the corps developed from a civilian auxiliary into the integral part of the Army of the United States—the expanded wartime Army—and the word auxiliary was dropped from its title. Its peak wartime strength was reached in April 1945, with over 99,000 women.

The first WAC director was Col. Oveta Culp Hobby, who served from its inception until July 1945. Women served in virtually all military occupational specialties during the war, except those associated with combat duties. Beginning in 1943, WAC's were assigned in every overseas theater of war. WAC was awarded Regular Army status in 1948, and by 1978, women were so integrated into the Army that it was dissolved.

The Women's Army Corps Museum at Fort McClellan, the setting for its biennial reunions, exhibits the history and role of women in the Army from the creation of WAC to the present. The museum, located at WAC's permanent home from 1952 through 1978, is a comprehensive showcase of exhibits, artifacts, research material, and audiovisual tapes.

One of the museum's most interesting displays is a special clock exhibit, which shows copies of key legislation in the history of the Women's Army Corps. The May 1942 establishment of the WAAC; the July 1943 transition to the Women's Army Corps; the 1948 integration act; the 1967 bill which removed promotion restrictions of female officers; and the termination of WAC in 1978 are all depicted on the clock exhibit. Also popular is the replica Pentagon office of its director, featuring a talking mannequin and the furniture used by all directors. Photos of each of the nine directors are displayed, and their biographies are accessible in a revolving holder.

Yes, we know the textbook history of the Women's Army Corps, but what we celebrate during this milestone year is not only their patriotic service, but the legacy they leave for the military of today. One only has to look at the rosters of the Armed Forces of the 1990's to know that we owe the WAC's our gratitude and deep respect for opening doors for others.

Today, more than 400,000 women are active duty, Reserve, or National Guard members of the Army, Navy, Air Force, Marine Corps, and Coast Guard. Women comprise over 10 percent of the total force structure in the country's Armed Forces. Amazingly, it is estimated that there are more than 1.2 million living women veterans, many of whom were WAC members.

The 50th anniversary of the Women's Army Corps provides us an opportunity to publicly recognize a significant part of our collective heritage that has often been neglected. I am a cosponsor of Senate Joint Resolution 230, which calls upon the U.S. Postal Service to issue a first-class postage stamp commemorating their outstanding service. Of course, this resolution is a small gesture, but it would promote awareness of a special group whose ranks were far more than glorified secretaries to their male counterparts.

WAC members were trained in operating advanced communications and signals equipment, instructed in repairing and maintaining weapons, and given responsibility for organizing the vital supply lines to American troops in the theaters of operation.

I congratulate and commend all the former members of the Women's Army Corps as they come together in Fort McClellan to celebrate their 50th anniversary. I hope that all Americans will use this occasion to learn of the dedication, commitment, and sacrifice of women in partnership with men in service to their Nation. Likewise, I hope that this knowledge will inspire other young women to emulate them and follow their example.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

THE PROBLEM OF CRIME

Mr. MOYNIHAN. Mr. President, a week ago Sunday, on the widely regarded, widely viewed television program "This Week With David Brinkley," the Attorney General of the United States, discussing the problem of crime in the context of the new preliminary FBI report of last year, made one of the most depraved statements I have ever heard from an American official. He said, in so many words, that the problem of crime was the problem of family structure, illegitimacy, and instability in our inner cities. And he said that this problem of family structure, of the socialization of children, illegitimacy, can be ascribed to the programs of the Great Society.

He thus took one of the most profoundly serious issues this country faces and, with a reckless disregard for vehicle, truth, and history, said it was the work of a group of persons, in Government, 30 years ago. That this would come from a candidate for office in some kind of extremity is, I suppose, believable. But it comes from the Attorney General: an untruth, a lie. The Attorney General is lying.

And then, just 2 days ago, the President's spokesman repeated the lie, ascribing the situation in our country which Lyndon Johnson—President Kennedy before him, President Nixon after him—really did seek to address, saying that because they recognized that those problems existed they are somehow responsible for their existence. If our public discourse descends to that level, public life becomes impossible, as in some ways it has been becoming.

In order to be quite specific as to what I am addressing, this is what Attorney General William P. Barr said on April 26 on "This Week With David Brinkley." He said:

> What we are seeing in the inner city is essentially the grim harvest of the Great Society * * * because we are seeing the breakdown of the family structure, largely contributed to by welfare policies.
>
> We now have a situation in the inner cities where 64 percent of the children are illegitimate, and there's a very small wonder that we have trouble instilling values and educating children when they have their home life so disrupted.

In his view this begins in the period of the Great Society. When, in fact, sir, it was first recognized in that period. Recognized by an administration of extraordinary openness and courage.

This morning, the Washington Post, with an unmistakable disdain for the corruption of language, for the depravity of thought—such as in the statements by the Attorney General and the President's spokesman—chose to reprint on its editorial page one of the great speeches by an American President in our time. It was President Lyndon Johnson's address at Howard University, which was given on June 4, 1965. The Post printed it under a quotation from the President in which he said, "Freedom Is Not Enough." And then there follows this editorial comment by the editors of the Post:

> The Great Society is back in the news. The White House says the programs it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another President approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement address entitled "To Fulfill These Rights," which Lyndon Johnson delivered at Howard University on June 4, 1965.

To fulfill these rights. I would like, sir, at this point to ask unanimous consent the excerpts as printed in the Post be printed in the RECORD.

The being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1992]

"FREEDOM IS NOT ENOUGH"

(The Great Society is back in the news. The White House says the program it spawned a quarter of a century ago helped cause the Los Angeles riots. Others cite the opposite cause—in recent years a turning-away from such programs. Here, as a reminder of what the Great Society was about, and of how another president approached the issues that recurred last week in Los Angeles, are extensive excerpts from a commencement speech entitled "To Fulfill These Rights," which Lyndon Johnson delivered at Howard University on June 4, 1965.)

In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.

In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long been denied. The voice of the Negro was the call to action. But it is a tribute to America that, once aroused, the courts and the Congress, the president and most of the people, have been the allies of progress.

Thus we have seen the high court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1956, and 1960, and again in 1964, the first civil rights legislation in the Nation in almost an entire century . . .

And now very soon we will have . . . a new law guaranteeing every American the right to vote . . .

The voting rights bill will be the latest, and among the most important, in a long series of victories. But his victory—as Winston Churchill said of another triumph for freedom—"is not the end of the beginning."

That beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "you are free to compete with all the others". . .

This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.

Thirty-five years ago the rate of unemployment for Negroes and whites was about the same. Tonight the Negro rate is twice as high.

In 1948 the 8 percent unemployment rate for Negro teenage boys was actually less than that of whites. By last year that rate had grown to 23 percent, as against 13 percent to 53 percent . . .

Between 1949 and 1959, the income of Negro men relative to white men declined in every section of this country. From 1952 to 1963 the median income of Negro families compared to white actually dropped from 57 percent to 53 percent . . .

The infant mortality of nonwhites in 1940 was 70 percent greater than whites. Twenty-two years later it was 90 percent greater.

Moreover the isolation of Negro from white communities is increasing rather than decreasing as Negroes crowd into the central cities and become a city within a city.

Of course Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many—far too many—are losing ground every day.

We are not completely sure why this is. We know the causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.

First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in, in slums, without decent medical care and our other health programs, and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.

We will increase, and we will accelerate, and we will broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will.

But there is a second cause—much more difficult to explain, more deeply grounded,

more desperate in its force. It is the devastating heritage of long years of slavery, and a century of oppression, hatred and injustice.

For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are different—deep, corrosive, obstinate differences—radiating painful roots into the community, and into the family, and the nature of the individual.

These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and they must be dealt with.

. . . Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice.

The Negro, like these others, will have to rely mostly upon his own efforts. But he just cannot do it alone. For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded—these others—because of race of color—a feeling whose dark intensity is matched by no other prejudice in our society.

Nor can these differences be understood as isolated infirmities. They are a seamless web. They cause each other. They result from each other. They reinforce each other.

Much of the Negro community is buried under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides, and we must raise the entire cover if we are to liberate our fellow citizens.

One of the differences is the increased concentration of Negroes in our cities. More than 73 percent of all Negroes live in urban areas compared with less than 70 percent of the whites. Most of these Negroes live in slums. Most of these Negroes live together—a separated people.

Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the men.

There is also the burden that a dark skin can add to the search for a productive place in our society. Unemployment strikes most swiftly and broadly at the Negro, and this burden erodes hope. Blighted hope breeds despair. Despair brings indifference to the learning which offers a way out. And despair, coupled with indifference, is often the source of destructive rebellion against the fabric of society.

There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin. . . .

Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.

This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans. . . .

The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled. . . .

There is no single easy answer to all of these problems.

Jobs are part of the answer. They bring the income which permits a man to provide for his family.

Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.

Welfare and social programs better designed to hold families together are part of the answer.

Care for the sick is part of the answer.

An understanding heart by all Americans is another big part of the answer.

And to all of these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

But there are other answers that are still to be found. . . .

Mr. MOYNIHAN. Mr. President, I would like to acknowledge that I wrote the first draft of this speech. I wrote it on June 2, 1965. I have a copy here of that draft. In those days, it was a carbon copy. Written in the Department of Labor. I was then Assistant Secretary of Labor for Policy Planning, and sent the draft to Mr. Bill Moyers at the White House.

The next day, June 3, Mr. Richard Goodwin, the President's speechwriter, took the first draft and with his magic, his catalytic magic with words, turned it overnight into the speech that was given late in the afternoon of the 4th of June. A very short compass for an address of this kind. The address had one central theme. We were at the height of the civil rights movement in our country, and we were talking about rights. The Civil Rights Act of 1964 had passed in this Senate after an agonizing decade. And in a few weeks from that point in June 1965 the Voting Rights Act would pass.

President Johnson wanted to go beyond that, to seize that moment of hope and opportunity and say, very well, rights are important but they have to be fulfilled. There has to be the substance of like circumstance, that rights ought to provide. And that is the neat and higher stage of the effort we were then engaged in.

His sub-theme was the problem of family structure, which is not an issue of race but of class. I had prepared a report, and Secretary Wirtz, the Secretary of Labor, had sent it to the President on the 4th of May. It was from the 4th of May 1965 to the 4th of June, that this policy decision was made.

The theme of the report to the President on family structure was that something critical was happening in our inner cities, that the number of children being born out of wedlock, the amount of crime, the amount of disorganized behavior, was going up; and that if it continued to go up, we were going to have a genuine crisis.

I would say to you, sir, at that time, 75 percent of black children living in the United States lived in a household where their mother and father were present. Last year, this had declined to about 37.4 percent, dropped in half in a generation.

The rate of illegitimacy, which was about 24 percent, is now at 64 percent, as Mr. Barr said. The only accurate thing he did say, albeit he said it was the inner city rate which is often 80 percent.

But we are not talking about a racial issue. We are talking about a class issue which I, at about that time, described in an article in America magazine, which I think tells you something of what I was thinking, and what I believe Lyndon Johnson was agreeing to, when Harry McPherson, Bill Moyers, and Dick Goodwin brought this argument to him. I wrote this in America magazine, a publication of the Society of Jesus, which is to say the Jesuits. I wrote:

From the wild Irish slums of the nineteenth-century Eastern seaboard, to the riot-torn sections of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rationale expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected, it is very near to inevitable. And it is richly deserved.

This is how President Johnson addressed the matter. After describing the bitter experience of black Americans in our country, a past of oppression, cruelty, deprivation unlike any other group that came to this country had known—he said we can get back beyond this but we have another issue. He said, and I quote him from the passage in this morning's Post:

There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They could not change the color of a man's skin. * * *

Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from long years of degradation and discrimination which have attacked his dignity and assaulted his ability to produce for his family.

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lapses it is the children that are usually damaged. When it happens on a massive scale, the community itself is crippled. * * *

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Other answers still to be found, looked for with an understanding heart.

Would you describe, sir, the remarks of the Attorney General or the press spokesman as those of an understanding heart? But in 1965 President was persuaded. We offered the proposition that we had to deal with this, and he said we would. He called a White House Conference "to fulfill these rights." He later sent word to me to say that he thought his speech at Howard University, the commencement address, was the greatest civil rights speech he had ever made. It had a curious aftermath. The original response was wonderfully positive. And then, a few months later on August 11 the riot in Watts broke out, a riot of exactly the kind we were talking about, the disorder, the lashing out, the unrest and instability. It was what he said was coming. It came too soon.

The next day his press secretary, Mr. Moyers, addressed a White House press corps asking: What is happening? What is going on? He handed out the policy paper that we had produced. Roland Evans and Robert Novak, who were very much on top of events, then as now, published a column the next day that described the policy paper behind the President's thesis of family stability. And that proved unacceptable to the civil rights movement of the time. They were talking about rights. We were talking about fulfilling those rights. That is a historic loss, a very hard one. Even President Johnson, in the end, had to abandon the effort.

But those problems did not begin with him and are not caused by things he did. You could say some of them were brought about by things that were not done. But to say, as Mr. Fitzwater said, and I am quoting now from the Associated Press of 2 days ago, "We believe that many of the root problems that have resulted in inner city difficulties were started in the 1960's and 1970's and that they have failed," is depraved. It is a slander on a great President, and a fine moment in our history, as moments go. Twenty-seven years ago this June 4, Lyndon Johnson stood up and laid out what was coming to the country. The country did not respond, and it has come. But to blame him is to lower the politics of race to a degree I have not seen in my time.

Lyndon Johnson is owed an apology. He will not get one. People who do this have so little sense of their history and, perhaps, an insufficient degree of honor that no apology will be forthcoming. But the record should be straight.

Our very able and learned friend and colleague, JOHN KERRY, spoke at Yale University on these matters just a short while ago, on March 30, in which he goes back to this history and says what we did not do. He cites that passage which I just read about any society that allows a large number of young men to grow up in broken families, never acquiring any stable relationship to authority, never requiring any rational expectation, asks for and gets choas, crime, violence, unrest.

Those are the records, sir, of the black children born in 1967, 1968, and 1969. Seventy-two percent were on welfare before they reached age 18. That meant they not only lived in a single-parent family, but they were paupers—not a pretty word, not a pretty condition. A family on welfare can have $1,000 in resources, plus a home, a car worth less than $1,500. Pots and pans, a television set, and a few couches. That is the childhood of what is approaching probably over four-fifths of these children—four-fifths.

But we saw it coming. Many denied it when it came. Many denied it was going to come. That is what Senator KERRY and Senator BRADLEY have been talking about.

On our side, we have a responsibility as Democrats. We have become very good at denial. In an address on this subject at the University of Chicago on Saturday, the very able professor of Sociology, William Julius Wilson, spoke at some length about that. Professor Wilson is the author of "The Truly Disadvantaged." We picked up some of the research which we had been doing into this field in the early 1960's, he and Katherine Neckerman began to explore the aftermath of this data series and found things that are important.

He said on Saturday in a paper at the Dean's Forum, University of Chicago, on the subject of social science and the making of public policy, and I quote him:

> * * * sociologists working in the field of urban poverty have felt pressure from their colleagues to consider the political and/or social implications of their work, even to the point of suppressing results or of avoiding certain research topics. The vitriolic attacks and acrimonious debates that characterized the controversy over the Daniel Patrick Moynihan report on the Negro family in the late 1960s and early 1970, a controversy which emerged because his ideas were seriously misrepresented in the media and the work of some social scientists, is a case in point. The controversy following the point. The controversy following the report intimidated many socialists and other social scientists conducting research on poverty and family structure. Indeed, in the aftermath of this controversy and in an effort to protect their work from the charge of racism or "blaming the victim," socialists, like other liberal social scientists tended to avoid describing any behavior that could be construed as unflattering or stigmatizing to racial minorities. Accordingly, for a period of several years, and well after the controversy had subsided, the problems of social dislocation in the inner-city ghetto did not attract serious research attention. From the early 1970s to the mid-1980s, there was minimal contribution from sociology in particular and the social scientists in general to the public-policy agenda on combatting inner-city poverty.

That is William Julius Wilson of the University of Chicago saying on our side the people who care about these issues, we have dropped it 25 years ago in the aftermath of that controversy and only just now start picking it up as his words very ably demonstrate from the point of view of a professional social scientist and as the addresses of Senators KERRY and BRADLEY demonstrate from the point of view of people who have to carry forward public policy as legislators.

We are past that period of denial. We are also, however, with a problem far worse today than it was a generation ago, and no nearer any true understanding. It is perhaps useful to point out that if we avoided discussing the matter for 25 years it is not surprising we do not understand it any better than we did when we first encountered it.

And no one is more firm on this matter than James Q. Wilson, who is the president of the American Political Science Association this year, a man of great commitment and understanding of urban problems. He was the second director of the Joint Center of Urban Studies of MIT and Harvard. His first book published at the University of Chicago, "Negro Politics," is a classic. He has since gone on to become the leading student of crime in America and of bureaucratic organizations. His book "Bureaucracy" is the harvest of a long career and a classic already. He is acknowledged by his peers as a man to be president of the American Political Science Association.

He writes in this morning's Wall Street Journal a tough-minded, necessary article about the way in which the onset of that behavior I was talking about earlier, the onset, of crime and disorder, has been absorbed by Americans in the way Lyndon Johnson anticipated. It is class behavior. It is the wild Irish slums of the 19th century eastern seaboard to the riot-torn Watts section of Los Angeles. The one lesson in American history. A class lesson.

But in America today, this class behavior has a black face. And that be-

havior is so destructive, not just to the communities involved—most black crime is committed against blacks, as we know—but the fear of black crime extends and passes over to the white side.

Senator BRADLEY in a speech on this floor spoke of fear covering the cities like a sheet of ice. We have to address it. The stability of this society is at stake.

Here is what James Q. Wilson concludes in his article this morning in the Wall Street Journal. He says:

> The best way to reduce racism real or imagined is to reduce the black crime rate to equal the white crime rate which God knows is high enough. * * *
>
> To do this may require changing, in far more profound and all encompassing ways than anything we now contemplate, the lives of black infants, especially boys from birth to age 8 to 10. We have not yet begun to think seriously about this, and perhaps never will. Those who must think about it the hardest are those decent black people who must accept, and ideally should develop and run, whatever is done.

That is James Q. Wilson in this morning's Wall Street Journal saying exactly what Lyndon Johnson said 27 years ago come June 4. That we must seek not just equality but equality as a fact and as a result.

There are many who have objected to the term, the idea of equality of results, and I can understand it. I know that if you want to have equality of results just by decreeing them you get all kinds of problems.

But, Mr. President, seeing it as a necessary objective is a very different thing than decreeing it. I will conclude, sir—I see the very able Senator from Oregon is here and I know he wished to speak as well. But I would conclude thus: We are in a defining moment in the present age. We may have another opportunity to look reality in the face as Lyndon Johnson did 27 years ago. It may slip away.

Twenty-seven years ago it was people who favored racial progress and harmony who denied reality. This time it is being denied by those who have yet to prove their bona fides.

It harms and hurts us all to demean the memory of a President who at very least tried, tried to understand, tried to make people understand, committed himself to equality as a fact and as a result. Surely, we can address that problem again. Possibly we can. But not by the Orwellian rewriting of history which is going on in this administration today. The President should say stop it. Those who will not stop should be asked to resign out of the decent respect for the history of their own country and of the Presidency which they served in their brief authority.

Mr. President, I thank you for your kindness in allowing me to speak in extended morning business.

I thank my friend from Oregon for his patience as well. And I yield the floor.

RESCISSION OF CERTAIN BUDGET AUTHORITY

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2403, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2403) to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

The PRESIDING OFFICER. There will now be 2 hours on the bill, to be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, there are colleagues who have indicated a desire to speak on the bill and on this measure pending before the Senate. I believe that a number of them are on their way now to the floor.

COMMENDING REMARKS OF SENATOR MOYNIHAN

Until they arrive, I would like to merely say I regret that I was not able to hear the full statement of the Senator from New York [Mr. MOYNIHAN]. But even in the flavor one gets from just a few sentences, one cannot help to be mindful again that we have a very unique colleague, one who has not only been a student of history, but one who has written history, one who has made history, one who is a critic of history, one who thinks historically. I know few if any of our colleagues who match the multifaceted personality and intellect of Senator MOYNIHAN, particularly as it relates to those moments and those parallels from history from which we should learn many lessons and which are always so relevant to the issue of the day.

I suppose, as an amateur history buff, I have a very special appreciation for his role here in the Senate. I think one must also recognize that the history that he has helped make has been in both Republican and Democratic administrations, which gives it another very unique dimension of understanding and comprehension.

I look forward to reading, as I read most all of his writings that have taken book form, the RECORD for tomorrow as it recites his statements here today in the context of a very important time in our history and one where it is most especially important to take stock of our history in order to learn from that history and have greater wisdom to apply to the issues of the day.

I commend the Senator from New York.

Mr. MOYNIHAN. Would the Senator yield just to allow me to thank him for the remarks, more generous than are in order. There is no one I value more or for whom I have greater respect. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the quorum call will be charged equally. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BYRD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The President pro tempore [Mr. BYRD] is recognized for up to 1 minute.

Mr. BYRD. The following request has been cleared on both sides by both leaders and the distinguished ranking member of the Appropriations Committee is here and he confirms that.

I ask unanimous consent that the vote that was scheduled to occur at 1:30 p.m. on adoption of the substitute amendment to S. 2403 be delayed until 3 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, the vote is set for 3 p.m.

Mr. BYRD. I ask unanimous consent that the 2 hours which was understood to be allotted for debate not be considered to have begun running time.

The PRESIDING OFFICER. Without objection, the entire allocation will remain.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent the Senate stand in recess until the hour of 12:30 p.m. today.

There being no objection, the Senate, at 12:04 p.m., recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SIMON].

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate resumes its business. The pending question is the committee substitute to S. 2403.

The President pro tempore is recognized.

Mr. BYRD. I thank the Chair.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the 2 hours on the measure begin running at 1 o'clock p.m. today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand that I have up to 15 minutes at this point, although I may have used some by not being here promptly. So how much time do I have?

The PRESIDING OFFICER. There is no limit on debate until 1 o'clock.

Mr. DOMENICI. Mr. President, this is the first time the Senate has considered a rescission bill under the Budget Act expedited procedures. We have had rescission bills but this is the first time we have had this kind of expedited procedure.

As the Senate should note, there are a number of hours, 5 on each side, during which a rescission bill can be considered. When that 10 hours is over with, that is the end of the time to consider the bill.

A couple of questions under the new procedure may remain unanswered, but essentially the process lends itself to getting a rescission bill out of the Senate kind of quickly. It also might be noted that the procedure lends itself to what the distinguished chairman did quite properly under the procedures. He loaded the parliamentary "tree" on the side of the substantive law, such that essentially once his second-degree substitute passed it would wipe out anything that we might have agreed to in the form of a perfecting amendment.

That does not bother the Senator from New Mexico. I understand all of that process. I think the rule is if you do not know the rules, you get stuck by them. If you know the rules, you play by them. So for those who wonder about that, when we were in the majority we also found these rules to use, as the distinguished chairman might remember.

So I commend the chairman for setting a precedent here that if you are going to do rescissions under the Budget Act's expedited procedures, the test is rigorous and tough. We do not want to get the institution in the position that we dilly-dally around about rescissions.

Nonetheless, having said that, I must oppose the omnibus rescission bill for fiscal year 1992 which is now pending before the Senate.

The more I look at rescissions this late in the fiscal year, the more I come down on the side that if we want to rescind in a large measure, we must begin earlier in the year. If the President found something that really was out of line, or if Congress needed to save some money, and it found some things that were not needed, that might be different. If we just want to put a rescission package together under these expedited rules, however, I clearly join with the distinguished chairman who has implicitly indicated that it is too late in the year to try that.

In fact, one of my concerns about the omnibus bill, which is a substitution for the President's proposals, is the lateness of the year to be taking $1.3 billion out of SDI. Frankly, in the name of something good—cutting Government spending—I believe we do something very, very wrong. And if the shoe fits, and I have not looked at the President's rescission package in specific detail, but if it fits he ought to understand this, as well.

It is very difficult to take an annual program, such as SDI, appropriate it, put the budget authority in for $4.2 billion, and then come along and tell those administering it: You keep on doing things right. You get your program lined up. You get all of these experiments lined up. You get these thousands of scientists moving in the right direction on things, and then come along 7 months into the fiscal year and say: We just decided to take $1.3 billion away from you right now. In a week the rescission is effective, and you no longer have $1.3 billion to spend this year.

We do not put in here how the SDI people are supposed to get their job done. That is not anywhere in here; we just say we took the money away.

So I frankly believe one of the problems with the bill from the standpoint of defense is simply the following: first, the chairman of the Appropriations Committee, Senator BYRD, in our markup, clearly indicated that he perceived that the President had politicized the process.

I have not been on the floor all the time while he spoke since the bill was laid down, but he is not a person that speaks one thing over in the committee room and another thing over on the Senate floor. So I assume he has made it very clear that in his opinion the President went to the Rose Garden and politicized the process.

However, the chairman has also made it eminently clear that since that is the case, the distinguished chairman will politicize the process. There again, I do not think I am accusing anybody. He said that. Actually, what happens is that there is frustration on both sides, and you end up with a product, in this case, which I am absolutely convinced would never get signed into law, and a veto by the President would be sustained. I have a sneaking suspicion that the experience of the chairman and those who work with him on the committee might clearly have expected that.

If that is the case, then we will be back to square one with reference to this rescission bill. The President sends rescission proposals to the Congress, the committee reports a bill out, knowing full well that it is not going to get the President's signature, and so we do not have any recessions enacted.

I am not suggesting that Democrats and Republicans on that committee, including our distinguished chairman, do not want a rescission bill. I believe it would have been very difficult, once the President laid out that we ought to save some money, to end up not saving some money. Nonetheless, it is very, very extra ordinary, as I see it, in this rescission bill not to include rescissions of almost $3 billion for two new Seawolf submarines when I do not think anybody is contending—maybe some are—but I do not think any military experts are continuing that we need them.

There may be other arguments as to why we ought to build them. Probably the most practical one that I have heard—and not that I agree with it—but believe it or not, there is substantial evidence, say some that it will cost as much to cancel these two submarines as it will to build them. I think that may be as practical a reason as there is for building two new enormously modern, complex submarines, costing over $1 billion each, that we do not need. However the Defense Department says that is not the case.

It is most ironic that the Senate is producing a bill which is going to save money in defense, but it is failing to cancel spending for two submarines we do not need.

But that is not the only problem, because in not rescinding funding for the two Seawolfs, Mr. President, you have to find the money to pay for them within the Defense Department, as we have currently structured this bill. We have to find other savings in the Defense Department, or we will not have a rescission package equal to the amount of money the President proposed to save.

So in order to do that, for whatever the reason, other defense savings had to be found. I heard one distinguished Republican say that we do not save any money if you cancel the two sub-

marines. The other side of the coin is: How did you pick up the money to continue funding those two?

Frankly, the B–2 rescission in this bill is kind of a strange situation, because one B–2 bomber is deferred, in a sense; the budget authority is taken away, so that if you were ready to start building that B–2 bomber tomorrow, there would not be any money for it—tomorrow, meaning when this rescission bill becomes law.

However, there is an underlying opinion of sorts that if we wait until next year, we will add back the B–2 bomber we are rescinding today so we have not changed the overall B–2 program.

That is strange. How do you save money when you have not cancelled one?

So you are not quite as sure you got the money. We will take it away for now, but all intents are to put it back later.

That is an interesting question on whether we should vote for this bill or not. It might be enough all by itself to vote no. But, then, essentially keeping each of these submarines requires that we find other savings to continue spending a little over $1 billion for each one.

The ongoing SDI program was agreed to last year after enormous conflicts between certain Members here, some arguing for less money, and certain Members for more; the House having less; weeks in conference; and finally the agreement on a new number and a new program.

To offset continued funding for that second Seawolf, you just go in there and take $1.3 billion out of the ongoing SDI program. I have expressed my concerns that I do not think that is the way to do things.

While I was discussing that with a person very informed about our procedures, who did not necessarily agree with my premise on this bill, a very good point was made: If, Senator DOMENICI, you oppose terminating a big piece of a program almost midyear, then would you not agree that the President shouldn't rescind programs midyear, even if they are not SDI? There are hundreds of small programs and projects that are proposed to be terminated almost midyear. Let me say, I have already answered that. I do not think it is a good practice in either case.

The lesson learned from this whole process, in my opinion, is twofold: One, you ought to sit down and work with the chairman of the Appropriations Committee, at least in the U.S. Senate, because you might find that you do not have to be at partisan loggerheads to get some money saved. There is nothing lost if you try. In this case, I understand it was not tried, from everything I heard in committee. So that is the first lesson.

Second, you ought to make up your mind right after the appropriations bills are done, pass them all in October, and between then and January, make up your mind how many hundreds of millions or billions of dollars you want to rescind to change the priorities of spending. I think if you do, you have an awful lot better chance of excising ongoing programs and projects, because you clearly do not let them mature to the point where it is almost embarrassing to stop a project that is half funded.

Having made these two points on the defense part of the bill, I want to state in the RECORD that I almost always agree with the distinguished chairman of the Defense Appropriations Subcommittee, Senator DANIEL INOUYE, of Hawaii. I have tried, as a new member of the subcommittee, to be helpful while I learn, to support the chairman where I can, and I regret on this one, for the two reasons stated, that I cannot.

The pending bill also includes rescissions totaling $159.9 million in budget authority and $21.7 million in outlays from foreign aid and other international programs.

While the President did not request these rescissions, if such reductions make sense, then it would be right to make them in a way that makes sense.

I have my own reservations, however, about the constraints that have been placed on foreign operations programs this year. We all know that there are significant demands on the State Department to respond to new requirements in the former Soviet Union and elsewhere that could appropriately be paid for with such savings.

I am not going to talk too much about the discretionary rescissions recommended by the committee, but I thought I would talk a minute about something that bothers me in the HUD-Independent Agencies sections of the bill.

First, there is no appropriation bill that, over the last 10, 12, 14 years, is subject to more misinterpretation and more abuse than this one. I will tell you why.

First of all, the housing programs of this country, under our budget process—and it has not changed, even with things we have done in the last 5 or 6 years—the process requires that you fund the entire Government obligation for 15- or 5-year rental subsidy commitments.

So if you have section 8 housing and you assume the subsidy is going to be $220 a year on a unit that the Government committed for, you put the budget authority in for 15 years upfront. Believe it or not. So the budget authority is a big, big number.

On the one hand, there are many who run around the country saying Ronald Reagan dismantled the housing programs. This isn't the case. These people are looking at budget authority figures, which represent contract lengths of 15 years. Well, Congress in an attempt to save budget authority switched to a 5-year contract length.

First, Congress went along easily on that. It was an easy way to save money and claim you were cutting the budget without cutting the number of people from the section 8 program. The shift from 15- to 5-year contracts was a bipartisan decision. The record will reflect that a bipartisan Congress said OK.

However, that does not reveal the whole story. If you cut budget authority in housing and do housing that costs less such as vouchers, or housing that you do not finance over 15 years, you may deliver the same or more units for the public by using less money. Thus you cannot conclude that by reducing budget authority, you have reduced the housing program.

Section 8 amendment money is filling in the hole for existing commitments. CBO's baseline assumes this commitment will be fulfilled. Only budget authority is scored with section 8 amendment money. No outlays are scored because they are assumed in the baseline. This rescission is thus a paper savings.

In this case, $743 million in budget authority is put in a rescission bill and counted as new savings when there is not one nickel of outlays associated with this reduction.

The reason the committee looked at section 8 assistance is that the Inspector General for HUD supposedly has given evidence that we have too much budget authority for the current fiscal year. This is not necessarily the case, however, over the long term. Congress may well have to appropriate these funds at a later time to fund contract renewals for section 8 housing units.

Frankly, I have not looked at the reality of matching up the estimated cost versus the budget authority provided, but I can tell you what it was a few years ago. A few years ago we weren't ever putting in enough budget authority because we were underestimating our long-term commitments as they accrued annually. While the Inspector General concluded the estimates were off for fiscal year 1992, he did not say they would not need this money to cover future commitments. This is no year money.

So I am going to guess that this is nothing more than a paper savings. I am going to guess that down the line at some point the Congress will need to provide these funds. At the request of the Appropriations Committee, the HUD Inspector General was required to estimate the section 8 assistance needs. I would be interested in having OMB's or CBO's assessment. But I understand the inspector general may have said in a report that a statistical analysis of the debt commitment was using an improper formula.

I even wonder whether this is the inspector general's jurisdiction. I

thought the Inspectors General were supposed to look at management decisions that might border on mismanagement or the like.

Assuming there is jurisdiction, I stand on the proposition that we will need this budget authority in the future and HUD will be back. The need is there for this money. This bill appears to say we are not going to need the budget authority in the future, so let us cancel it.

I am not one who leaves arguments all my way where there may be another argument coming. One might say if you did not cancel it, someone else may use it. I am not versed enough on what you could do with this budget authority if you did not cancel it, so let me just leave the issue. That might be a bit of the rationale to rescind these funds. But I am not so sure that we are not kind of overstating the case when we stand on the floor of the Senate, presumably before everybody in the country, to say we saved more than the President in domestic discretionary accounts. He proposed to rescind some housing money too—not as much—and it may be more directly related to the cost of a program than an estimate of housing funding requirements.

Having said that, let me suggest that this first experience with rescission bills under expedited procedures is important. In the Senate particularly a first use of these special procedures is very, very important. In the House, the Rules Committee governs all this, but here the process is established under the Budget Act provisions for so-called expedited procedures and the precedents of the Senate. It is very important for the future, because it seems to the Senator from New Mexico that things are not going to get better fiscally in this country. We are not going to find it easier to spend money. We are going to find it far more difficult to get toward balanced budgets, and we probably—and at least I hope—will scrutinize expenditures even to the extent of looking very quickly for possible rescissions where we may be able to agree with the President or at least agree to proceed in an effort to save some money that we might not really need early in a year.

Now, having said that, my last observation on the process is first, I really hope we get an agreement at some point in time with a rescission bill comparable in size that the President can sign because if in the exercise, as it has wound its way through the Senate, the President calls our bluff, and we call his bluff, we get no bill.

If that becomes a process through the House, and I pray it does not, that we actually compromise with the House and get a bill the President cannot sign, then we will get nothing. I submit to all those Senators who have taken the floor and in strong vigorous language suggested we should cut defense more in fiscal year 1993, fiscal year 1994, and fiscal year 1995, I submit that failure to make these rescissions in defense makes it far more difficult to get additional savings in fiscal year 1993 and fiscal year 1994. If we do not make these savings in fiscal year 1992, and they are real savings, the fact that these expenditures will again appear with footprints in fiscal year 1993 and fiscal year 1994 and will result in budget expenditures. It will thus be more difficult to make larger defense savings for those who want to.

Equally, as important, in fiscal year 1994 and fiscal year 1995, under the budget agreement, failure to enact this bill—which will result in a failure to reduce defense expenditures, will necessarily affect the expectation that there might be some room for more domestic spending, under the overall discretionary spending cap. The chairman addressed this issue at the 1990 budget summit when we put those numbers and targets together, and he has spoken to the Senate at least twice about the need for certain kinds of funds to be increased within that discretionary pot of money. Additional moneys for that will be more difficult to find in the next few years if we are still looking to make defense savings proposed by the President, and which might allow more domestic spending under the budget agreement.

That is about the best I can do in explaining my position. To the extent that I have improperly given anyone advice here, let me just suggest it is not intended as such. And if I have not so indicated, this is simply my opinion on the bill. If it is worth anything, it becomes advice; if it is not worth anything, it is good print.

Having said that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished President pro tempore, is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, at this time I yield 10 minutes to the Senator from Georgia [Mr. NUNN] and 10 minutes to the Senator from Montana [Mr. BAUCUS].

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, rescission bills are generally not very popular bills and, of course, this rescission bill is no exception. It rescinds money for programs and activities in most of the departments and agencies of the Federal Government which many people support.

I want to commend the chairman of the Appropriations Committee, Senator BYRD, and the ranking minority member of the Committee, Senator HATFIELD, for bringing this bill to the floor. I am sure that they and the rest of the members of the Appropriations Committee prefer to appropriate rather than rescind money, but in the current budgetary climate these rescissions are an absolute necessity—particularly the rescissions of Defense Department funds—in getting the overall number down.

The large majority of the rescissions in this bill—and in the administration's own rescission proposals—comes from the Defense budget. To date, the administration has proposed $7.9 billion in rescissions, and $7.1 billion of this total represents rescissions of Defense Department funds. The bill before us today rescinds a total of $8.3 billion, of which $7.2 billion represents rescissions of Defense Department funds.

In my view, Mr. President, it is essential that Congress pass—and the President sign—rescissions of Defense Department budget authority equal to the amount in this bill. Unless we rescind this amount of money, we will face the unpleasant prospect of making even deeper cuts in the fiscal year 1993 defense budget, which has already been reduced substantially from previously planned levels.

The administration's fiscal year 1993 defense budget included rescission proposals of $7.7 billion in Defense Department funds. The outlay savings from this $7.7 billion in rescissions were estimated by the administration to be $1.9 billion in fiscal year 1993. These outlay savings are assumed by the administration in their fiscal year 1993 defense budget.

If rescission proposals of the amount contained in this bill are not enacted, Congress will have to make up this $1.9 billion in fiscal year 1993 outlay savings with reductions to programs in this year's defense budget just to meet the outlay target in the administration's budget and the fiscal year 1993 budget resolution. It could take $5 to $7 billion in fiscal year 1993 budget au-

thority reductions to make up these outlay savings.

In other words, without these rescissions or the equivalent amount of rescissions coming out of some package and signed into law by the President, we will be $5 to $7 billion in the hole even before we start marking up the fiscal year 1993 defense budget and before we take into account the other cuts that are coming because of our budgetary process.

We already face the problem of making reductions to defense programs in fiscal year 1993 in order to find money for important initiatives that are not funded in the administration's fiscal year 1993 defense budget, including defense conversion programs; increased environmental cleanup requirements; National Guard and Reserve programs; and transition programs to assist military and civilian personnel in the Department of Defense who are losing their jobs in the drawdown of the Defense Establishment. Having to find an additional $5 to $7 billion budget cuts to make up for not enacting these rescissions of lower priority will be extremely difficult and will put substantial pressure on many of the key defense programs.

There are a number of rescissions in this bill which I strongly support. There are some that I do not support and that I am very dubious about. Overall, however, I think the package is a package we should pass.

I am very glad the Appropriations Committee has recommended rescissions of $105.9 million in research grants that were earmarked for specific colleges and universities in last year's fiscal year 1992 Defense Appropriations Act. I applaud Senator BYRD and Senator INOUYE's leadership and willingness to bite a very tough bullet in this respect, as well as Senator HATFIELD and others on the committee.

Mr. President, I think Defense Department research and university research should be one of our top priorities. I do not, however, believe that we in the Congress ought to say which university gets which project. We are not the people who are capable of judging the merits of these projects, nor are we capable of judging the relative merits of the universities. That is why we have competition. That is why we have merit selection. The more we get away from that, the more we not only, in my view, risk wasting defense dollars, but we also undermine he credibility of the whole process.

Defense Department research grants should be awarded on the basis of competition and merit and peer review and capability, not on the basis of who happens to be in a meeting on the appropriations bill at a specific time.

Last year, I objected to the university research earmarks in the fiscal year 1992 defense appropriations conference report. The Appropriations Committee has gone along with the administration and the House Appropriations Committee in recommending rescission of the funds for these earmarks.

Mr. President, I am also glad to see the Appropriations Committee join the administration and the House Appropriations Committee in recommending rescissions of $11.35 million that was designated in the fiscal year 1992 Defense Appropriations Act for the development of four museums. None of these museums was requested by the military services. In my opinion, they should not be built with taxpayer or appropriated funds.

Mr. President, every base I know of in the country—I know every base in the State of Georgia—wants a museum. Eleven point thirty-five million dollars is a small amount of money compared to the overall scope of this bill, but believe me, there is a multiplier here. If these projects stick, you can multiply that by hundreds in terms of what is going to be coming down the pike.

Mr. President, the university earmarks and the university funding and the museum funding in the fiscal year 1992 Defense Appropriations Act have now been identified for rescission both by the executive branch and by the two appropriations committees, and, of course, if we pass this bill, by the Senate itself. This is one area where there is total agreement between the House and the Senate and the executive branch.

I hope this position will be sustained through the conference process. And it is my hope that we will not repeat these kinds of projects in this year's defense appropriations bill. I have 20 members on the Armed Services Committee, the authorization committee. We are not putting these projects in our bill. I will say that if these rescissions go through, that will help hold back the urge of putting projects in our bill for members on our committee who also have an awful lot of needs back in their own States.

On the other hand, if we begin this pattern, then everyone in the U.S. Senate eventually is going to want to want a piece of the pie, and we can multiply again by many fold the amount of money this is going to cost for what I think everybody would recognize are low priorities.

I know there has been a great deal of interest in the Seawolf submarine rescission. The administration proposed terminating the Seawolf Program after one submarine, and rescinding $3 billion that they requested and that has been authorized and appropriated for construction of the second and third subs.

In my view, the central issue in this rescission is the future of our submarine industrial base, particularly since the administration plans call for building a follow-on submarine, the Centurion, at the end of the 1990's. On April 1 of this year, the Armed Services Committee held a hearing to review the Seawolf rescission proposal and to examine the impact of this proposal on our submarine industrial base. Unfortunately, what we learned in this hearing was not encouraging.

As incredible as it may sound, this hearing showed that the Defense Department only began to review the impact of the Seawolf termination on the submarine production base after terminating the program. We asked Assistance Secretary of the Navy Gerald Cann for his assessment of what should be done to protect the submarine industrial base. His response, 2 months after the decision to terminate the Seawolf Program, was:

> At the present time, I am not trying to be facetious, but there are so many different options on the table that I have not formed a position yet.

My own conclusion at this time is that the real impact of the decision to terminate the Seawolf on the submarine and nuclear propulsion industrial base was not thoroughly analyzed by the administration. It is clear that this decision was opposed by the principal Navy official in charge of overseeing the nuclear propulsion industrial base. When asked for his personal and professional assessment of whether the Senate should vote to sustain the Seawolf rescission, Adm. Bruce Demars, the Director of Naval Nuclear Propulsion, said: "I would not vote to sustain it."

Terminating the Seawolf Program at this time risks unilaterally ceding our technological edge by giving up the capability of our industrial base to design and build attack submarines. If we never wanted to build another submarine in the future, that might be acceptable. However, I do not think we are ready to make that decision yet.

The estimates of termination costs may understate the downside to canceling the Seawolf, since there are other termination costs that have not been estimated at all. Because the administration made the decision to terminate the Seawolf before doing a thorough and systematic cost analysis, no one knows, for example, what it would cost to rebuild this critical industrial capability if we throw it away.

Knowledgeable experts have estimated that the total immediate cost of terminating the Seawolf Program would exceed the cost of completing these two submarines, when all of the costs to the Government—including unemployment and worker retraining costs—are calculated. If these estimates are correct, terminating the Seawolf submarine now and rescinding this $3 billion would mean that the American taxpayers would have had to pay these costs in contract termination and unemployment benefits, but would have nothing to show for their

investment. If, however, these funds are applied to completing these two Seawolf submarines, the country will get two more of the world's finest attack submarines.

On balance, Mr. President, I have concluded that the immediate and abrupt termination of the Seawolf Program as proposed by the administration would seriously damage our Nation's capability to produce submarines in the future.

There are several rescissions in the committee bill which concern me.

Mr. President, I understand the Appropriations Committee's position that the rescission of $1 billion in fiscal year 1992 B–2 procurement funds will not have an impact on the B–2 program this year. Last year, in the National Defense Authorization Act for fiscal years 1992 and 1993, we established a series of criteria, or some people would call gates, that must be met in the B–2 test program before these funds can be obligated. It now appears that the criteria will not be met before at least the middle of fiscal year 1993. The committee report accompanying this rescission bill makes clear that the rescission of B–2 funds is made without prejudice to the possibility of purchasing additional B–2's in the future.

This is not a vote on the future of the B–2, as I view it. Members should understand that if we decide to build the full 20 B–2's requested by the administration, and I hope we will, then this money will have to be restored to the B–2 program in the future, but it cannot be spent this year. Therefore, although I do not like the symbolism associated with it, I understand the Appropriations Committee's moving to put this money in this bill.

I also have reservations about the $1.3 billion rescission of fiscal year 1992 SDI funds. Last year, Congress adopted the Missile Defense Act, which included early deployment of an ABM Treaty-compliant missile defense system and continued work to deploy tactical missile defense capabilities. Congress appropriated $4.15 billion for the SDI Program in fiscal year 1992, of which $2.45 billion was to the Grand Forks ABM Program and ATBM defenses.

Outside of these two widely supported SDI programs, there is $1.7 billion to support other SDI projects, including space-based interceptors and other follow-on technologies. Rescinding $1.3 billion on this amount this late in the fiscal year inevitably will result in terminations or cancellations of some ongoing projects and contracts. It could well jeopardize our ability to begin overall deploying of these missiles in 1997 unless it is very carefully administered with a sense of real priorities as to where our priorities must lie.

I must say that the strong bipartisan congressional support for the Missile Defense Act and the limited defense against third-country attacks and against accidental or unauthorized launches is apparently not matched by SDIO. They continue to shift funds to the long-term GPALS Program, as if nothing has really changed.

Mr. President, while I am concerned about the B–2 and SDI rescissions, the Members of this body and the administration must understand that if we do not make rescissions in this package or some similar package that can be signed into law, we could be forced to make larger and even more damaging cuts to the B–2 and SDI and other defense programs in fiscal year 1993 because of the impact on the budget.

The President asked Congress to bite some tough bullets. In this package, we will be biting some tough bullets, including some of those I named. Now the President will have to bite some bullets himself since his own defense budget assumes savings from rescissions.

Mr. President, I know there are some significant differences between the administration and the Congress over specific programs in this rescission package. That is inevitable. This bill can be improved, and I hope and expect there will be some changes made to the bill in conference with the House, particularly the B–2 and SDI areas. I am heavily influenced by the fact that failure to enact any rescissions will require deeper cuts in the fiscal year 1993 defense budget. Both the President and the Congress must be willing to rescind money for programs that do not have as high a priority, even programs that may be of keen interest to people in this bill. I believe overall, even though there are some parts of it I do not like, that this bill meets that test.

With that background, Mr. President, I will be voting for and supporting this bill on final passage. I thank the Senator from Oregon, and I yield my time back, to the extent I have any.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

SECTION 301 AND THE JAPANESE AUTO MARKET

Mr. BAUCUS. Mr. President, I rise to discuss the trade of automobiles between the United States and Japan.

Over the Easter recess, I traveled around the United States reviewing the competitive position of a variety of U.S. industries, including automobile manufacturing, electronic manufacturing, and biotechnology.

I was greatly impressed by what I saw and plan to pursue several initiatives based upon my observations during the trip.

But the first issue I want to address is the competitive position of the United States industry and its trade concerns with Japan.

STATE OF THE U.S. AUTO INDUSTRY

As most of us are aware, the U.S. automotive industry is a critical component of the U.S. economy. Approximately 5 percent of American GNP is directly linked to the automotive industry. One out of every seven jobs is tied directly or indirectly to the auto sector.

The U.S. automotive industry is a major consumer of steel, glass, and electronic products. About 40 percent of the machine tools in the United States are used by the auto industry. One out of every five semiconductors made in this country is consumed by the Big Three auto makers. We often think that semiconductors are used in electronics products, but one out of every five semiconductors produced in the United States is now consumed by the auto industry. These micro-processors and semiconductors go into our cars.

I do not represent a major auto producing State. Still, as an American concerned about the future strength of the American economy, I am convinced that we must maintain a U.S. auto industry.

But this is not to say I am a defender of the Big Three. The U.S. auto industry has made its mistakes. A large part of the decline in market share the U.S. automakers experienced in the 1970's and 1980's is their own fault. U.S. automakers did not focus on quality and did not produce autos that Americans wanted to buy.

Too much attention was paid to boosting executive salaries and too little was paid to building good, solid, high quality cars. But the U.S. automakers seemed to have learned from their mistakes, at least based upon my experience and deeply probing, asking the toughest questions I could of the Big Three executives when I spent several days in Detroit.

All of the Big Three are striving to adopt new lean manufacturing techniques that are pioneered by the Japanese. The quality and reliability of cars has improved and increasingly the names of American cars like Taurus, Saturn, and Le Baron are appearing on automotive magazines lists of best buys. I can say from my own recent personal experience in shopping for a new American car that there are good American cars on the market. I just bought one last week. Of course, more needs to be done. Foreign competition—Japan, Germany—is not standing still and the Big Three must continue to invest and they must continue to improve.

THE TRADE PROBLEM

Unfortunately, building competitive products is not always enough to succeed. For years, United States auto-

makers have faced competition from Japan, for example, and this competition has not taken place on a level playing field. Although Japan has largely unfettered access to the American auto market, American cars in return have barely cracked the Japanese market.

Last year, Japan exported to the United States about 2 million cars and light trucks. Japan claimed more than a third of the United States market. The United States automakers, on the other hand, were able to export to Japan only about 30,000 units. All told, imports to the country of Japan from all sources claimed only 3 percent of the total Japanese market.

The temptation is to declare that this imbalance is due to the fact that the U.S. automakers did not produce competitive products for export. In the past, that has been somewhat true. But U.S. automakers have been highly successful in Europe. They have been very successful in other export markets, although not in Japan. For example, GM exported nearly 133,000 vehicles in 1991. Ford and Chrysler have also exported around the world. In fact, United States automakers have exported to all major markets except Japan.

United States automakers cite a number of trade barriers in Japan. For example, Japan still requires that each shipment of automobiles from the United States and from other countries to Japan be individually inspected in Japan to ensure that they meet Japanese emission and safety standards. The individual inspections cause long delays in shipments. The United States, on the other hand, requires no individual inspections of Japanese cars coming to America.

United States automakers also have great difficulty penetrating the Japanese distribution system. Virtually all Japanese auto dealers have exclusive relationships with Japanese auto companies. This effectively bars American cars from Japanese showrooms.

But the dealerships are only the final link in the distribution chain. At every link in this complex chain extra costs are added. In the case of a Jeep Cherokee, the trip through the distribution system in Japan adds as much as 53 percent to the sticker price.

Interestingly, Japanese companies avoid many of these distribution problems. For example, a United States-made Honda Accord, that is a Honda Accord made in the United States, is able to reach Japanese consumers with only a 14-percent markup.

Understandably, these barriers greatly limit U.S. auto exports. A similar web of barriers limits U.S. auto parts exports.

Again, this is not to say the entire competitive problem faced by United States companies is not a result of Japanese trade barriers.

But because they are free from barriers at home, Japanese auto companies are able to sell the same product at considerably higher prices in their own market than they sell that same car for abroad. This allows them to build large profits at home to finance their exports.

According to figures supplied by a major U.S. bank, Japanese auto companies piled up $37 billion in profits in Japan between 1986 and 1990. These profits supported operations in the United States that lost $9 billion over the same period and operations in Europe that lost $6 billion.

United States companies cannot hope to compete with Japanese automakers as long as they have this secure and profitable home base to finance their export operations at a loss.

SECTION 301

Mr. President, despite my serious concerns about extending import protection, I have proposed a temporary VRA to give the U.S. automakers a chance to rebuild and compete.

But now that the economic strength of the industry seems to be increasing, we must also consider addressing the core international trade problem, the lack of access to the Japanese market.

I believe the United States should immediately initiate a broad section 301 case aimed at eliminating major Japanese barriers to United States auto exports. This should build upon the initial steps taken by the President on his recent trip to Japan and address the range of Japanese regulatory and distribution barriers.

In addition to the normal threat of retaliation under section 301, the United States could offer Japan an additional incentive. If Japan were truly to eliminate its barriers to auto exports, the United States could agree not to seek any export constraints on autos in the future.

In return, the U.S. auto industry must agree to do its part. It must agree to continue to build quality vehicles, limit executive compensation, and refrain from raising prices beyond the Consumer Price Index. More importantly, it must redouble its efforts to make vehicles that are attractive to the Japanese consumer. This should include producing more right-hand drive vehicles.

CONCLUSION

The trade barriers faced by the U.S. auto and auto parts industries are exactly the kind of problem that section 301 was written to address.

On his trip to Japan, the President conceded that Japanese market access barriers were a serious problem, very serious, and I hope that the administration can build upon this first step and work with the Congress and work with the industry to open Japanese markets to United States automobiles and auto parts.

I stand ready to work with my colleagues in Congress, with the administration and the U.S. auto industry to address this critical trade challenge because we must all work together to accomplish the result we intend.

CENTENNIAL CELEBRATION OF FORT HARRISON

Mr. BAUCUS. Mr. President, I rise today to pay tribute to Fort William Henry Harrison on the occasion of its centennial celebration, which will be held on May 12, and to honor these men and women who have served their country at this great site.

In the late 1880's, the citizens of Montana, concerned about their safety and security, petitioned Congress for a permanent military presence in the state. In 1892, those efforts bore fruit when Congress authorized that a fort should be established near Helena, the capital city of Montana.

Four years and $214,000 later, Fort Benjamin Harrison was completed. It was not until ten years later that the name was changed to Fort William Henry Harrison in honor of our ninth President.

Since then, Fort Harrison has been used as a military post and training facility for our armed services and Montana National Guard, and also as a site for medical care. During the world wars the active military utilized Fort Harrison as a training base for combat and support units such as Special Forces groups, infantry units conducting winter training, Army communications and logistics units, the Navy Seabees, and psychological warfare units.

Fort Harrison has also been the home of the Montana National Guard. During World War I, the Montana National Guard was twice mobilized; once serving on the United States-Mexico border and once to protect the railroads and major industrial sites in Montana. Between the wars, the Montana National Guard used the fort for their normal summer encampments. During World War II the National Guard was again mobilized, and upon their return from the war, utilized this site for their annual training.

Fort Harrison's medical services date back to World War I. At the end of that war, the lack of medical facilities and demand for hospital beds led to the use of this military installation for medical purposes. By 1921, all buildings at Fort Harrison had been made suitable for hospital purposes. The facility was then taken over by the Veterans' Administration, used as a TB hospital for a few years, and finally changed to a general medical and surgical hospital.

In the early 1960's, the Fort Harrison medical facilities were remodeled and improved, including construction of a new physical plant and 160-bed hospital. Today this Veterans' Administration hospital facility has the largest service area of any VA hospital in the continental United States. Each year it offers inpatient, outpatient and other

services to thousands of Montana veterans. During the recent Persian Gulf war, the fort was designated as a secondary casualty care facility, and nine VA employees were mobilized.

Fort Harrison was established during a time of a shrinking military budget. It seems somewhat fitting that we celebrate its 100th anniversary in the same climate. But let us learn from our ancestors who fought for the establishment of this fort—let us work together to ensure that the VA hospital and Montana National Guard units do not get gutted in this process of reducing our military. Just as our veterans fought to protect our nation, I am prepared to fight to protect their medical care, and, in the case of the Montana National Guard, their continued existence.

In conclusion, I think I speak for all Montanans when I say that we are honored to have Fort Harrison located within our State. I congratulate those who have organized a terrific centennial.

I am sure the next 100 years will continue the fort's tradition of service to the people of Montana and the country.

BUDGET AUTHORITY

Mr. McCAIN. Mr. President, I ask unanimous consent to take whatever time that I may consume off the bill for the purpose of speaking about the pending legislation.

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

Mr. McCAIN. Mr. President, in about 1½ hours, we will be voting on this rescission package. I spent a great deal of time yesterday concerning one particular part of the rescission package that I felt was of critical importance. That was the Seawolf submarine. Since I addressed that particular issue in depth yesterday, I will not pursue it again today.

I think it is important to discuss what we are doing, what will result, a little bit about the problems, and what might be the solutions to these problems.

Mr. President, unfortunately, because we have a divided Government and different philosophies and views, this bill, like the tax bill, like the campaign finance reform bill, and other major pieces of legislation, will be passed by both bodies, and then will be vetoed by the President.

The President's veto will be sustained and we will, therefore, again do nothing, again disappointing the American people. This will only increase their understandable frustration with Congress and reinforce the view that their elected representatives both in the executive and legislative branch are not functioning as our Constitution dictates. And, clearly not as their hopes and aspirations dictate.

This legislation clearly, in my view, is terribly flawed. It is a violation of a process which should allow the executive branch to put certain rescission items before the Congress for a vote.

Mr. President, this year the President of the United States has sent 128 rescissions for consideration by the Congress according to the 1974 Budget Act. Of those 128 rescissions, the Appropriations Committee has refused to report 95 of them out so that those of us who are not on the Appropriations Committee have no way of considering those rescissions.

In fact, this process is so broken and so flawed that in a so-called rescission package, we find items that the President did not want rescinded. It has become bizarre and Orwellian to an incredible degree. In fact, what is happening is that we have ignored sensible spending cuts while protecting crucial projects, at least crucial in the viewpoint of the Appropriations Committee, such as an asparagus yield decline grant, eastern filbert blight research, safflower research, urban pest research, a multibillion dollar submarine with no real mission which I talked about yesterday, and 68,400,000 for meals ready to eat which no one will ever consume. To too many in Congress that is only $61 million of the taxpayers' money.

When will we be allowed to vote whether to save or waste $61 million of the taxpayers' money on meals ready to eat? No. Mr. President, we are not able to because the President requested that the $61 million worth of 68,400,000 meals ready to eat be cut, not the Congress. The Appropriations Committee simply will not allow us to have a vote on that because of the very flawed system we have today.

Up until 1974, the President of the United States could exercise his broad powers to impound funds. And, unless the Congress of the United States voted to override his impoundment of funds, they were not spent.

As we know, with the Congressional Budget and Impoundment Control Act of 1974, the shoe is on the other foot now. We have seen billions of dollars of rescissions requested by the President simply ignored by Congress. Rarely, if ever, were there votes on these spending cuts.

Mr. President, I might remind you that in 1974 the public debt was $483 billion. Now it is $3.7 trillion. By the end of this year, it will be over $4 trillion and that amounts to $16,000 of debt for every man, woman and child in America. It is an unconscionable situation. Yet, we continue to waste.

We do not even have the intestinal fortitude to cut $61 million worth of meals ready to eat, 21 million dollars' worth of truck engines that the Department of Defense can never use, the incredible grants of millions of dollars to universities, and some millions of dollars for military museums. This is not acceptable, especially when I focus on the military, Mr. President.

The sharp cuts in defense spending already make it difficult to meet the national security needs of America. Wasting more money on meals ready to eat and other unnecessary projects makes it that much more difficult.

It also becomes sad when we have to tell tens of thousands of young men and women who are in the military that we cannot afford to keep them. They will have to get out, men and women who joined the military for a career, many of them minorities who saw this as an opportunity to better themselves. We are saying "We cannot keep you. We cannot afford to keep you in the military." But yet we can afford to spend $6.3 billion on things like truck engines, on things like meals ready to eat, on grants for military museums, and other unnecessary and wasteful spending items.

Mr. President, it does not compute. It does not figure. The process is broken. It prevents the orderly consideration of our spending priorities.

Clearly, this process has become more egregious over the years.

What has happened is that we have more and more unauthorized projects that are appropriated without hearing, without specific legislation, and even many times these funds are appropriated in conference when neither body has appropriated the money. But then in conference additional tens, millions, and sometimes billions of dollars are appropriated during the conference.

Anyone who is not a member of the Appropriations Committee and is not a member of the conference has no way of knowing about that appropriation.

The members who are not on the appropriations conference have two choices when they vote: up or down. Most of the time, tragically—and the American people are beginning to realize this—when we vote on these appropriations bills we do not know what is in them. We find out after the fact because some diligent journalist digs into these very obtuse documents and finds out that we are spending millions of dollars of the taxpayers' money without ever holding a hearing, without authorization, and often outside the legislative process as it is designed. The system is broken. It has to be fixed.

There are ways of doing it. Let us start with a balanced budget amendment to the Constitution. I am told that this body and the other one will soon consider a balanced budget amendment to the Constitution. I hope it passes. I, for one, will support it in almost any form. There are colleagues who want to announce that means an automatic tax increase. I do not think so. Nonetheless, I think a balanced budget amendment to the Constitution is of critical importance.

I also think it is of obvious and equal importance that we give the President of the United States the line-item veto. A few months ago, we had a vote on the

line-item veto as we have had several times. We lost. I did note then with interest, and with all due respect to my friend and colleague who is occupying the chair, who was interested.

I found it interesting that every single Presidential candidate with the exception of two supported the line-item veto, including the likely Democratic nominee for President, including the former Senator from the State of Massachusetts, including Mr. Buchanan, and even including a former Governor of the State of California. All have issued statements or announced their support of the line-item veto.

Why would former Governors support it so much? Because 43 of 50 Governors have the line-item veto. Many Governors have come forward and said they cannot balance their budget, which many are required by law to do, without a line-item veto. It is time to give the President the line-item veto.

I would point out to my friends that a line-item veto can be overridden with a two-thirds vote of both bodies. That is clearly the same with any other veto.

I am often asked the question by my constituents and others: Would you support the line-item veto if there was a member of the Democratic Party, who was liberal in philosophy, serving as the President of the United States?

I say yes. If you do not say yes, you really do not support a line-item veto. You then are just supporting partisan politics because it is the system that needs to be repaired. Let the American people choose who should faithfully administer that system.

I believe that we are sitting here today and only 17 percent of the American people express their approval of Congress. And I have concluded, by the way, after careful study, that the 17 percent is comprised of blood relatives of Members of Congress and their staff members. I have met no others who now approve of Congress. We must change the way we do business in Congress. A Congress held in contempt, is a Congress without a public mandate.

There is a gridlock in this town and what we are going through right now with this rescission package is an example. This is almost a charade because we all know the eventual outcome of this process.

The President proposed a rescission package. The rescission package is changed in both House. It goes to the President. The President vetoes the bill. Nothing happens and we end up with tens of billions of dollars of wasteful pork barrel spending. And finally, we continue to waste the America taxpayers' dollars.

So I would suggest, Mr. President, that after the passage of this legislation without a veto proof majority, that we either go back and try to repair a broken system, or we continue to work to eliminate wasteful spending within the present, but flawed, process. The President said that he will continue to send Congress rescissions. He should. He has an obligation to the American people to try to do whatever he can to eliminate unnecessary wasteful spending.

Is he always right? No. But at least the Chief Executive, the President of the United States, should have the right to have his rescissions considered. As I mentioned, of the 128 rescission proposals made so far this year, by the President of the United States, 95 were not even considered, nor will they be.

And why are we even considering this package? The reason, obviously, is because when the President vetoed the tax package, he made it a very big issue. He also made an issue of wasteful spending. Otherwise, we would not even be acting as we are. All 128 rescissions would be among the 95 that were not even considered.

So my point here, Mr. President, is simple: The American people are sick and tired of being sick and tired. They deserve better. It is time we sat down and figured out what reforms need to be made so that we can act, rather than remaining mired in stalemate, which has characterized the behavior of this body for too long. Yes, a line-item veto is important, a balanced budget amendment to the Constitution is important, and just maybe some new and different personalities in the legislative branch, or even the executive branch, may finally bring about change.

I spend a lot of time in my State of Arizona, Mr. President. It is a very lovely place to be. It is getting a little warm, but it is a very lovely State. I must tell you that, every place I go, frustration is at the highest level that I have ever seen in my 10 years of service in Congress. We see that frustration reflected in the strong support for an independent candidate for President. I think it is of the utmost importance that we either reform the system now, or expect reforms to be forced upon Congress and the American people to their detriment and maybe to the detriment of the Constitution of the United States.

I yield the floor.

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

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. SANFORD]. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for a period of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. If the Senator will yield, how much time remains under the controlled time?

The PRESIDING OFFICER. The Senator from Oregon has 7 minutes, and the Senator from West Virginia has 52 minutes.

Mr. HATFIELD. Mr. President, I yield 2 minutes from my time control, leaving myself 5 minutes for the leader to close. And then on behalf of Senator BYRD, I yield the remaining 8 minutes, for a total of 10 minutes, to the Senator from Nebraska.

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

The Senator from Nebraska.

Mr. KERREY. I thank the Chair, and thank my friend from Oregon.

AID TO THE FORMER SOVIET UNION

Mr. KERREY. Mr. President, this morning the administration sent up their representative for designing the aid package to the Soviet Union, Ambassador Richard Armitage, to a joint hearing of the Senate Appropriations Committee and the Senate Agriculture Committee. I believe it is the first consideration by the Senate of the so-called Freedom Support Act that the administration described approximately 5 weeks ago.

Mr. President, this is an unprecedented venture for the United States of America. Notwithstanding a considerable amount of concern about any foreign aid at this particular time, it is literally unchartered waters and it is a very important moment for this country.

Many of the assumptions that we had over the past 45 years have literally been turned upside down, and we are now trying to design in a rather critical period of time some kind of aid package for the Soviet Union to help the former Soviet Union to make its transition to free markets and democracy.

It is an interesting hearing, Mr. President. Senator LUGAR, the ranking member of the committee, went through, I think, a rather accurate description of the history of this particular package, going back to the special election that was held in Pennsylvania for the Senate seat that Senator WOFFORD won last fall, saying that after that election—I think quite accurately—the so-called jaws of consent having anything to do with foreign aid closed rather dramatically.

The President got the message and began, in response to other criticism, to stop paying attention to foreign affairs and put his attention into domes-

tic events, canceling a couple of trips. All of a sudden, it was a domestic agenda that counted.

As a consequence of a rather heroic act by the distinguished Senator from Georgia [Mr. NUNN]; the senior Senator from Nebraska [Mr. EXON]; Senator LEVIN; Senator LUGAR, on the other side of the aisle; and others, this Senate took the rather extraordinary action of appropriating $500 million to assist the Soviet Union to dismantle their nuclear weapons.

The House of Representatives yielded and provided the $500 million. The administration did not even acknowledge that $500 million package until 30 days later, when it appeared it was going to be popular enough to talk about. That was Senator LUGAR's description—I believe accurately—of what happened last year and early this year.

And former President Nixon gave a speech describing the possibility of losing Russia if the President does not respond to the $25 million aid package. I give that as background because I think there is apt to be a considerable amount of partisan dickering back and forth whether or not this was politically motivated. I believe in many ways it was politically motivated.

Nonetheless, we have a proposal to change in a dramatic fashion the nature and relations of the former Soviet Union and the United States, and I believe it is perhaps one of the most important things for this body to consider.

Mr. President, I ask unanimous consent that the full statement by Ambassador Richard Armitage be printed in the RECORD at this time.

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

STATEMENT OF AMBASSADOR RICHARD L. ARMITAGE, SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS, MAY 6, 1992

I am very grateful for the opportunity to appear before this particular subcommittee, whose work is so central to the successful conduct of foreign policy. I have benefited from your wisdom and advice in previous incarnations and will no doubt so benefit again.

Permit me at the outset to identify, as I see it, the nub of the challenge we Americans now face in the wake of communism's collapse. Our central task is to unite, in an election year which finds many Americans worried about their own economic prospects, behind a strategy designed to bury forever the Cold War; a gameplan which can survive the turbulence of a partisan political campaign and prevail as a matter of bipartisan national consensus irrespective of November's verdict.

It seems to me that the beginning of wisdom in this matter is to have a sense of the parameters likely to be set by the American people for this endeavor. The Members of this subcommittee are far more expert than I on this score, but for what it is worth I believe that Americans in general would agree on the following:

That the downfall of communism does indeed represent, as President Bush has said, "a defining moment of history;"

That having won the Cold War at a cost of tens of thousands of lives and trillions of dollars, we should not simply turn our backs on 280 million people who are willing to bury communism once and for all;

That this predisposition to help stems partly from genuine, humanitarian impulses, and partly from the sense that it will be less expensive for us in the long run if former enemies actually become allies;

But that this country is in no position to embark on an open-ended foreign aid program designed to use taxpayer funds to compensate for 70 years of communist malfeasance and mismanagement.

I believe that within these parameters we can achieve a strategic consensus that transcends partisan politics here in this country. I believe that the Freedom Support Act announced by the President five weeks ago encapsulates this consensus. I believe the Freedom Support Act should be enacted prior to the arrival of President Yeltsin on June 16.

Each of you has read this bill. With the aid of your capable committee staff you have parsed it line-by-line. You have undoubtedly found language you could have drafted better. No doubt you have uncovered provisions you would have written differently.

I will be very frank with you. There are many things contained in the Freedom Support Act which we could (and if necessary, will) accomplish without the formal authorization that would be conveyed by its passage. But to proceed very far into this process without your explicit, conscious and willing collaboration would rob us of the single greatest accomplishment we could attain: the creation of a national strategic consensus that will transcend the vicissitudes of partisan political fortunes.

Let's be clear about what it is we want, both as a general matter and in terms of the Freedom Support Act: we want to preempt a new Cold War and bury the old one by channeling the creative energies of our former enemies away from trying to sustain an economy dominated and driven by the production of military weaponry and equipment.

The process of helping to wean our prospective allies away from a command economy devoted to militarism will take years and decades. Even though our own security will be decisively affected by the outcome of this process, our ability to shape the outcome through expenditures of public funds is finite. We can help and we can make a difference, but only in concert with the other industrial democracies and only by making the way clear for the American private sector to become, if it chooses, fully engaged. I would hasten to add that we will not wean away from authoritarianism, statism or militarism anyone who does not wish to be so weaned. I cannot imagine any sustained Western assistance effort to any state resisting the imperatives of democratization and economic reform. This will entail great sacrifice and great patience in the new independent states. Setbacks and temporary back-tracking are inevitable. In the end, however, no matter how unfair this may seem, it is the victims of communism's rapacity who bear the burden of achieving success or failure. "Russia" is not ours to "win" or "lose."

Instead of reciting the provisions of the Freedom Support Act, I would like simply to highlight those features of it which strike me as key. In terms of our own security,

It would authorize a broader use of the $500 million appropriated last fall to DoD for denuclearization and the transport of humanitarian aid. The Act would authorize the use of these funds for demilitarization, defense conversion, the withdrawal and relocation of military forces and non-proliferation.

It would authorize the establishment of a science and technology center in Ukraine comparable to the one being established in Moscow. These centers will seek to employ, for peaceful purposes, weapons scientists who might otherwise contribute to the proliferation of the systems and devices they have created.

These activities will have direct and measurable effects on our national security. Our longer-term objective, however, is to help foster the development of economies no longer dependent on military spending. U.S. involvement in this transformation presents unparalleled opportunities for American businesses and workers to benefit by helping Russians and others develop, in environmentally sound ways, what may well be the world's largest untapped market, one based on an extraordinarily impressive repository of human talents and natural resources.

We want American companies to be able to compete all across the Eurasian landmass. Not only can we develop markets for U.S. exports, but in partnership with indigenous enterprises we can develop alternatives to military production; alternatives which redirect the enormous talents of Russians, Ukrainians and others toward peaceful, productive purposes. We are working hard with the governments of these new states to create laws and procedures which will facilitate and protect trade and investment. Although we cannot force U.S. businesses to compete with others to profit from these emerging opportunities, we can make it easier for them to do so. The Freedom Support Act would authorize:

Expanded increases in export and investment guarantees and insurance through the Export-Import Bank and the Overseas Private Investment Corporation. Additional U.S. exports mean additional U.S. jobs;

Support for continued U.S. food exports under the Commodity Credit Corporation;

The removal of Cold War obstacles and bars to U.S. investment;

The creation of a resident program of U.S. business advisors through America Houses and American Business and Management Centers; and

U.S. participation in international efforts to stabilize the ruble and make IMF loans available, all subject to continuing democratization and reform.

The Freedom Support Act also calls upon the U.S. to provide cost-effective technical assistance in the form of people-to-people know-how for the creation of democratic institutions and free markets. I will return to a more detailed account of our technical assistance initiatives, but permit me to say that none of this adds up to an old-style foreign aid program. All of it encourages, but ultimately depends upon the leaders and citizens of these new states reforming in ways which attract international partners who will work with them to convert military-based economy to one which is peaceful and productive. Nothing in this Act commits the U.S. taxpayer to massive, up-front capital investments in infrastructure projects. The Freedom Support Act is *not* a $24 billion foreign aid bill.

In sum it seems to me that the Freedom Support Act provides a sound basis for a national consensus in the face of communism's collapse. It does so by striking balances in four areas:

By reflecting the inclination of the American people to be *helpful*, for reasons rooted

in our own national security, but *fiscally prudent* in support of reformers in the new states;

By codifying a dynamic balance between reform in the new states and assistance from the U.S.;

By establishing an international division of labor among the industrial democracies for macroeconomic support, all of which is contingent on sustained reform processes in the new states; and

By targeting official U.S. technical assistance at democratization and the opening of opportunities for our private sector.

Although humanitarianism runs strong and deep in this country, I believe it is important for Americans, Russians, Ukrainians, Armenians and others to understand that our approach has nothing to do with charity or giveaways. In concert with private voluntary organizations we are indeed engaged in humanitarian activities designed to help these new states preserve social safety nets for the elderly, for children and for the infirm during a period of great upheaval. The peoples of these new states are, however, eager to provide for themselves and anxious to get on with the business of building democracies and free economies. With this in mind I would like to describe our approach to technical assistance.

Although we had to focus at the outset on meeting humanitarian needs, we also saw a requirement to provide the expertise and know-how required to help those in need today to be able to help themselves tomorrow. As we provide food and medicine, we must also help create the infrastructure of a democratic, free market society.

This is exactly what we are doing. While Operation Provide Hope, the President's Medical Initiative, the USDA grant food aid, and other emergency programs are underway, we are also working on developing and implementing technical assistance programs. These programs represent our effort to teach the fishermen to fish rather than providing the fish. Through these programs, we hope to create—or recreate—the indigenous capacity to carry forward in a prosperous, democratic society.

I am quite proud of our progress to date in this area. Our humanitarian assistance has received quite a lot of press coverage—and I am happy about that. But our technical assistance programs have gone relatively unnoticed to date. Let me cite a few examples of the programs that are moving ahead quickly:

We have already sent two defense conversion advisers to Nizhniy Novgorod and will be sending two more to Kharkov by the middle of this month;

We have placed a housing adviser in Moscow and expect to have long-term advisers in Moscow, Yekaterinburg, Novosibirsk, Alma Ata, Kharkov and Yerevan by the end of August;

Our energy efficiency teams have completed audits in six cities and will be installing energy-saving equipment in district heating plants before the onset of winter;

The Norfolk/Moscow Childrens Health Center partnership will begin its first activities later this month;

The first agricultural extension team will arrive in Armenia in June;

Our first wholesale market teams will arrive in Moscow and Kiev in mid-May; and

The first batch of loaned executives under the USDA program are due to go out in June.

As you can see, we have made considerable progress in beginning to implement our initial technical assistance programs. We will continue to have these programs come on line as quickly and effectively as possible. We are pushing all agencies to implement their programs as a matter of top priority. This does not mean that we are not thinking through each of the programs, but that we are driving the process as quickly and as prudently as we can.

Placing Americans on the ground to help promote reform strengthens the position of today's democratic leaders and shapes the thinking of coming generations of leaders; it also creates a new foundation for enduring political and economic ties. We firmly believe that we can best support our diplomatic efforts by having in place assistance programs that are visible.

Technical assistance should be aimed at creating conditions in which the private sector can thrive. This paves the way for increased private investment—the real engine of growth for these new market economies. We will devote significant resources to programs that will promote U.S. trade and investment which, in turn, will help restart these crippled economies and transfer know-how and resources.

An extremely important part of the USG technical assistance program focuses on fostering U.S. private sector investment and participation in the privatization of the economies in the NIS. The U.S. Government offers a range of programs to provide incentives for potential U.S. investors. Among the most effective of these programs are those run by the Overseas Private Investment Corporation, the Export-Import Bank and the Trade Development Program. Each of these entities is in the process of implementing programs newly developed for the new independent states. It is important to note that the most important factor in encouraging Western investment is the commitment of the new governments to put in place the legislation and regulations which create an environment acceptable to Western investors.

U.S. Government activities through the Trade Development Program provide funding for feasibility studies for potential U.S. investment projects.

The Export Import Bank provides credits for U.S. companies interested in investing in the FSU.

The Overseas Private Investment Corporation provides insurance and financing coverage that increases the incentive for U.S. business participation.

In addition, the Department of Commerce is planning and executing a series of programs updating Eastern European data bases of potential investors and companies in the host country to cover the NIS and providing internships for managers of NIS companies in American companies through the Special American Business Initiative (SABIT). The managers are provided a 3-6 month internship at appropriate host U.S. companies, and the U.S. Government pays the airfare and a small stipend for each NIS intern while the host American company pays other costs, including insurance and training. This program has been expanded to include scientists from the NIS who will intern with American scientific and research companies.

Finally, it is important to note that the decision of Congress to repeal the Byrd-Stevenson restrictions in the FY-92 Continuing Resolution will prove critical in removing obstacles to EXIM's provision of export credits essential to encouraging U.S. trade and investment in the NIS. The participation of EXIM is a crucial part of the overall focus and the ultimate success of our assistance program.

In designing our technical assistance programs we seek to promote "islands of success" that can serve as models for cities and regions in the new independent states. Our choice of target areas for our problems will depend in part on the local leadership's commitment to reform. By concentrating our efforts—both geographically and by sector—we can demonstrate that leaders who support democracy and market reform can deliver. In particular, we are concentrating technical assistance on eradicating the underlying causes of current shortages, such as production, distribution, and transportation bottlenecks.

At the Washington Coordinating Conference in January all agreed that each donor should focus on areas where it has a comparative advantage. U.S. technical assistance will focus primarily on the private sector, with emphasis placed on needs which are critical and returns can be quickly achieved; this includes agriculture and food distribution, energy efficiency and oil and gas extraction, and restarting the pharmaceutical industry.

U.S. assistance must focus on our strategic interests: dismantling weapons of mass destruction, converting the defense industry to civilian production in the private sector, and combating the "brain drain" of scientists who could proliferate nuclear, biological, and chemical weapons.

In this connection permit me to mention briefly the science and technology centers we are establishing in Russia and Ukraine. These centers will serve as clearinghouses for projects to help weapons scientists and engineers redirect their talents to peaceful, civilian pursuits.

Later this month, the founding members—U.S., Japan, the E.C. and Russia—will sign the agreement establishing the International Science and Technology Center in Russia. At that time, the members of the initial governing board will also be meeting informally for the first time. The Board will discuss the expansion of board membership, approve a site for the center and adopt project-proposal format and guidelines. We will publicize the proposal guidelines and format as soon as possible so that we can solicit high-quality, well-focused project proposals from government agencies, private and non-profit firms. We have already received close to 200 unsolicited proposals.

We have identified senior executive staff for the international center and those candidates will be part of these meetings in Moscow. Because of the urgency of the center's mission, we are taking action to have it operational by June.

We are also moving quickly to establish a separate independent science and technology center in Ukraine. Robert Gallucci will be heading a U.S. delegation which will travel to Kiev again this month for substantive negotiations on an international agreement establishing this center. Representatives of other nations, including Japan and Canada so far, plan to participate in these negotiations as founding members. We expect the center in Ukraine to be open by early summer.

As part of our overall assistance program, the Administration proposes to establish an independent Eurasia Foundation for Democracy, Free Enterprise, and Training in Leadership and Management. This Foundation would promote and strengthen market economies and institutions concerned with representative government and the protection of human rights. Working with U.S. private voluntary and non-governmental orga-

nizations, the Foundation will provide help in privatization and management training.

In the meantime, we must not miss this opportunity to consolidate our democratic and market values in the new independent states of Eurasia. As the President stated in his opening remarks to the Coordinating Conference, we must "commit ourselves, individually and collectively, to an opportunity that may not come our way again in our lifetime. The prospect that our former adversaries may become our friends and our partners—this is in the national interest of every country . . ."

The most important contribution the U.S. Government can make to enabling the former Soviet Union to shift a significant portion of its resources from defense to civilian production is to encourage the flow of American private capital and know-how into the former Soviet Union. The transition of the economies of these new states from command to market will require that state-owned enterprises, and especially defense facilities, restructure their operations to focus on production of civilian goods for which there is a clear market either domestically or internationally. In addition to the funding required for such a shift, technical assistance will also be needed in areas such as marketing, accounting, management and production efficiency.

The U.S. Government is undertaking several projects to address these needs. The first, which I alluded to briefly in my overall description of the program, involves the placement of defense conversion advisors—retired U.S. executives from defense-related fields—into several key cities. These executives will serve as advisors to the local governments and to factory managers on issues related to defense conversion and investment promotion. The first two teams of advisors will go to Nizhny Novgorod, Russia and Kharkov, Ukraine. They will be in place by the middle of May. We are in the process of selecting additional cities for advisors, including one in Central Asia.

In addition to the advisors, the U.S. Government will be establishing western-style business centers in several cities throughout the new independent states to provide facilitation services for American businessmen. We will also be calling on several existing AID contracts with American accounting and consulting firms to provide assistance in discreet activities relating to privatization, such as asset valuation and management consulting.

Another fundamentally important area requiring major reform is the financial sector and, especially, the banking systems of the new states. Without a capability for western businesses to transfer hard currency into and out of these places, commercial promotion efforts will meet only minimal success. We are addressing this issue through an activity with the Department of Treasury aimed at providing advisors to the Central Banks and Ministries of Finance in several of the new republics. These advisors will provide assistance in areas including budget management, banking reform, and tax policy.

In the general area of privatization, we have begun discussions with the International Finance Corporation to support auctions of small and medium-sized retail facilities in several cities throughout the new independent states. These auctions will be modeled after the very successful auction effort recently completed in Nizhny Novgorod, which have already transferred 50 retail enterprises from state to private ownership.

I would like to conclude by reiterating my gratitude for having been afforded the opportunity to appear before this body. I cannot overstate my strong belief that passage of the Freedom Support Act is absolutely essential. We need to chart a basic course for a journey of many miles and many years. We need to do it together, because this journey will see Presidents and Congresses, Republicans and Democrats, come and go. I believe the Freedom Support Act charts a course which the American people support. Its passage will not only codify our own national consensus, but it will make it clear to the leaders and peoples of the new independent states that democracy and economic reform are the prerequisites for a lasting partnership.

Mr. KERREY. Mr. President, Ambassador Armitage says that the presentation of the previous Support Act represents the sounds basis for a national consensus. I do not believe it does. With respect to the Ambassador, there are many parts of his presentation with which I do not agree.

In fact, the ranking member of the Foreign Operations Appropriations Subcommittee, Senator KASTEN of Wisconsin, said that the Freedom Support Act was in deep trouble; that unless there are major changes; that it was unlikely to pass; that the proposal was a mess because it has no specific cost attached to it; that the proposal itself was woefully short of the kind of detail that was necessary to get enacted.

Again, I say with emphasis, there is urgency for this body to consider and begin to argue what kind of an aid package we are going to provide to the Soviet Union.

I am prepared to argue, Mr. President, there should be three things to guide us. One long-term aid program will work better than individual exchange programs with Russia, Ukraine, Kazakh, and the other republics that are now independent nations. Those exchange programs should be increased by a significant amount with the expectation that they may not yield benefits for a full generation. Those kinds of benefits are the ones that I believe are most likely to get positive return for taxpayers' investment.

Second, Mr. President, I believe we need to prioritize our effort. Behind me, although I will not go through all of it, are the European Community's efforts in 1991. For Americans who are wondering why we should get involved, look at what the European Community has done in 1991, making not only significant investment in the development of Russia and other republics, but the kind of specific investments, prioritized investments, that will yield economic return for European businesses.

It is in our economic interest to get engaged in this project. And, Mr. President, it is in the taxpayers' interests, as well, because the more successful the other republics are of making this great transition to democracy and to free markets—the more successful they are—the greater the size of the vaunted peace dividend will be.

It is a very crucial debate, and I hope it is just beginning. The priorities—for me, it does not take a great wizard to figure them out, and I do not believe the administration has established these priorities.

The priority, to me, is to say to the former Soviet Union, first of all: You have to develop a set of systems, although the debate about the nature of the Constitution of each one of these new nations is of critical importance.

Second, because you are going to need hard currency to make purchases, we should establish a priority both for the republics and for us, in the area of oil and energy.

And third, our priorities should be in the area of private agriculture, and not collective and state farms. It would be difficult to hold to those priorities. The people that are involved in the decisionmaking in Russia and the Ukraine and other republics may have a different list. In the short term, they may say: We need help with steel; we need help with automobiles.

We need to keep to a list of priorities. Otherwise, not only will it be a disappointment for taxpayers, but I believe there will be failure for the Russian people and Ukrainian people and others.

Finally, I believe one of the things we should hold fast to is to say: This is going to be—our taxpayer effort is going to be—driven by a desire to produce profit and growth in the American economy, and profit and growth in the Russian economy and other republics' economy, as well.

If we encourage Government-to-Government transactions, as this administration, unfortunately, at times seems willing to do, we will both not provide the kind of growth Americans want here at home and, I believe, we will reinforce the status quo in the Soviet Union.

Mr. President, I appreciate the time granted to me by the distinguished Senator from Oregon, and I yield the floor.

Mr. President, I suggest the absence of a quorum and ask that the time used be equally charged to both sides.

Mr. HATFIELD. Mr. President, prior to the calling of the quorum, I ask unanimous consent that all of the time used be charged against the time controlled by Senator BYRD.

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

The clerk to call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I ask permission of the Chair to introduce two guest members of the Russian Parliament, who are visiting today.

The PRESIDING OFFICER. The Senator may proceed.

VISIT TO THE SENATE BY MEMBERS OF THE SUPREME SOVIET OF THE RUSSIAN FEDERATION

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I would like to introduce People's Deputy Gasparyan, who is chairman of the Subcommittee on Radiation and Safety, Committee on Ecology and the National Use of Natural Resources, Supreme Soviet of the Russian Federation.

I would also like to introduce his colleague, People's Deputy Nesterov, deputy chairman of the Subcommittee on Radiation and Safety, Committee on Ecology and the Rational Use of Natural Resources, Supreme Soviet of the Russian Federation.

I introduce these two Deputies to the U.S. Senate.

[Applause, Senators rising.]

RESCISSION OF CERTAIN BUDGET AUTHORITY

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oregon [Mr. HATFIELD] has 5 minutes remaining.

The PRESIDING OFFICER. Six minutes, actually.

Mr. BYRD. Six minutes.

Mr. President, I ask that the time now running be charged against me.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, legislation is the art of compromise. Never is that more true than when the executive branch is in the hands of one political party and the legislative branch is in the hands of the other major political party. When control of the Government is divided in this way, to refuse to compromise is to abdicate leadership. To refuse to compromise is to doom the American people to witness the spectacle of gridlock which they have seen so often over the past several years.

When we have divided government, to steadfastly refuse to consider compromise, to insist on getting everything one wants, to condemn every other point of view but one's own, condemns any attempt to deal with the festering problems of this Nation to limbo.

Dante, in his "Divine Comedy," and particularly with reference to the "Inferno," spoke of the first circle of hell as "Limbo."

Milton, in "Paradise Lost," spoke of the "Limbo of Vanity."

In this instance, I would prefer to take Dante's reference to Limbo, the first circle of hell. That is where those souls went who had not committed serious sins, but because they had not been baptized they were not eligible to enjoy the bliss of paradise.

So, to condemn every other point of view but one's own concerns relegates any attempt to deal with the festering problems of this Nation to limbo. And, in the kind of financial situation we are in, I am not sure that the first circle of hell would not be an appropriate reference. To refuse to be able to bend, or to give, or to yield, in order to allow for some higher purpose to be accomplished for the Nation, certainly constitutes a disservice to the Nation.

Mr. President, the Appropriations Committee has compromised. We have compromised. Admittedly, we were disturbed by this new approach to the usual rescissions process and deeply angered by the political rhetoric which emanated from the East Room of the White House on March 20 and which accompanied the President's request. Nevertheless, the committee approached the matter forthrightly, acted expeditiously, and brought forth a product which exceeds the dollar amount of the President's rescission requests, and which includes many of the specifics of his requests. There was no attempt to gain partisan advantage—no effort to play games.

The Appropriations Committee staff is a staff, on both sides of the aisle, of professional, analytical people whose job it is to evaluate and fund programs which are worthwhile and which will be of some benefit to the Nation. My instructions to the Appropriations Committee staff director and, in turn, to the clerks of the various appropriations subcommittees, were to take a hard look at the President's requests and retain those that were warranted. Go along with those rescission requests that were warranted. Make the cuts that the President had recommended, if those cuts were warranted. And then see if the appropriations staff, working with our ranking members of the subcommittees and on the full committee, independently could find other areas which appeared to be wasteful and which had not appeared on the President's list.

At no time did I say to the staff to stick it to the White House. At no time did I say to the staff, "Let's embarrass some Republican members for partisan advantage." We could have tried that. Never did I suggest that we should be irresponsible, political, cute, or vindictive. That tone was set by the speechmaking from the White House, which accompanied this exercise. But the members and staff—the members and staff, members on both sides of the aisle and the staff—of the Appropriations Committee did not take that bait.

This process has been hyped and peddled as a way to cut the deficit and stop some wasteful spending. I have stated that the rescissions process and the backdoor, line-item veto approach of this particular rescission—request exercise, are not a panacea for deficit reduction.

Our deficits are so mammoth, so enormous, so colossal, that rescissions and even a full-blown line-item veto would make hardly a dent in the size of the deficits.

Mr. President, the CBO tells us that the deficits for fiscal year 1993 will amount to $391 billion. OMB says the deficits for fiscal year 1993 will be $20 billion higher: $411 billion. Yes. $391 billion, by the CBO; OMB says $20 billion higher—$411 billion.

The cap for domestic discretionary spending in fiscal year 1993 is $206 billion. So, if one were to take a veto pen—if a President had a line-item veto—and just lined out the entire domestic discretionary budget, for fiscal year 1993, of $206 billion, it would not even come close—it would not even come close to eliminating the deficit: $206 billion from $391 billion, if we take the CBO estimate of the deficit; or $206 billion of domestic discretionary from the deficit of $411 billion, if we take OMB's figures, would not even come close to eliminating the deficits.

So, our deficits are so enormous that common sense—the common sense of any rustic boob—would tell anyone, if he knew anything about math, the old or new, that this is no way to eliminate the deficit. If we eliminated the entire $206 billion in domestic discretionary funding, we would close the Government down, lock, stock and barrel—the judiciary, the executive and the legislative—but the fiscal year 1993 deficit would not be eliminated.

So it is silly to make those statements. And it is misleading, to try to make the American people believe that these deficits can be eliminated through the rescissions process. That is the unvarnished truth. The things that we could do, however, that would make a serious difference in the size of the deficits are excruciating, painful, actions such as cutting the growth in entitlements, investing huge dollar amounts in our crumbling infrastructure to create jobs and increase productivity, cutting defense to meet changed world challenges, and raising some additional revenues.

These would be painful. At least some of them would be.

However, we will not do any of those things in any significant way this year; but those are answers to the deficit crisis, and we professional politicians all know in our heart of hearts—we all know that.

Nevertheless, I have said that, although this exercise is not a solution, not the panacea that it has been hyped to be by the White House and by some

people on Capitol Hill in both Houses, it can nevertheless be useful. That is why we have it in the law governing the rescissions process.

It is always useful to try to cut waste. It is always responsible to review programs and make corrections and cancellations that save tax dollars. No bill we write here is perfect. Often, a second look, after some time has passed, can serve a constructive purpose. So, that is what the Appropriations Committee endeavored to do in this bill.

The White House hyped the process. The President called in a very friendly audience on March 20 and made his statement. His speech was interrupted many times by applause. His picked audience loved it.

So the White House hyped this process and told the American people that we ought to do this to cut some "pork." The White House fed them the line that the process was essential, rattled the bully pulpit, and shook the big stick. We on the Appropriations Committee of the Senate, Republicans and Democrats, responded responsibly. The trouble with labeling something as "pork" is that it may not be pork. A curious name, or a cute name, or a funny one, does not mean that a project or a program is worthless. It is easy to attack programs like that, but it is not always or necessarily responsible to do so.

This committee, the Appropriations Committee—which I chair, and which has in the past been chaired by my dear colleague on the other side of the aisle, the senior Senator from Oregon [Mr. HATFIELD] and the members of that committee on both sides—tried to be responsible. I urge all Members of the Senate to carefully review the work of this committee.

We have reduced defense spending by a total of $7,205,040,000 or $63,270,000 more than the President asked that the defense spending be cut.

We reduced domestic discretionary spending by $910,144,590 or $189,141,900 more than the President requested. We cut it more deeply than the President requested.

We did not take every suggestion that the White House sent up, but we did take many of the suggestions, and we did even better than the White House did by cutting funds for some absolutely ridiculous studies that the executive branch had approved. And we also found $172,362,054 in foreign aid to cut when the White House could not find one thin dime in foreign aid to cut.

The rescissions in this bill are all absolutely defensible. Many would reduce the deficit. They are all wasteful spending. They are a contribution, albeit a modest one, toward the effort of being fiscally responsible. This is what the White House demanded that we do. This is what the President took the bully pulpit to tell the American people to demand that we in the Congress do.

Is he now going to veto this bill? I have heard that he may veto it if it passes. Is he now going to veto this bill just because it is not exactly as he and his advisers would like?

After demanding that Congress cut waste and rescind $7,862,772,690, is the President now going to tell the American people that he cannot support cutting $424.7 million more than he asked that we cut? Is he going to say to the American people that he can support canceling prickly pear research, but that he cannot possibly go along with canceling studies to determine why people fear their dentists? For $94,000, I can tell you why people fear dentists. I can tell you for a nickel. I can tell you for one penny. I can tell you for no money at all. It does not take one red cent. I can tell you why they fear the dentist: Because of pain. It hurts to go to the dentist.

Why does the executive branch need a Government study at a cost of $94,000 to tell us that? We can ask any child. A child will answer that question. The executive branch does not need $94,000 for a study as to why people fear to go to the dentist. Any child who has to go to the dentist will tell you why he fears the dentist. It hurts.

Is the President going to tell the American people that after he hyped and bullied the Congress and told the American people that these rescissions had to be made, is he going to tell them he cannot now agree and he is, therefore, going to let this waste go forward? Or is he going to say that he cannot support this worthwhile deficit reduction effort because of the *Seawolf* submarine?

The *Seawolf* submarine was a great favorite of the administration's only last year, and the action that the Appropriations Committee has taken to retain it simply endorses the President's budget request to the Congress. The Appropriations Committee seriously considered terminating submarines 2 and 3, now in various stages of completion, but after considering all factors—including vociferous arguments in support of *Seawolf* by the administration last year—agreed that it is better to go forward.

Why is it better? What are the factors? They have been cited persuasively on this floor. First, we should be preserving the most advanced technologies in our submarine systems of the future because there would be fewer of them and the inventory of even those that we retain will be smaller. We will be retiring submarines at a faster rate in the future. The size of our force would drop from some 90 boats to 50. If we are to retain mastery under the seas with smaller numbers, it only makes sense to have the most advanced technology we have developed in those platforms, and second, the economics of defense are a major factor.

What are the economics? First, essentially we have already paid for the submarines, since the reality of their contracts means that the Government would pay about the same to terminate the boats as it would to go ahead and manufacture them. What makes more sense: To get something that we paid for or to get nothing for our money? Any housewife can answer that question. The question answers itself.

Second, the administration is pushing hard for the smaller follow-on Centurion submarine to be built toward the end of the century. We cannot build any kind of submarine—Centurions or otherwise—if we do not have a manufacturing ability to produce them. We cannot produce Centurions without a submarine building industry. So, are we to accept the proposition that when it comes time to build Centurions, we would then recreate Electric Boat? That is just plain nonsense. Hence, having already paid for the three *Seawolfs*, in essence, we should build them, because it will also keep our submarine manufacturing base alive for the future.

These are pretty elementary realities, Mr. President, and I think they are persuasive.

Or is the bill's SDI rescission enough to cause a veto?

The overreaching nature of the current SDI strategy is the biggest single extravagance in the defense budget. It is the ultimate in "pork." It is "pork" pie in the sky. It is a keep-well program for contractors, national laboratories, and other participants in this big cash cow. The program has been so spoiled that it is crying "poorman" after still getting $2.8 billion for next year. It is time to drive the laboratories and contractors off this dependency and ask them to start participating in producing value for our economy. They can do it if they try. They really can.

The military threats to the United States and its allies come increasingly from regional conflicts featuring short-range missiles like Scuds, and not ICBM's. This rescission bill would cut $1.3 billion from the strategic defense initiative. Funds would be rescinded from those elements of SDI that focus on some nebulous long-term threat and exotic technologies, including space-based interceptors like Brilliant Pebbles and the most abstract future-oriented research and development programs. We have left in place funds for theater missile defenses to protect our deployed forces and our allies from attack by short-range missiles such as the Scud. Funds to build the Limited Defense System at Grand Forks, ND, the first step in protecting the United States from limited ballistic missile attacks, also remain. Last year, in the fiscal year 1992 Department of Defense

authorization bill, we included the so-called Missile Defense Act provision, which sets out our policy on strategic defenses. The funding for SDI which we have preserved, $2.9 billion, fully funds that provision and is faithful to its policy and program thrust.

Current and future fiscal limits require that hard choices be made. With theater missile defense development and the Grand Forks system, we are meeting the existing military threat. At the same time, we must work to stem the proliferation of missile technology instead of simply seeking to counter it with expensive and grandiose concepts that rob the country of funds needed elsewhere. Over $22 billion can be saved between 1992 and 2005 if the programs outlined in the rescission bill are ended. Canceling the Brilliant Pebbles Program for orbiting space-based interceptors saves $9 billion or more. Similarly, cutting funding for what is euphemistically called innovative technologies saves some $2 billion, and ending funding for directed energy weapons research and development, the follow-on to Brilliant Pebbles, saves another $11 billion over the years. Additional smaller savings would result from the reduction in the management and support segment, estimated by the General Accounting Office to consume some 20 percent of all SDI funding between 1992 and 2005. This money can be better spent on programs that directly affect the economic health of the United States.

These are sane and sound savings that can and should be made in the SDI program. If it is waste that the White House wants cut, this committee has, therefore, cut obvious waste.

We have also eliminated other wasteful executive branch spending in this legislation—wasteful executive branch spending, I repeat. Is the President going to veto this bill and then tell the American people that he thinks every dollar spent on the following list is a dollar we ought to spend? Remember, these items now that I am about to name are executive branch projects. To use the President's word, "pork," these are executive branch "pork" projects.

Is the President going to endorse this type of spending?

For example, a study of the significance of holism as a scientific and cultural phenomenon in the German-speaking life and mind sciences between the two world wars.

Another example: A study of ways in which Protestant Pentecostalism and more traditional or Catholic forms of religion are involved in the creation of new cultural models of gender, family, and definitions of personhood in southern Italy.

Another example of executive waste: A study of economics of auction markets.

Another example: A study of how the Chinese search for jobs by conducting a survey of 2,000 employed males and females between the ages of 18 and 60 who have entered the labor force since 1949.

Another example of executive waste: A study to analyze the formation and evolution of political alliances in Soviet legislatures.

A study of the tendency of decisionmakers to incline their action toward some group norm.

A study of how people process irrelevant information.

A study of how various factors affect wages, employment and firm performance in France. Why does the executive branch want to spend money on that?

A study of how people's attitudes toward risk evolve by studying how they play certain games. Why does the executive branch want to spend money on that?

A study of how the nonconscious emotional state of someone affects the way they perceive others.

A study of how attitudes are expressed by other means than words, in particular facial expressions and voice quality.

A study of the possible relationship between the age of a firm and the relative salaries of its employees.

The American people did not hear any of these wasteful items mentioned when the President made his televised appearance before the American people in the East Room of the White House on March 20 when he excoriated the Congress for wasteful spending and got all of that applause. The speech was interrupted many times. He did not mention any of these items. Why? Because these are executive branch initiatives.

Another example of executive branch pork: a mathematical study into factors that affect the mating behavior and subsequent evolution of swordfish.

A study of transformations that occurred in the political economy of the Wanka societies as a result of imperial occupation—whatever that is.

An exotic example of executive branch pork: a comparison of the roles of intra and intersexual selection in the evolution of sex-limited mimicry of two swallowtail butterflies.

A study of song production in freely behaving birds of various species.

This piece of executive pork reminds me of Agesilaus when he was asked by a friend to go and listen to a fellow Spartan who had perfected mimicking the nightingale. Agesilaus said, "I don't have to listen to him, my friend. I have heard the nightingale itself."

I suggest that the administration might read Plutarch's "Lives" and concentrate on Agesilaus rather than spend the taxpayer's money for a study of song production in freely behaving birds of various species.

Yesterday, President Bush laid the blame for the recent riots and violence in Los Angeles at the feet of congressionally enacted programs. He and his advisers implied that as a branch of Government, Congress had failed to provide the funds necessary for low-income families to achieve home ownership in urban areas like Los Angeles. And that this alleged shortcoming was a key reason why conditions are not better in Los Angeles and other urban areas today.

I respectfully regret to inform my colleagues that the President's advisers have decided to play fast and loose with the truth—not only in assessing the record of this body, but more importantly, the conditions which exist today in South-Central Los Angeles.

One of the President's rescission requests which the committee rejected, was a request to rescind approximately $547,000,000 which was appropriated to construct public housing units in the most severely stressed areas of America's largest urban centers, including Los Angeles.

At a time when our economy is in distress, such projects are vitally needed. Further, each of these projects was approved by the Congress after careful consideration, and each of the projects meets the criteria of the Department of Housing and Urban Development's Community Development Block Grant Program. These criteria are: benefit low- and moderate-income communities; aid in the prevention or the elimination of slums and blight; or, meet other particularly urgent community development needs.

In addition, it is important to note that funding for assisting housing was reduced from $30.1 billion in fiscal year 1981 to $7.9 billion in fiscal year 1990, a 74-percent reduction. These reductions occurred at a time when need remained substantial. The housing and community development projects approved by the Congress help meet the significant shortfall in this area. Currently, there is a backlog of $30 billion of eligible housing and community development projects which have not been funded due to budgetary constraints. These housing moneys are vitally needed and they have been restored in this measure, as they should be.

Is the membership of this body prepared to vote against this bill and, therefore, endorse what amounts to insane inventory practices by the Department of Defense? Is the Senate prepared, and is the President, to explain why the Department of Defense should be allowed to continue to stack 50-year supplies of Maalox, hospital gowns, tires, and spare parts for weapons systems which have been discontinued, in rented warehouses all over this country at tremendous taxpayer expense? A vote against this measure endorses that waste because this measure rescinds $500 million in those inventory accounts. We must begin to stop this ridiculous, obscene piling up of items we do not need by the Defense Department.

A vote against this measure lets the Department of Defense off the hook. It says, "Go ahead, spend all you want, waste all you wish." This type of mindless inventory hoarding is abuse of the American tax dollar of the worst sort. This scandalous abuse was ferreted out by the Congress and the General Accounting Office, and the administration ought to join our efforts to stop it.

There are many Members on both sides of the aisle who view this bill as constructive. The American people have been led to believe that we are going to engage in a serious effort at cutting waste. Let us all stop now and think about the message we are sending if we cannot get together and rescind this modest amount of money. Let us think about what a vote against this measure will say to the people in terms of the waste we will be endorsing. Can't we all end the brinkmanship, the petty squabbling, the endless playing for political advantage, the irresponsible immaturity of each of us insisting on getting exactly his own way? Can't we deliver to the American people a responsible rescission package, and just once let it go at that? I implore Senators to support this compromise package. With a strong enough vote, the President will reconsider his veto threat. It would be wise for him to reconsider that veto threat anyway.

A vote against the committee substitute is a vote to continue the wasteful spending which will be eliminated in the committee substitute, and it will be a vote against reducing Federal spending by more than $8.2 billion. A veto by the President of the United States will amount to a vote against reducing the Federal budget by more than $8.2 billion.

The hand of compromise has been offered by this committee. We ignored the saber rattling from downtown and set dutifully about our task. We retained many of the President's requests. We have produced a balanced, thoughtful product that does the job the President told the American people we ought to do. President Bush will have a tough time explaining why this product is now not acceptable to him, and I hope he will not try.

I hope he will rethink this course of confrontation and choose to do the right thing. I hope that he will take a step to restore the confidence of the American people in their government's ability to function, even though it is a divided Government. If he does not take that course, if he vetoes this balanced, responsible bill, his reasons will be transparent to the American people. They will cynically conclude that they are simply watching more election year politics—and, sadly, they will be right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has 7 minutes remaining.

Mr. HATFIELD. Mr. President, I yield the remaining part of my time to the chairman of the committee, Senator BYRD.

Mr. BYRD. Mr. President, I thank my friend.

Mr. President, there are some Senators who say that the President's rescissions were not even considered by the Senate. Each and every one of the President's rescission requests was considered by the Appropriations Committee, by the various subcommittees. All of the President's requests are in the underlying bills reported from the committee. They are all there. The committee substitutes strike them out, insert in lieu thereof some of those same rescissions, and puts additional rescissions in.

So they were all considered. Not one of the President's rescission requests was ignored by the committee and subcommittees.

Then there are those Senators who say that they do not have an opportunity during floor action on appropriations bills to offer amendments to delete so-called wasteful items. Mr. President, every Senator, when an appropriations bill comes to the floor, has an opportunity to offer an amendment to strike whatever he wants to strike from that bill. We have a 2-day rule that requires that Senators have at least 2 days to study the committee report and the bill. That is ample time for Senators to find out what is in the bill. They can inquire of the Appropriations Committee staff what is in the bill. They have time to read the bill in 2 days. They have time to read the committee report. They can offer amendments to strike items from the bill if they deem them to be wasteful.

Where are those Senators? Are they sitting on their rights when appropriation bills are being debated in the Senate, and then crying because they did not utilize the opportunity to study the bills and to offer amendments? They say, well, things are put in at the conference. "We do not know what is in the conference report."

Mr. President, let it be known that in many instances the items that are inserted in conferences are requested by the administration downtown. Many times the conferences, which are made up of Republicans and Democrats in both Houses, consider requests by the administration, whether it is Democratic or Republican, and some of the items that are put in in conference are at the request of the administration itself.

Let it also be said that when the Senate amends House appropriations bills—and by custom the bills have to start in the House. That is not according to the Constitution, not with respect to appropriations bills but by custom. They start in the House. If the Senate amends those appropriations bills that come over from the House, which it almost always does, then many of those Senate amendments are taken back by the House conferees in disagreement to the House. And those same items in disagreement come back to this body. Yes, we do have to vote up or down on the conference report. But after that is done, if the conference report is not rejected, then the Senate votes on amendments in disagreement.

And any Senator who is worth his salt, who has been here long enough to read the rules—if he is too lazy to read the rules, there sits the Parliamentarian, and any Senator can go up and ask the Parliamentarian about the rules—any Senator can offer to amend the amendments in disagreement. And he can get at anything in that bill that he wants.

So I get a little bemused at all of this crying, wailing, weeping, and gnashing of teeth saying, "We do not have a chance," when these appropriations measures come back from conference. As to conference reports, amendments in disagreement will give any Senator an opportunity to offer any amendment that he wants to offer with respect to anything that is in that conference report.

Let us have done with all of this poppycock by those who say, "Well, these conference reports come back, and we do not have any opportunity to get at items." Those Senators who say that simply do not know what they are saying; they do not know what the rules are; they do not know what their rights are; and they ought to quit crying and complaining about it. They can have their votes.

Mr. President, I close by thanking all of the members of the Appropriations Committee, on both sides of the aisle. I am very proud of this Appropriations Committee. I am very proud of the way Senators work together on it. I am proud of the Republicans and the Democrats on that committee. We do not play party politics on that committee. We could do that, but we do not do that. I could not ask for better cooperation out of the Republican members of that committee than is given to me, generously, and given to all of us on the Democratic side by the Republicans of that committee. They are responsible members. They are responsible people. They understand what their duties are. We do not always disagree, but we disagree amicably. And whatever my Republican friends want in that committee by way of amendments, we all consider those amendments.

I thank the subcommittee chairmen. They have been responsible, and they have worked hard, and they have tried to rise to the needs of the moment, and to consider the President's requests.

I also thank, in closing, the staff people on both sides of the Appropriations Committee. We could not have better staff. We only have 82 staff members.

That is the whole kit and caboodle, for Democratic and Republican Senators. I again thank Senator HATFIELD, and I urge Senators to vote for the committee substitute.

Mr. MITCHELL. Mr. President, I support the rescission bill reported to the Senate by the Appropriations Committee. This bill would reduce the Federal budget deficit by $8.3 billion. The President's rescission proposals would reduce the deficit by a total of $7.9 billion, $425 million less than the bill we are considering today.

This bill recommends rescissions of $910 million in domestic accounts and $7.2 billion in defense accounts. The President proposes to make fewer reductions in each of these categories.

A major element of the President's rescission package is a reduction of funds for the *Seawolf* submarine program, while preserving funds for more costly defense programs such as the strategic defense initiative and the B–2 bomber program. The rescission bill we are considering takes a more informed and reasonable approach. It makes appropriate reductions in the *Seawolf* program to eliminate excess spending, and eliminates funds in SDI and the B–2 bomber programs that are not needed. Of these approaches, I prefer the one taken by the Appropriations Committee.

In his rescission announcement, the President hailed the *Seawolf* rescission and others as an attack on congressional pork-barrel projects. However, just 6 months earlier, members of the administration were appealing to Congress to provide funding for the *Seawolf* submarine. Much had changed in those 6 months, most notably the demise of the Soviet Union. But for the President to call funding for the *Seawolf* pork-barrel spending is inaccurate and disingenuous. First, he himself proposed and pushed for the spending he now proposes to cut; second, one could just as easily respond that the President's proposed high level of spending for SDI and the B–2 bomber is pork-barrel spending. This is a highly complex issue that involves U.S. national security and the future of our Nation's submarine-building capabilities.

The President hailed the fact that his *Seawolf* rescission would save $2.8 billion in fiscal years 1991–92 and $17 billion overall, making it a major component of his proposed $50 billion in DOD reductions through fiscal year 1997. However, the President failed to acknowledge or account for costs that will be incurred by the Federal Government to close down the *Seawolf* program or sustain our Nation's ability to build submarines in the future. It was only after the President's decision to rescind *Seawolf* funding that the Defense Department initiated a study of how it plans to sustain the submarine industrial base, a study that will not be completed until the summer. To propose such a rescission without understanding the consequences beforehand was clearly an irresponsible action by the President.

The *Seawolf* was designed to meet the threat posed by the most modern submarines of other nations. With the demise of the Soviet Union, some have argued that the *Seawolf*'s mission is now obsolete and it is therefore no longer needed. We must recognize, however, that other nations are enhancing their submarine capabilities. Today, over 400 submarines are being operated by 40 nations throughout the world, including Iran, China, and North Korea. In order to maintain U.S. technological superiority in submarine warfare and ensure continued protection of American naval operations and sea lanes, a more advanced submarine will be needed. The SSN–688 *Los Angeles* class submarine cannot accommodate the most modern technology, but the *Seawolf* can and will have three times the capabilities of the SSN–688.

According to the navy, termination of the *Seawolf* program after a single submarine is built would cost $1.9 billion. In addition, the Navy and General Dynamics' Electric Boat Division have already committed $1 billion for advance long-lead procurement of *Seawolf* components that cannot be recouped. With the termination of the *Seawolf* program, Electric Boat is expected to go out of business, which is likely to result in additional shutdown costs to the Federal Government estimated at between $½ billion to $1.5 billion. Therefore, at this point it may cost the Federal Government as much as $4.4 billion to build one *Seawolf* and terminate the program.

Alternatively, the Navy has stated that the incremental cost to build the second and third *Seawolf* submarines would be $2.9 billion. The Senate Appropriations Committee has proposed to rescind $565 million of this amount, which would have gone to advance procurement of later *Seawolf*s, nonessential training equipment, and related items. Therefore, the cost to finish the *Seawolf* after three ships would cost $2.3 billion. This would not require any new budget authority, while the costs to shut down Electric Boat would require new appropriations.

Whatever action is taken on the *Seawolf*, the United States will need to build submarines at some point in the future. For this to be possible, we must take into account the U.S. submarine industrial base and its future ability to provide the specialized skills and components required by the Navy for its submarines. Otherwise, it would take many years and considerable funding to revive this industrial base.

The *Seawolf* was intended to be the Navy's only submarine program between now and 1998, when the Centurion-class submarine is expected to begin production. With the *Seawolf* rescission, Electric Boat—the preeminent submarine builder in the United States—would be forced to close down.

Another important industrial base consideration is the ability of submarine subcontractors to remain in business with no submarine work available. Admiral DeMars, director of the Navy's Nuclear Propulsion Program, stated recently that this supplier base would erode very quickly without new submarine construction, and that it could not be revived easily.

Last month, Admiral DeMars testified before the Armed Services Committee that in order to meet the Navy's submarine needs and preserve the submarine industrial base, he would recommend preserving funding for the second and third *Seawolf* submarines. Former Chief of Naval Operations Carlisle Trost agreed that construction of the second and third *Seawolf* submarines should proceed.

The alternatives to continued *Seawolf* production proposed thus far would be costly and would not capitalize on the most advanced submarine technology. Only a complete analysis of our Nation's future submarine needs will allow us to make the appropriate decision on this matter. The President's decision to rescind *Seawolf* funding was made without the benefit of such an analysis. I look forward to reviewing the Defense Department's report on this issue, and will work to ensure that our Nation's national security needs are adequately met.

Among the defense reductions proposed by this rescission bill, the most notable are those in the SDI and B–2 bomber programs. The bill rescinds $1.3 billion in unobligated fiscal year 1992 funds from the SDI program. This rescission would reduce SDI accounts for space-based interceptors—such as Brilliant Pebbles—and other follow-on systems. Funding for the limited defense system and theater missile defenses called for by the Missile Defense Act of 1991 would not be affected by this rescission.

The 1991 Missile Defense Act requires emphasis on limited, near-term, ground-based defenses and theater missile defense systems. While funds were provided in fiscal year 1992 for research on space-based interceptors and other follow-on systems, these efforts were secondary to the goal of a limited defense system. Also, at this time their deployment would violate the 1972 Antiballistic Missile [ABM] Treaty. Regardless, the President continues to direct enormous amounts of money into these follow-on systems.

The SDI rescission proposed in this bill makes prudent reductions to the SDI program. It allows for continued research on space-based and other follow-on systems, but clearly acknowledges the priority of limited and theater defense systems.

The bill also rescinds $1 billion from the B–2 program. Congress appropriated these funds in fiscal year 1992 for procurement of one B–2 bomber, but prohibited their obligation until DOD certified that certain performance milestones and low-observability requirements had been met, and Congress enacted new legislation authorizing procurement of a new B–2 bomber.

The Defense Department will not be able to fulfill the above requirements in fiscal year 1992. Under the law, new B–2 procurement would therefore not be possible in fiscal year 1992. Thus, funding provided for this purpose is unnecessary. The President failed to recognize this reality and did not propose any rescission in the B–2 bomber program.

Mr. President, from both a fiscal and programmatic standpoint, the rescission bill we are considering today is highly preferable to the rescissions proposed by the President. It provides for greater deficit reduction than the President's proposals, and cuts spending for certain programs that do not require the level of funding previously appropriated. I urge my colleagues to support this rescission bill.

Mr. HEFLIN. Mr. President, I rise in opposition to the Rescission package. It appears that because the administration's rescission totaled $7 billion, some felt our bill should also total $7 billion, lest we appear to favor smaller cuts. Therefore when the *Seawolf* was taken off the rescission, SDI and the B–2 were added. Had it been up to me, I too would have removed the *Seawolf* from the list. I would not however have cut other vital, necessary programs just to have a total equal to the President's. I want to cut defense as much as any other Senator, but I will not sacrifice our national security for the sake of appearances.

SDI SPENDING

Our spending on the strategic defense initiative can certainly be justified, now more than ever before. I don't know if all my colleagues are aware of it, but the Russians have announced that they will sell SS–19 missile boosters on the open market. The Russians claim this booster is excellent for launching satellites, but they actually designed it to launch nuclear warheads at the United States. There is no more need to worry about Third World nations developing their own ballistic missiles, now they can simply buy the very best long range ICBMs from the Russians. They can purchase these missiles and arm them with nuclear warheads designed by hired Russian engineers, using stolen fissionable materials. They may in the not too distant future be able to buy outright complete nuclear warheads.

Certainly there has never been a clearer, stronger case for the deployment of strategic defenses. SDI was the only program the President spoke in support of in his State of the Union Address, and I believe his priorities could not be better placed. While I understand and share the committee's concern over the direction of the program and the large amount of money being spent on space-based assets, I feel we should address this with more restrictive language, not a funding cut.

B–2 SPENDING

Though many stand ready to debate it, the B–2 bomber will play a central role in the conflicts of the future. The B–52 was designed to fight a nuclear war, but it has proved its worth for conventional mission many times. Similarly, the B–2 was designed for a nuclear war, but is likely to become the most capable conventional bomber ever built. The B–2 was designed to penetrate airspace protected by Soviet radar and hit targets that could not be effectively targeted by stand-off missiles. If it would have been available during the Persian Gulf war, we would have used it to penetrate airspace protected by Soviet radar and hit targets our standoff missiles could not. The B–2's mission has not changed, only now it will carry the smart weapons that proved so devastating during the gulf war rather than nuclear weapons. As for cost, B–2's are approximately $300 million at the margin cost, which compares quite favorably with $2 billion for a *Seawolf*.

Some would have the American people believe that defense spending is not a necessity, but a luxury. They seem to believe that the only time we should spend money on defense is when we are at war, during peacetime such spending is low priority. I agree the world does appear to be a safer place now. The Soviet Union has fallen, and the United States is not involved in any of the 36 wars currently being fought around the world.

But Mr. President, we have an obligation to tell the American people the truth. Defense spending is not a luxury, it is an insurance policy and every dollar we spend today will save lives in the future. Perhaps Congress has received the mistaken impression that the American people are against Government spending, when the truth is that they only insist that we spend their tax dollars wisely.

Mr. President, I feel funds for the strategic defense initiative and the B–2 bomber are wisely spent, and I therefore encourage my colleagues to vote against this rescission.

Thank you, Mr. President.

Mr. SEYMOUR. Mr. President, I am greatly concerned the rescission package now before the Senate contains a rescission of $5 million from the Pesticide Data Program. The specific language rescinds $2 million from the National Agricultural Statistics Service and $3 million from the Agricultural Marketing Service.

Mr. President, in the short time I have been in the U.S. Senate, I have sought to reduce Federal spending, and I will continue to do so, however, I strongly oppose the proposed rescission of the Pesticide Data Program.

The proposed rescission jeopardizes a program which provides USDA, the Environmental Protection Agency, and the Food and Drug Administration with scientific data regarding pesticide use and residues. These data are instrumental in making critical decisions regarding the safety of our food. It is unconscionable Congress would cut a program that provides this service for the American people.

This administration is committed to ensuring the safety of our Nation's food supply. The Pesticide Data Program, which compliments the President's 1989 Food Safety Initiative, was designed to meet the actual pesticide data requirements for risk assessment activities of the EPA for reregistration and special reviews of pesticides. USDA and EPA anticipate that this program will provide the data necessary to determine the safety of food.

The committee report notes this rescission is in response to concerns raised by the General Accounting Office [GAO] about the Pesticide Data Program regarding the coordination of data with other Federal agencies and the reliability of the data. In January, GAO released a report "Food Safety; USDA Data Program Not Supporting Critical Pesticide Decisions." USDA maintains this report was so premature that its overall value is highly questionable. In fact, the report was initiated 2 months before USDA received appropriations for the program. USDA maintains the report is "replete with inaccuracies, incorrectly assessed data requirements, and misrepresentations of the intent of the program."

The Senate's proposal to rescind $5 million from this program, if adopted, would immediately stop all activities associated with the National Agricultural Statistical Service Pesticide Data Program. This would include production of the report "Chemical Usage on Fruit and Nut Crops" scheduled for release on June 25, 1992. This survey, which included interviews with over 10,500 fruits and nut producers, is currently in the final edit stages.

The availability of pesticide use data affects not only USDA programs, but also the success of other agencies' programs, including: the Environmental Protection Agency's pesticide risk and benefit assessment, endangered species, and water programs; U.S. Geological Survey ground and surface water quality programs, and the National Oceanic and Atmospheric Association's coastal zone management program.

Many States that have pesticide residue monitoring programs have been forced to reduce their operations due to fiscal cutbacks at the State level. The Pesticide Data Program has been used by many of these States to effectively

supplement their monitoring capabilities will be curtailed.

In California, the proposed rescission would eliminate 11 professional scientists from California's Department of Food and Agriculture and prevent the analysis of approximately 7,000 agricultural samples. This rescission also threatens California's agricultural exports, which last year amounted to almost $4 billion.

As long as there are gaps in our nation's pesticide data base, incidents such as the Alar apple scare could occur again. The millions of dollars spent on incidents such as this could have been better spent on efforts for all agricultural commodities, thus better serving the general public.

Mr. President, the Pesticide Data Program benefits American consumers. This rescission will suspend the program and jeopardize our ability to continue to make accurate and reliable decisions regarding the safety of our Nation's food supply.

RED RIVER CHLORIDE CONTROL PROJECT

Mr. BENTSEN. Mr. President, I shall vote for the committee's report on the rescission bill. I do differ with the bill, however, where the committee recommended approval of the President's rescission request in the amount of $3 million for the Red River chloride control project in Texas and Oklahoma. In the President's own rescission recommendation, he recognizes the project has a laudable goal of reducing the salts, but yet he cannot agree to fund the project—a project that was agreed to by the Federal Government and the States of Texas and Oklahoma more than 30 years ago.

Mr. President, the committee report even points out how significant the control of chloride pollution would be with this project. The water quality in some areas would improve from poor quality 78 percent of the time to good quality 98 percent of the time. The agreement is that the States would eliminate any man-made sources of salt pollution in the Red River Basin and the Federal Government would deal with naturally occurring pollution. Texas and Oklahoma have so far spent over $100 million to reduce the amount of salt in the Red River, and I believe we should keep our end of the agreement. In 1986, I fought to keep funding for the removal of naturally occurring salts 100 percent federally funded and it should remain that way.

Mr. President, I hope that during conference consideration, the Senate will fund this project and keep it on track. Completion of this project is essential to the economic well being of the region, and the benefits to the area are long overdue.

Mr. SIMPSON. Mr. President, I rise to declare my opposition to the pending legislation as it is currently written, and to state my disappointment that we were unable to amend this legislation to eliminate, among other items, funding for the *Seawolf* submarine.

Mr. President, the administration has sent to us four packages of rescission requests for our consideration, totaling $7.9 billion in proposed cuts. These requested rescissions represent an attempt to get unnecessary Government spending somewhat under control. They would not complete that arduous and eternal task, but they would be a start at least—eliminating some programs of the type which, either because they are unauthorized, not competitively selected, or they simply do not meet a pressing national priority, are so often cited by frustrated taxpayers as examples of our lack of fiscal discipline.

It has often been said on this floor that this President refuses to cut the defense budget down to a size commensurate with the ending of the cold war. I ask my colleagues to note that, of the $7.9 billion in spending the President proposes to eliminate, over $7 billion of that is in defense. One of the items cut would have been the *Seawolf* submarine.

Mr. President, the *Seawolf* submarine is certainly a technologically advanced, remarkable system which is the result of the dedicated efforts of many skilled Americans. But it is a cold war submarine, which the Chairman of the Joint Chiefs believes no longer represents a significant national security priority.

The rescission package before us would restore the funding for this submarine, making instead cuts in the strategic defense initiative, the B–2 bomber, and other cuts known to be unpalatable to the administration. These are programs which not only have the support of the administration, but also in recent votes, the support of the majority of this Senate. To substitute these cuts for the elimination of the *Seawolf* and other programs serves only to discourage future attempts to pursue rescissions of wasteful or unnecessary spending.

Yesterday I supported an effort to amend this legislation to put at least some of these defense cuts back in the form requested by the administration, eliminating programs which are no longer deemed by our defense experts as being of significant use.

Because we have been unable to put this rescission package back into a form which can become law, and thus enact real cuts, I will oppose this rescission package and urge my colleagues to do the same. I would also hope that, should the bill pass, that the views of the House on the *Seawolf* issue would prevail in conference.

I do hope that the rescissions proposed by the administration, and advanced yesterday by my able friend, the Senator from Arizona, JOHN MCCAIN, can still be passed into law. I understand fully that there is no requirement for Congress to simply enact the President's proposals in the exact form that they were received. Certainly it is proper for the Appropriations Committee to consider these and to modify them as they deem appropriate. But this particular language is, as we know, unacceptable to the administration and cannot become law, on the other hand, I do believe that a package could still be passed that a majority of the Senate could support, as could the administration. We ought to yet turn this bill into something we know will be signed into law, and put the resultant savings back in the Treasury. I hope we can do that and I yield the door.

Mr. GORTON. Mr. President, when President Bush indicated that he would submit to Congress a list of appropriations items to be rescinded, I fully supported his efforts. Though I knew that funding for some items beneficial to the State of Washington benefits might be cut, my support was unwavering. I firmly believe that for the greater good of the country, the deficit must be brought under control. And that means that spending must be reduced.

I spoke with several of my constituents about the rescission plan, even some whose items were targeted to be cut. Among those who were directly affected was Mr. Harvey Beck, a mink rancher from Granite Falls, WA. Mr. Beck was facing a cut of $46,000 to a program studying the use of squawfish, a predator of the endangered Red Fish Lake Sockeye salmon, as feed for mink. Though mink ranchers across Washington would benefit from this program, Mr. Beck supported my position and encouraged me to reduce the deficit. I appreciate Mr. Beck's support.

That is not to say that Mr. Beck's project is unimportant. It is, and so are the two other Washington State agricultural items included in the President's rescission package, cool season legume research and small fruit research. I support these research programs and believe that Congress was correct to fund them.

Fortunately, none of these programs were included in the rescission package introduced by the Appropriations Committee. In spite of this, I am voting against the rescission package of the Appropriations Committee. It is a purely political attempt to further a Democratic agenda not geared at lowering the deficit. One agricultural item cited for cuts illustrates this particularly well, the USDA Pesticide Data Program [PDP]. A total of $5 million is directly and indirectly being taken from this important program.

The Pesticide Data Program was initiated to collect actual pesticide residue data on fresh fruits and vegetables. This data is then used to form the basis for conducting realistic risk assess-

ments and setting pesticide tolerances. In addition, the program assists the Environmental Protection Agency in addressing pesticide reregistration issues and removing troublesome pesticides from the market in a timely and effective manner. In the end, both farmers and consumers benefit.

The cuts in this program will be felt in Washington State well beyond the $600,000 that went directly to State agricultural research labs. Washington State farmers, as well as those across the nation, will feel the effects of this rescission. The deadline for reregistering pesticides manufactured prior to 1984 is 1997. Many of the pesticides requiring reregistration are vital to production. Yet, without funding for this program, much of the data necessary for reregistration will not be collected, and those pesticides will be lost. The results could be devastating to farm communities everywhere.

Despite the importance of this program to the farmer and consumer, it is targeted for cuts. There is no practical benefit to curtailing this program, only minor political gains at the expense of many. I strongly oppose the inclusion of this item in the rescission package.

Mr. LOTT. Mr. President, in a few moments, we will resume debate on the rescission bill for fiscal year 1992 and, frankly, I think that is good news. Anytime you have the President suggesting there are programs that we do not need to fund, or maybe have outlived their usefulness, or perhaps programs that should never have been funded in the first place, I think that is good.

I commend the President for sending a rescission bill to the Congress, and I urge my colleagues in the House and the Senate to find a way to pass a rescission bill that the President can sign.

I also think it is important that we commend the Appropriations Committee members for the efforts that they have made. I do not agree with all of it. But we will never get 435 House Members and 100 Senators and the President of the United States to agree on every detail. At least, they made an effort.

Unfortunately, I think in the case of the Senate Appropriations Committee proposal, they took out some rescissions that clearly should have been left in, programs that we do not need. We voted yesterday to put several of them back in. That failed. Why, I am not quite sure.

Also, the priorities within the defense category that the committee came up with are wrong. But I want to emphasize again, I think this effort is good. When was the last time we heard the Senate really talking about trying to make a few cuts, a few rescissions? If we learn anything from this exercise, let's understand that the world does not end if we try to cut old, unneeded programs.

We are talking about a very few billion dollars and a Government that is $4 trillion in debt. So when you talk about rescissions that would save us $7, $8 or $9 billion, it is small potatoes, but it is a beginning. And for the Senate, I think it is a small step in the right direction. So I want to begin by being positive in saying that this is a good process, and I am glad we are going through with it.

Beyond that, I am very much worried about what we are doing. I think, again, that we are involved in playing games, if you will. We wonder why the American people have a low regard for Congress. In March, a Gallup Poll of congressional job approval found that 78 percent of Americans disapprove of the job Congress is doing. Why is that? A lot of reasons.

There is always going to be friction between the executive and the legislative branch. That is as it should be. But I think it is also because of the gamesmanship, the brinksmanship that we have been engaged in all year long.

We had campaign finance reform last week. It was a farce. It was a joke. The President is not going to sign it. There was no real effort to make it bipartisan. We need campaign finance reform. That bill was not really campaign finance reform. It was a bill that was totally partisan and is a bill the President is not going to sign. But yet, we insisted on going forward, shoving it down and saying: Go ahead, Mr. President; veto it.

Earlier this year, we had a bill that started out to be a tax growth incentive for the economy, but ended up a spending bill. The President said: Do not send it up here; I will veto it. The Congress had their way. We sent it to him and he did veto it.

What are we accomplishing? The process is not working; it is broken. It is gamesmanship; brinksmanship. Why? Here we go again. The argument is the President had his Rose Garden announcement about the rescissions, and we will teach him a lesson. We are going to send him a bill he will not sign. If I were the President, I would send it back down here over and over again, saying: Congress, until you get this right, I am going to keep sending it back. It is a matter of priorities, and we can disagree, but we need to find some ways to agree.

This bill is headed for a veto. It is not necessary. We are doing the right thing talking about rescissions, but we are getting the priorities wrong.

For instance, as a member of the Armed Services Committee, I am worried about a rescission package. In the categories of operation and maintenance, the Senate package significantly increases the cuts over what the President asked for, or even what the House has in its package. And in several instances, it is double or triple. It goes from $92 million, in the case of what the President asked for the Army; the Senate package is $190 million in cuts. It goes right down every branch: Navy, Army—the Marines are not included—the Air Force. So we are cutting more in operation and maintenance, the one place we should not be cutting.

Conversely, the committee reduced the number of cuts in procurement. This is a place where clearly priorities do make a difference. The debate yesterday on the *Seawolf* submarine was: Look, we understand industrial base problems. We understand there are jobs at stake. But the question is, what do we need in view of the threat? Where is the threat that would cause us to need more very large, heavily laden submarines? I do not think it is there.

Is there a threat, though, that would cause us to have a need, perhaps, for the long-range, manned B–2 bomber? I could suggest several points around the world where we might need that.

Do we need to go forward with the strategic defense initiative? When you look at some of the people around the world who are working on developing a nuclear capability, who are seeking to acquire multiwarhead nuclear missiles, and where they would be fired from and to, we begin to say: Strategic defenses make good sense.

But what does this package do? It takes another B–2 bomber out; it takes a lot of money out of SDI and puts it over in not one, not two, but a third *Seawolf* submarine. I do not understand the judgment there.

Last year, we will remember in the armed services authorization bill and in the appropriations bill, we labored mightily over the numbers and the compromise that produced the numbers of aircraft and the money for the B–2 bomber. We also had protracted, good debate on the strategic defense initiative.

We came to an agreement between the Members of this body, the House and the Senate, and the administration on a very carefully, well-thought-out, well-crafted package that was developed with the efforts of the chairman of the Armed Services Committee, the chairman of the Defense Appropriations Subcommittee, and so on down the line; very carefully crafted.

We came to a conclusion, which I think is what we need to do, and yet because of what we are going through with the rescissions, we are going to change that. We are going to change that formula on the B–2 and change it on SDI, and we are going to move it all over in the *Seawolf* submarine.

Mr. President, I think we have our priorities tangled up. I hope that the Senate will not go forward with this package, but if it should pass the Senate, I urge the conferees to correct the errors that have been made in this package. Perhaps the House and Senate conferees can develop a package that

will be good for the country, that will cut spending some, that the President can sign, and we can stop the brinksmanship and the gamesmanship. The American people would like it. They do not understand when we say we cannot get together, Republicans, Democrats, Congress, and the President. They say, "Forget all of that. Find a way to do what is necessary to cut Federal spending. Find a way to do what is necessary in a bipartisan way, working congressionally and in the executive branch to deal with problems like health care. Stop this stuff and do your job."

Do you know who will be rewarded? We will, if we find a way to work together and do the responsible thing. That is the best politics, to do the right thing in cutting spending.

Yesterday was the National Taxpayer Freedom Day. Is that not interesting? You have to pay taxes up to that point to pay what you owe Uncle Sam. Let us give the people a bonus this year. Let us come up with a rescission that can save some money we do not need to spend. Let us not play games with this. Let us either change this package, beat this package, correct it in the conference, but in the end let us do something that will save money, that the President can sign. That is the right thing to do.

I thank the Chair.

Mr. WIRTH. Mr. President, before we finish debate on this bill, I want to discuss briefly an issue that apparently will have to be resolved in the House-Senate conference on this legislation. The House Appropriations Committee has included in the bill it has reported a provision that will have the effect of extending noncompetitively a major health contract of the Department of Defense. The contract, generally referred to as the CHAMPUS Reform Initiative Contract, is a multibillion-dollar demonstration program for managed health care services for CHAMPUS beneficiaries. The contract is scheduled to terminate in July 1993.

For some time now, the current contractor has been seeking a legislated extension of the contract. Any such extension of course would preclude competitive bidding, thus denying various competitors the opportunity to bid on a replacement contract and denying the public the cost savings that normally accompany competition in contracting. The contractor has found a receptive audience in the House Appropriations Committee, which last year was able to include in the Department of Defense Appropriations Act a specific noncompetitive extension. That extension was ultimately defeated only because: First, the Defense Authorization Act included contradictory language; second, the President signed the Authorization Act after the Appropriations Act; and third, the GAO determined that in such circumstances the authorization language must be considered controlling.

The issue has now been presented again in the context of the current rescission legislation. Since there is no accompanying authorization measure before Congress at this time, however, the advocates of a noncompetitive extension find themselves in a stronger position procedurally. Those advocates are sponsoring a provision that while not explicitly extending the contract would have the effect of doing so. The provision would withdraw funding for the bidding process to replace the current contract until a study of the Department's proposed new contract can be completed. The study must be detailed, it must be performed by an independent organization not yet designated, it must compare the costs and benefits of all the currently competing managed health care approaches being tested by the Department, and it must address the issues of beneficiary satisfaction, access to care, patient convenience, local versus regional control, and positive versus negative incentives. Bidding cannot resume until all of these issues have been resolved, presumably a very long time from now during which the current contract necessarily will have to be extended noncompetitively.

The provision has emerged from the House Appropriations Committee and undoubtedly will be included in the rescission bill that passes the House. Unless the Senate conferees are able to reject the provision in conference, a serious injustice will result. The current contractor will benefit, but only at the expense of the general public and general principles favoring competitive bidding.

I take this opportunity, therefore, to urge the Senators who will be conferees on this bill to reject the House provision in the strongest possible terms. Legislation of this sort not only harms taxpayers and health insurance beneficiaries, it demeans the system. The Congress simply ought not to countenance such measures no matter how strongly—or frequently—they are advocated. I am convinced that last year's outcome was the right one. It should be reaffirmed.

Mr. SHELBY. Mr. President, I find this exercise that the Senate is going through today extremely frustrating. we are being asked to decide between cuts to appropriations enacted into law for fiscal year 1992—rescissions of $7.83 billion submitted to Congress by the President on March 10, and 20, April 8, and 9 or alternatives cuts of $8.27 billion proposed by the Appropriations Committee.

In the case of the President's rescission package, it has been proposed as cuts to programs that Congress added on to fiscal year 1992 appropriations that the administration has deemed unnecessary. The vast majority of the rescission package, $7.14 billion, is in defense programs. The most controversial rescission is the President's request to delete $2.76 billion in past appropriations for the *Seawolf* attack submarine. This rescission was not a congressional add-on, but funds that had been requested by the administration and supported by Congress. There is also a cut of $1.5 billion in National Guard and Reserve equipment requested by the administration.

Reacting to what I believe to be a blatant political maneuver by the President, the Appropriations Committee has reported out a political package of its own. Instead of congressional add-ons and the *Seawolf*, the substitute amendment offered by the distinguished chairman of the Appropriations Committee contains a number of programs for rescission that are important to the administration including $1.3 billion for the strategic defense initiative, $1 billion for the B–2 bomber, $131 million for the National Aerospace Plane, $49 million for the Asat Program and $47.5 million for the advance launch system.

Mr. President, what we have before this body is dueling rescissions.

More importantly, why are we debating a package or packages of cuts more than half-way through fiscal year 1992? I thought that this process had already occurred. Did we not debate these issues last year? The Senate and the entire Congress voted on these programs. We voted to support the $4.15 billion in SDI. We voted to support the *Seawolf*. We voted to include funding for NASP and Asat and ALS. And the President signed the Defense appropriations bill for fiscal year 1992 into law.

I am especially worried about what a $1.3 billion cut will do to the SDI Program. Last year, under the leadership of Chairman of the Senate Armed Services Committee and its ranking member, we hammered-out a bipartisan consensus on the direction of the SDI Program. The Missile Defense Act of 1991 called for the initial deployment of an ABM Treaty compliant, antiballistic missile defense at Grand Forks, ND. It placed considerable emphasis on the near-term fielding of theater missile defenses and urged the President to pursue immediate discussions with the then Soviet Union on negotiating changes to the ABM Treaty. Additionally, we determined that space-based interceptors would not be included in the initial plan for the limited defense architecture.

Mr. President, I read with interest the provision in committee report accompanying S. 2403 dealing with the $1.3 billion cut in SDI. The report reads, and I quote, "* * * The recommendation retains full funding for the limited defense system programs and theater missile defense programs contemplated in the Missile Defense Act of 1991." The reports continues,

stating, "* * * The Committee retains sufficient funds to support the limited defense system and theater missile defense programs and would rescind funds which emphasize the space defenses and other follow-on systems efforts."

While this report language sounds as if funds have been earmarked for programs emphasized in the Missile Defense Act of 1991, S. 2403 is silent on this issue. The bill simply rescinds $1.3 billion from the strategic defense initiative.

I have spoken with the chairman of the Defense Subcommittee and he has assured me that in conference with the House of Representatives it is his intention to write language specifically ensuring that funds intended for the theater missile and limited defense system elements of the strategic defense initiative are protected. I thank the chairman for his efforts.

Mr. President, despite these assurances I cannot vote for legislation that cuts $1.3 billion from the strategic defense initiative. A cut of this magnitude, should it become law, could destroy all the good work that was accomplished last year. I find this committee amendment to be an unsatisfactory response to an unsound initiative by the administration. I urge my colleagues to reject this amendment.

Mr. DURENBERGER. Mr. President, I rise to oppose this appropriations rescission bill. While I believe the President, in good faith, selected 224 projects for rescission, the Appropriations Committee has substituted its judgment for that of the President, and has made inappropriate selections.

In particular, the President proposed over $7 billion in defense rescissions based on Defense Department analyses of programs that are no longer needed in the post-cold war era. The bulk of the President's cuts came in the *Seawolf* submarine, M–1 tank conversion and F–14 aircraft modifications. These decisions were made after a careful analysis of the Nation's security needs in this era.

By contrast, the Appropriations Committee has rejected many of these defense cuts and instead has substituted funding for projects that are no longer necessary. In particular, the Appropriations Committee has determined that funding should continue for the *Seawolf* submarine.

Mr. President, what is the threat that the *Seawolf* is intended to counter? The submarine modernization program of the former Soviet Union? There is no such program. Quite the contrary. The governments of the former Soviet Union have committed to reducing their submarine force and do not have the resources to decommission nuclear submarines, no less build new advanced versions. The *Seawolf* is simply a jobs program for Connecticut, not a project that is needed to enhance our Nation's security.

Moreover, the Appropriations Committee approved only $12 million of the $737 million in domestic program reductions proposed by the President and substituted what the administration has labeled a gimmick. What the Appropriations Committee has done is to rescind $742 million of section 8 subsidized housing certificate amendments. But this does not result in any decrease in Federal spending. Instead, the rescission would only increase the unfunded liabilities for these long-term subsidies.

Mr. President, we ought to stop playing fiscal politics with the American people. We should have adopted the President's rescission package for it contained cuts that were rational, not political.

Mr. ROTH. Mr. President, I rise to express opposition to the committee substitute and express support for the underlying bill incorporating the president's rescissions. I support the domestic and international rescissions in both packages, but feel constrained to vote against the committee substitute because of its failure to rescind one of the biggest port-barrel projects in our history. Is it not ironic that as the Senate considers this rescission package, it maintains spending for unnecessary, wasteful projects. Yesterday the Senate defeated the McCain-Roth amendment to incorporate the rescission of the *Seawolf* submarine into the committee substitute. Because of this, I will vote against the committee package—it simply fails to go far enough.

As one who consistently votes "no" on spending bills which pass this Chamber with 90 and 95 vote majorities, I was cheered by the President's decision to send a package of rescissions to the Congress. Unfortunately, the committee substitute is vastly different than the rescissions the President proposed.

I support every rescission the President proposed and every domestic and international rescission contained in the committee substitute. But by failing to incorporate the *Seawolf* into the package, the Senate continues to fund unnecessary and wasteful items—in this case—$3 billion worth of wasteful spending. This substitute, as it now stands before the Senate, simply protects too many pork barrel programs. The committee substitute misses an important opportunity to save money that the President and Secretary of Defense defined, programs where cuts could be made without harming our ability to respond to threats that may emerge in the post-cold war era.

Simply put, the administration presented the Congress with a list of programs that are no longer necessary in light of the rapid disintegration of the Soviet Union. These programs had been approved by the Senate prior to the failed coup attempt and the dissolution of the Soviet Union.

Last September, when the Senate debated the fiscal year 1992 Defense appropriations bill, I was 1 of only 10 members of this body who recognized that the *Seawolf* submarine was no longer needed. I joined with Senator MCCAIN in calling for its termination then, as I did yesterday.

Last fall, I also supported termination of the B–2 bomber. However, when the appropriation and authorization conferees reported to the Congress, I found that three B–2 bombers had been deleted, but not the $2.5 billion that should have been saved. Now the Senate appears to have found the missing B–2 savings and a use for that money—to maintain projects established during the cold war that are no longer necessary. Mr. President, we must get rid of the weapon systems that are no longer needed—not turn them into pork barrels that put our Nation deeper in debt.

We must give credit to the President for recognizing the end of the cold war and criticize the Senate for failing to make a similar recognition. Today, the Senate has voted to restore funding for cold war programs that clearly have no value for our national security.

The budget deficit is expected to exceed $350 billion this year. The 1990 budget agreement was supposed to get the deficit under control once and for all. I voted against that agreement because I believed it would hurt the economy and do nothing to limit Government spending. Unfortunately, that assessment has turned out to be all too true.

I completely support the domestic and international rescission in the committee substitute and the President's package. I support rescissions of $9.2 million in the Economic Development Administration, $6 million in the Bureau of Indian Affairs, $15 million in study evaluations by the Public Health Service, $8 million in unused administrative funds of the Health Care Financing Administration, and $1 million in the Bureau of Mines.

I could go on to list all of the domestic and international rescissions proposed by both the President and the Committee, and I support them all. Unfortunately, this bill is being held hostage for unnecessary and wasteful defense programs, and I refuse to lend my support. I just hope the conference committee on this bill comes back with a more sensible approach, and we can rescind all of these unnecessary programs in one batch.

We have been engaged in a sham here in recent years as the Congress has justified real tax increases with promises of spending control. The taxes are enacted but the spending is never controlled. The President's rescission package was a strong attempt to get at more than $7 billion in wasteful, unnecessary spending. I support the President's package. But I cannot support the committee substitute.

Mr. DOLE. Mr. President, in an effort to reduce wasteful spending, the administration has sent to Congress 224 proposed rescissions totaling $7.8 billion. The President's list was not meant to be political. It contained items supported by both Democrats and Republicans. There were even a number of items that had been proposed by the senior Senator from Kansas.

I do not believe the President expected his entire package, or even a large portion of his package, would be approved by Congress. But the one thing he did expect was that Congress would give each item on his list a serious second look.

Well, after reviewing this bill and watching the floor debate, I do not think Congress has given the President's rescission proposals fair and adequate consideration. Out of the President's $737 million proposed domestic reductions, the Appropriations Committee only approved $12 million in cuts.

While I have not had the chance to review the President's proposed rescissions line by line, it is difficult for me to believe that less than 2 percent of the President's domestic reductions were worthwhile.

While the Appropriations Committee may claim the difference has been more than made up by a $743 million rescission of section 8 certificate amendments, this rescission will not decrease Federal spending—It is a gimmick that merely postpones spending 1 and 2 years into the future. That is not exactly what the President had in mind when he sent up his list of budget cuts in March.

Instead of bickering over gimmicks, this debate should have been about facing up to the tough choices. If we are going to cut the defense budget—if the world is changed and the threat is diminished—and if we are going to build down our forces—then something has to give.

The key question is whether we in the Congress can make the tough choices based upon legitimate national security needs or whether the only thing that matters is what State is involved. It is getting to the point that we in the Congress are choosing up sides and picking Democrat and Republican weapons systems. Make no mistake. The debate over these rescissions is about politics. And I must confess that the irony is a little hard to ignore.

Some are just now discovering what defense cuts really mean. Yes, lower defense spending will cost jobs. Defense cuts will cost us technology, and lower defense spending will cut into our industrial base. If we are going to have fewer ships, then we need fewer shipyards. If our Army is going to be smaller, then fewer bases are necessary. Fewer procurement dollars means that some industries will lose markets or even go out of business. Anyone who did not understand this before now just was not paying attention.

It is easy to criticize President Bush for not cutting defense fast enough. And it is easy to express outrage when tighter defense dollars force cancellation of major weapons systems, submarines, or base closings. But this kind of political gamesmanship does not take the place of the tough choices necessary to maintain our security—especially at lower spending levels.

I realize I am walking a difficult line here. No one, including myself, wants to see their appropriations projects or home State defense industries eliminated. But, I believe in fair play, and fair play is not what we have here.

Instead of a serious attempt to cut the budget, we have a political poison pill, laced with lethal cuts in the strategic defense initiative, the B–2 bomber program, and dangerous budget gimmickry. If the Senate's goal has been to give the President the royal brush off, we have succeeded and succeeded well. But in our attempt to one up the President, we have once again given up another opportunity to make serious cuts in the deficit. Is it any wonder the public is growing increasingly cynical about Congress' ability to move beyond politics and get something accomplished?

Mr. KASTEN. Mr. President, I rise today to oppose this rescission bill. I am not opposed to cutting wasteful spending, but I do oppose making cuts in critical strategic programs and other defense-related programs.

I strongly object to the rescissions of $1.3 billion for the strategic defense initiative, and $1 billion for the B–2. Last year on the floor of the Senate, we debated for long hours the merits and demerits of funding these to important defense programs. We reached a consensus, and decided to proceed with both SDI and the B–2. We made that decision based upon a rational judgment of our national security priorities.

However, this bill virtually cuts both systems by 50 percent contradicting our considered judgment we made when we voted last fall. This cut is totally unacceptable and incompatible with our defense needs. Yet, if this bill passes these cuts will have been accepted by default and not debate.

The real issue for the American taxpayer is how much more money do I have to pay for Washington's mess? The President sent to Congress a real rescission bill, but unfortunately it has been replaced by this irresponsible defense slashing bill.

During the Senate appropriations Committee markup, I opposed the committee bill. The committee approved only $12 million of the $737 million in domestic program reductions proposed by the President, and substituted this gimmick.

This is not a responsible solution to a fiscal mess. I am ready to support a real rescission bill that cuts wasteful spending and keeps our national security strong. It is time that we stop using money from the defense budget to fund ridiculous programs that need to be stopped outright. We must eliminate both useless defense programs and useless domestic programs. No program should be immune from the fiscal ax if it cannot be justified.

The question this Congress has to ask itself when spending for useless programs is this: If you had to pay for this program out of your own pocket—would you? Let's treat the American taxpayer with the same level of respect.

This rescission bill does very little to curb excessive Federal spending. Therefore, it is not worth my support.

Mr. McCAIN. Mr. President, we have debated at length today the actions of this body regarding the rescission legislation now before us. I would like to speak briefly at this time, however, about one particular action of the House that concerns the legislation. As was the case last year, the House Appropriations Committee has again reported a proposal—this time as an amendment to the rescission bill—under which one contractor would have the opportunity to extend an extremely lucrative contract beyond its termination date without competitive bidding. The committee's initiatives in this area have been consistently opposed by the Senate Appropriations Committee, the House and Senate Armed Services Committees, and the Department of Defense, whose combined support of competitive bidding principles last year defeated the committee's effort. Since the effort is being pursued again, however, and since this matter will no doubt become an issue in the upcoming House-Senate conference on this bill, I wish to say a few words about it.

The contract, the CHAMPUS reform initiative or CRI contract, is the largest health contract in history. It has produced government payments over the past few years of approximately $3 billion. By its terms, the House Appropriations Committee's proposal of last year would have extended the 5-year contract for 1 additional year. Effectively, however, it would have required a 3-year extension. As I indicated, the committee's efforts in support of this proposal ultimately did not succeed.

This year, the committee's amendment to the pending rescission legislation would bring about the extension in a different manner. Instead of specifically mandating a noncompetitive extension, the committee has proposed a study that inevitably would result in such an extension. Three months ago, the Department of Defense issued an RFP for its coordinated care program or CCP contract, the contract that is

intended to replace the current CRI contract on August 1, 1993. While I will speak further about the coordinated care program at a later date, I would like to focus for a minute on the committee's amendment. It would halt the bidding process under that RFP until a detailed and comprehensive study is conducted by an independent organization evaluating the costs and benefits of all the currently competing managed health care approaches being tested by the Department and addressing the issues of beneficiary satisfaction, access to care, patient inconvenience, local versus regional control, and positive versus negative incentives. While I do not disagree with the desire to obtain information regarding managed care approaches, the measure appears to be aimed at prohibiting competition. That concerns me. Any such study will take a substantial period of time to complete, during which time the bidding process now under way will not be able to proceed further. The consequences will be a substantial delay in the award and start work dates of the new contract and, thus, a substantial noncompetitive extension of the CRI contract.

The committee's stated purpose in requiring the study is to subject the Department's CCP contract, which the committee opposes on policy grounds, to a rigorous analysis. The committee has indicated a strong preference for the current CRI contract, a preference that is shared by many CRI beneficiaries. I do not doubt that the committee's members sincerely oppose the Department's program, or that different members have different orientations with regard to the proposed study. It is simply too much to attribute to coincidence, however, that each proposed action of the committee on this issue invariably pushes in the direction of a noncompetitive extension of the current contract. Different rationales are given, and different proposals are offered, but the result is always the same. While there are means to address the committee's policy concerns without sacrificing the benefits of competition, it is notable that these means are never chosen.

I raise this issue simply to express my strong view that the Congress ought to insist on competitive bidding except in extraordinary circumstances—which are not present here. I urge those who will be conferees on the bill to firmly resist the House Appropriations Committee's position to the contrary.

Mr. BURNS. Mr. President, I rise to speak in opposition of this so-called rescission bill as reported from the Appropriations Committee.

I am disappointed to have to do so on this particular day—the day after Tax Freedom Day 1992.

I bet most people didn't even know that yesterday was Tax Freedom Day—meaning that today is the first day that average Americans are earning a paycheck for themselves, rather than to pay their tax bill.

This year Tax Freedom Day was the latest date ever, falling 4 days later than last year.

The average American now works 126 days a year just to pay the tax bill. The tax bill that keeps going up because Congress keeps on spending.

The President forwarded to the Congress a true rescission package aimed at cutting what is commonly known as pork-barrel spending. This was a small, but significant step, to get some control of Federal spending so that we can stop the rapid progression of Tax Freedom Day into June.

Congress has responded with pure politics.

The President's package was a tough package. It affected projects in my State that I had supported. It would have been a tough vote.

But now I don't have to cast that tough vote.

This package is not aimed at pork-barrel spending—the kind of special interest funding that outrages many Americans. The kind of spending that prompts papers like the Missoulian in Missoula, MT, to call on us to "Just Say No to Pork" saying that "it's time for Congress to cut all special interest spending."

No; this package is just another attempt by the other side to slash Defense spending. And it cuts at the heart of one of the most important Defense programs of the post-cold war era, the strategic defense initiative.

The contrast between important defense programs and pork-barrel spending could not be more stark.

First of all, we debate and vote on contentious strategic programs at length. Last year alone, the Senate voted deeper cuts in the SDI budget three times. We debated the issue at length.

In contrast, most pork barrel projects are never debated and never voted on individually. Many of them are slipped in during conference—never having been considered by either body.

A decision to cut SDI by $1.3 billion is more than a rescission—it is an important policy decision.

A cut of this magnitude will deal a serious blow to the SDI Program. It will leave our Nation without any ballistic missile defense this century, and contrary to what some might believe, we are not a nation immune from the risk of a nuclear launch.

The proliferation of nuclear weapons continues. Saddam Hussein is still in power and is fighting hard to maintain his long-range nuclear weapons development plan.

The former Soviet Union is still in the process of restructuring their military. We're not even sure who controls their long-range ICBM's aimed at us.

Hundreds of former Soviet scientists are in the market possibly selling their wares—their knowledge of nuclear weapons—to other countries.

The risk is there, if not for an intentional launch by some madman, for an accidental launch. I think the American people expect us to protect them from that risk.

I hope my colleagues will vote against this bill—that they will vote against playing politics with the money and the safety of our citizens.

It is not easy to cut pork-barrel spending, Mr. President. It requires us to exercise some leadership. Leadership being the willingness to abandon narrow self-interest for the good of the Nation.

This bill does not start us on that road of leadership, Mr. President, it continues business-as-usual and for that reason, I will vote against it.

Mr. GRASSLEY. Mr. President, today the Senate takes a somewhat historic step as it acts on a free-standing rescission package. Of course we've dealt with rescissions before, but this marks the first occasion since adoption of the Congressional Budget Act of 1974 that rescissions have come before us without cover of some other piece of legislation.

Today, we truly vote on deficit reduction, plain and simple.

I do have some regret about the manner in which this body and the House of Representatives have gone about the rescission task. Upon receiving the rescission orders sent to Capitol Hill over the last 2 months, I believe it is accurate to state that Congress has engaged in a game of one-upmanship with the administration.

From the outset, the rescission process has more resembled a multibillion-dollar partisan battle of sacred cow goring rather than the process which the crafters of the Budget Act likely envisioned.

This has been regrettable.

Those disappointments notwithstanding, the fact remains that before us we have a proposal to trim some $8.3 billion from the fiscal year 1992 budget, and as I see the matter, wasteful spending is wasteful spending, regardless of who can claim authorship rights.

Last fall, I supported amendments to the defense authorization and appropriation bills to reduce our fiscal year 1992 expenditures for SDI and the B–2. While each of those amendments failed, the continuing evolution of the world in this post-cold war era has made such reductions more timely than ever.

I am disappointed that we failed yesterday to make the rescissions the President called for with respect to the *Seawolf* submarine. The termination of this program was the first step in President Bush's proposal to cut $50 billion from the Pentagon over 5 years.

Therefore, I must admit to a degree of confusion in seeing so many individ-

uals in this body who advocated defense cuts of two and three times the President's mark failing to support the very first specific defense cut to come before us. If those advocates cannot find it in themselves to cut the first $2.8 billion, it defies me to determine how they will find the conviction to cut the next $100-plus billion.

I supported the deeper defense cuts proposed in the Senate budget resolution, I remained true to that position in voting to rescind funding from the *Seawolf*, and I intend to further exhibit my willingness to make the necessary cuts by voting to rescind funds from the B–2 as well as from the strategic defense initiative.

Mr. President, while I recognize that partisan handling of this legislation by the Congress has placed it at odds with the administration and raised the probability of a Presidential veto, I am also a realist.

At this time, the Senate does not appear ready to approve a rescission measure more closely resembling the President's package, and I fear that the defeat of the Appropriations Committee substitute will result in the death of this bill.

Again, unnecessary spending is unnecessary spending, and our $4 trillion national debt cannot support the continued escalation of spending without justification. Therefore, I will support this substitute in hope of keeping the rescission process alive, and upon the appointment of conferees for this legislation, I will encourage them to work toward a package which will meet with White House approval, and result in true deficit reduction.

I suggest the adoption of the committee substitute.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the committee substitute, as amended.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—61

Adams	Bryan	DeConcini
Akaka	Bumpers	Dixon
Baucus	Burdick	Dodd
Bentsen	Byrd	Exon
Biden	Chafee	Ford
Bingaman	Cohen	Fowler
Boren	Conrad	Glenn
Bradley	D'Amato	Gore
Breaux	Daschle	Graham
Grassley	Leahy	Riegle
Harkin	Levin	Robb
Hatfield	Lieberman	Rockefeller
Hollings	Metzenbaum	Sanford
Inouye	Mikulski	Sarbanes
Jeffords	Mitchell	Sasser
Johnston	Moynihan	Simon
Kennedy	Nickles	Wellstone
Kerrey	Nunn	Wirth
Kerry	Pell	Wofford
Kohl	Pryor	
Lautenberg	Reid	

NAYS—38

Bond	Hatch	Roth
Brown	Heflin	Rudman
Burns	Helms	Seymour
Coats	Kassebaum	Shelby
Cochran	Kasten	Simpson
Craig	Lott	Smith
Danforth	Lugar	Specter
Dole	Mack	Stevens
Domenici	McCain	Symms
Durenberger	McConnell	Thurmond
Garn	Murkowski	Wallop
Gorton	Packwood	Warner
Gramm	Pressler	

NOT VOTING—1

Cranston

So the committee substitute, as amended, was agreed to.

Mr. BYRD. Mr. President I move to reconsider the vote by which the substitute as amended, was adopted.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, S. 2403 will be placed on the calendar pending the receipt of H.R. 4990, at which time all after the enacting clause of H.R. 4990 will be stricken and the text of S. 2403, as amended, will be inserted in lieu thereof, H.R. 4990 will be deemed read the third time and passed, a motion to reconsider laid on the table, the title amendment reported with S. 2403 will be substituted for the title of H.R. 4990, and S. 2403 will be indefinitely postponed.

TELEPHONE PRIVACY ACT OF 1991

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of S. 652, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 652) to protect the privacy of telephone users by amending section 3121 of title 18, United States Code.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing; and

(2) to encourage the use of new services such as call trace, call reject, and call return, which operate to discourage harassing and obscene telephone calls even though information identifying the caller may be blocked.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) The prohibition of subsection (a) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or

"(iii) if the provider of the electronic or wire communication service permits the originator of a communication to a recipient to block caller identification—

"(I) on a per call basis without charge;

"(II) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(III) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A)(iii) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a State or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) to a recipient of a communication that uses call return service in connection with billing information associated with returned communications.

"(2) Notwithstanding paragraph (1), the prohibition of subsection (a) applies with respect to the use of a pen register or a trap and trace device in connection with all communications to governmental entities except a communication on the emergency assistance telephone line of a State or municipal police or fire department or on a 911 emergency line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that is made available to a recipient through an automatic number identification service, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating

telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously purchased from the recipient of the communication; or

"(D) use for any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsections (b)(1)(A)(iii), (b)(1)(B), and (b)(2) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) PENALTY.—Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

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

"(7) the term 'automatic number identification service' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers.

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call; and

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a communication to the recipient of the communication.".

THE URBAN CRISIS AND THE HEALING OF AMERICA

Mr. KENNEDY. Mr. President, the events of the past week have been a sad time for our country and a sad commentary on how far we still have to go to achieve the fundamental ideals at the heart of the promise of America—respect and opportunity for each individual and equal justice for all.

I believe I speak for the vast majority of Americans of all races when I say that the verdict in the Rodney King case was a stunning miscarriage of justice. The Federal Government now has the obligation to see to it that the rogue police officers who inflicted that savage, senseless, almost unbelievable beating are punished for their crime. I commend the Justice Department for expediting its investigation.

There are many precedents for Federal action where State justice has failed, and this is plainly a case where Federal intervention is needed. The Federal criminal civil rights statutes were enacted a century ago, precisely for application where State officials refuse to obey the law or State juries nullify the law.

I fully expect that there will be a Federal prosecution if the Federal Government is true to its Federal responsibility. America could not stomach the beating we witnessed on television, the lawless official violence that widens the war in our streets instead of controlling it.

The vast majority of law enforcement officers are law-abiding and dedicated to their work. In conditions of great stress and danger, they perform with superb professionalism of the highest order. But we also know that there are thousands of other Rodney Kings, in hundreds of other communities, who have suffered similar violence, who have been bullied and beaten badly, but where there were no video cameras to record the lawbreaking of those sworn to uphold the law. Who among us believes that black victims of any crime suffer less and therefore deserve less justice?

At the same time, we must reaffirm with equal vigor that violence is not the proper response to injustice. Appalling as the King verdict was, it was no excuse, none whatever, for resorting to the crime, murder, arson, destruction, and devastation that convulsed Los Angeles and threatened to shatter so many other streets and neighborhoods across the Nation. My family, too, has suffered, and suffered deeply, from the pervasive violence that has become a hallmark of our time. So I feel a sense of kinship with those who suffer from it too—and a sense of urgency that we act wisely to prevent it in the future.

The pressing challenge we face together is to direct our concern and outrage into constructive paths. It is time, it is long past time, to address the serious issues that divide our society and deny hope to so many of our citizens.

For 200 years, resolving the profound question of race has been the great unfinished business of America. Our inability to resolve it peacefully in the 19th century led to the most painful war that America has ever fought, a war between ourselves. The beating of Rodney King—the trial, the verdict, and the aftermath—represent the latest explosion of the worsening racial tensions in our society. Too often, whites and blacks view one another with suspicion, with fear, and even with hatred.

The prejudice that blots our land has had many manifestations. It was not very long ago that young Irish men and women growing up in Boston met the sting and the scorn of help-wanted signs in street windows saying "No Irish Need Apply." Those days are gone for Irish-Americans, and if we keep the faith today, they can be banished as well for all Americans, so that we shall overcome, once and for all time, the even deeper bigotry based on the color of our neighbor's skin.

In the recent days of rage, men and women of good will have joined together to condemn violence. And the sooner we summon the wisdom to condemn bigotry with equal strength and conviction, the sooner we will conquer the temptation to violence that is tearing the fabric of our society.

We have to prove to our citizens—all of them, especially those who have the least—that there is reason for hope, that peaceful change is possible. What President Kennedy said in the 1960's is equally valid in the 1990's: "Those who make peaceful revolution impossible will make violent revolution inevitable."

The civil rights movement of the past half century has been called the second American revolution. And its greatest strength is that it has been peaceful. Black and white talked together and walked together. They marched together and sometimes died together, to break down the most visible barriers of racism that divided America against itself. The integration of the Armed Forces, the end of segregation in the public schools, the right to eat at a lunch counter, to sit in the front of a bus, to stay in a hotel, to buy a home, to hold a job—and above all, because it is the basis of all other rights, the right to vote in an election—these are the monumental achievements of an America that honored the best of its heritage and sought to live up to the historic promise of the Declaration of Independence that all of us are created equal.

But those were the achievements of a past generation. The fire and the flames of the past week were a warning signal to our generation. The momentum of justice must not stop. Ideas like opportunity and progress must not become alien concepts that have no meaning to whole areas of our cities, and whole segments of our population. From south-central Los Angeles to Roxbury, despairing faces are pressed against the windows of our affluence. But all they see is hopelessness, because for too many, the American dream has become a daily nightmare of crime and drugs, of unemployment, of schools that do not teach and communities that do not care.

It is a measure of our pain and our failure that during the decade of the 1980's, the Federal Government's prison building program exceeded its public housing program.

We must try harder to understand. We must show black America—we must show all the disadvantaged and dispossessed—that they can have hope for their future too, that government at every level is their government, too, that America is their America too, or else America will never be America.

We must return to basic principles that make a difference in people's lives—education, jobs, opportunity, justice.

We may never completely eradicate racism as we know it in America. But it is our responsibility to teach every child of every race to turn to each other, instead of against each other. Only then will we have hope for a peaceful coexistence.

To begin the racial healing, to reach for racial harmony, we must talk to each other, all of us, with a new candor and commitment, across all the traditional barriers of race and class and party, of public pursuit and private life.

We must work together, Republicans and Democrats, Governors and mayors, Congress and the administration. This is not a time to be casting blame. To do so will only further poison the wellsprings of society, rub salt in its open wounds, and guarantee that the flames will burn again.

The generations who came through the civil rights struggles of the 1950's and 1960's know how far we have come in moving toward equality. But the younger generation in our inner cities needs to see and hear from us that there is leadership in our government that sees and senses their condition and their anger.

The pictures of last week were not just of black anger, but of white anger, Latino anger, Asian anger—anger of all types.

We must offer hope to those who feel forgotten. We must reach out to black Americans who think white America does not comprehend or care or respect their rights. We must meet with community leaders and address their concerns, and ask their help in seeking shared solutions.

In my view, there are two immediate responses that Congress should make to the King verdict and its aftermath.

First, we must find new ways to bring Americans together. That means new lines of communication among citizens and between citizens and government. We need much more extensive forms of community service. The people who spontaneously came out in Los Angeles to clean the debris, and cleanse that city's spirit, should be the vanguard of many different efforts, public and private, to make our country whole. Our diversity must be our strength, not our weakness. We must prove that "E pluribus unum" is not just an empty slogan but a founding truth that still has vital meaning for modern America.

Second, Congress must launch specific initiatives equal to the challenge. I favor a legislative response, with action as soon as possible in the coming weeks.

In social programs, the emphasis should be on doing more in areas where Federal action can make an immediate difference, such as summer jobs and other job-creating and job-training programs, as well as health care and Head Start—which all of us know will work, and will work immediately to ease the need and suffering.

On education, a major reform of Federal aid to public schools has passed the Senate and will be taken up by the House in June. Enactment of that legislation will be the clearest possible demonstration that our goal is to improve the public schools, not abandon them.

We know that if we give our schools the chance, they can make a difference in the success of even the poorest children. In conversations with school principals in Massachusetts, it is clear that they are desperately concerned about their pupils' worsening lives. School principals cite the deprivations, not to excuse their schools for not doing enough, but to describe their starting point. Many children, perhaps the majority, do not have the security and stability they need to learn and develop. They have had to deal with staggering issues of personal violence, drugs, death, hunger, dirt, depression, and hopelessness, before they even learn to count from one to ten.

Each of the principals says that conditions have become far worse in the 5 years. As the economy declines, as more parents are out work, as more social services are cut, the severity and number of the problems brought to school have soared, and the schools have suffered, too.

Federal chapter 1 funds can make difference here. The dollars go specifically to disadvantaged students. When well used, they make it possible to identify and devise strategies to teach the neediest, to rearrange some of their instruction to give them personal attention and unlock their potential.

Let me describe two cases I have heard in recent days that show in human terms what our answer can be to the tragedy of the riots.

An Hispanic second grade boy from Dorchester, the oldest of six children, had a poor attendance record. His school, the Mason in Boston which I visited two weeks ago, uses chapter 1 funds so that each child is in a class of 15 and teachers are able to watch each student carefully. The teacher visited the boy's home, and learned that his mother, a single parent, often made him stay home to take care of the younger children.

The teacher pushed the parent to let her son come to school, and his attendance improved. The teacher also put him into the after-school chapter 1 program and assigned a Boston University mentor to him. The mentor discovered that he has an extraordinary capacity to use images in writing. His school performance has soared. He was the first third-grader this year to recite all 50 States. He routinely brings in extra work, his own writing, and now he wants to be a writer. The Hispanic male dropout rate is 43 percent nationwide, and 53 percent in Boston. But this young man is the way to beat those odds.

Or take the case of a 13-old black seventh-grade young man who came to the Timilty School in Roxbury from Georgia, where he had been expelled from his previous classroom and had a criminal record. His first months at the Timilty were difficult. He did little work, usually failed, and frequently disrupted events.

The Timilty uses its chapter 1 funds to lengthen the school day, so that teachers can work with very small groups of students on special projects. One of the young man's teachers recognized that he had an unusually strong and appealing voice. She started using tape recorders with her small group, having them read from work they had written. The young man stood out in this activity. Eventually, the work turned into a full-scale black history presentation for the entire school, featuring him as the star.

Everyone was impressed by how he had memorized his lines, by his eloquence, his inflections, his posture—all were superb. He became serious about all his work, and he succeeded and graduated. The production also had an effect on the teachers and other students in the school. No one had believed that this young man could be turned around.

Daily small miracles like these are taking place in Boston and across America. They do not make headlines like the riots, but they show us the way out of the despair that breeds

alienation and violence. Education has always been the cornerstone of the American dream, and it will continue to be, if we are wise enough to make the investments that all our schools so urgently need.

In law enforcement, the emphasis should be on additional aid to State and local authorities. We should insist on the enactment of clear nationwide policy training standards and Federal enforcement authority, to reduce the likelihood of excessive use of force, and to root out the negative effects of race discrimination in all aspects of the criminal justice system. The Police Corps is an excellent idea; it can bring new recruits and new perspectives to police departments across the country.

To begin to address the crisis, I am calling today for action by Congress, as soon as possible, and certainly before the end of June, on an urban emergency supplemental appropriations bill. The goal is to help meet the most pressing unmet needs our cities face, by supporting proven programs that can put new funds to work immediately.

I therefore propose a $5 billion appropriation for the following 11 initiatives:

Community development block grants, $1.45 billion;

Community Development Corporations, $100 million;

Summer youth jobs, $700 million;

National and community service, $150 million;

Head Start Summer Program, $500 million;

Chapter I Summer Program, $1 billion;

Community health centers, $100 million;

National Health Service Corps, $100 million;

Emergency food and shelter, $100 million;

Police corps, $100 million; and

Aid to law enforcement, $700 million.

This is not a lot of money; it is one-half of one percent of the total Federal budget. It is a small, essential down payment on the future of America.

As I have emphasized, all of this must be done with and through the community. The communities themselves must set their own priorities. Critical resources must come from the Nation, but most of the most critical decisions must come from the neighborhoods.

Those who always oppose progress will say that we should not reward the rioters. This proposal is nothing of the kind. Its goal is to begin to rescue the millions of law-abiding parents and children who are as appalled by the riots as we are, but who are equally appalled at the way their country has forgotten them.

Some will ask, how will you pay for this? My reply is that the budget law specifically authorizes Congress to declare an emergency, and make expenditures such as this without requiring cuts in other vital programs or raising taxes on already hard-pressed families.

We have declared emergency spending on several occasions in recent years. Kuwait was one of them. Now the fires have come home to America. For us, this emergency is even greater.

Mr. President, I ask unanimous consent that a more detailed summary of these proposals may be printed in the RECORD.

SUMMARY OF EMERGENCY, SHORT-TERM ASSISTANCE PLAN FOR AMERICA'S CITIES

The riots in Los Angeles demand an immediate national response which speaks directly to the underlying causes of the disturbances and provides federal assistance through community-based organizations to meet them:

Lack of jobs, especially for young adults, and assistance for the small businesses that create jobs;

Insufficient educational resources for younger children, which lead to inadequate job skills;

Inaccessibility of basic health services;

Lack of basic food and shelter for the poorest in our communities; and

Inadequate training of police and lack of involvement with distressed neighborhoods.

This plan will provide immediate relief to our cities and lay the foundation for more far-reaching action in the coming years. $5 billion would be made available, through a supplemental appropriation on an emergency basis, to provide the following supplemental funds:

I. Job Creation and Small Business Development, $2.4 billion.

A. Community Development Block Grants, $1.45 billion.

B. Community Development Corporations, $100 million.

C. Summer Youth (JTPA), $700 million.

D. National and Community Service, $150 million.

II. Educational Investment, $1.5 billion.

A. Head Start, Summer Program, $500 million.

B. Chapter I, Summer Program, $1 billion.

III. Improved Availability of Basic Health Services, $200 million.

A. Community Health Centers, $100 million.

B. National Health Service Corps, $100 million.

IV. FEMA Emergency Food and Shelter Assistance, $100 million.

V. Police Training and Anti-Crime Initiative, $800 million.

A. Police Corps, $100 million.

B. State and Local Grants for Law Enforcement—$700 million.

Total Funding, $5 billion.

I. JOB CREATION AND SMALL BUSINESS DEVELOPMENT

A. COMMUNITY DEVELOPMENT BLOCK GRANTS

Community Development Block Grants are a flexible resource for creating jobs and revitalizing cities of all sizes. The funds can be used for an array of economic development, community facilities and housing rehabilitation projects. Funds under this program are targeted both to the neediest cities and the most distressed neighborhoods within these cities.

The Block Grant program is funded at $3.2 billion this year, or half a billion dollars below funding in 1981, a cut of nearly 40% after adjusting for inflation.

In October, a Conference of Mayors survey of 62 cities found that three out of four city Mayors were postponing capital improvements, or had accumulated a backlog of capital improvements, because of the recession. If these capital projects are funded now, they are capable of putting thousands of Americans back to work immediately.

Increased funding of $1.45 billion will create approximately 75,000 new construction and related service jobs. In order to expedite spending of the new money, the 15% cap on social services would be raised to 20%. In addition, cities would be required to identify off-the-shelf projects prior to receiving these funds.

B. COMMUNITY DEVELOPMENT CORPORATIONS

Community Development Corporations (CDCs) are on the front line of economic development in our cities. There are currently over 2000 CDCs operating nationwide. One of the first will soon celebrate its 25th anniversary—the Bedford-Stuyvesant Redevelopment Corporation in New York City, which was founded by Senators Robert Kennedy and Jacob Javits. Another of the most successful and largest CDCs is The East Los Angeles Community Union, which will play a major role in the redevelopment of the riot corridor.

America's CDCs have developed over 225,000 units of housing, with over 90% going to low income occupants. They have developed over 17,000,000 square feet of business space in economically distressed communities. They are responsible for the creation and retention of nearly 90,000 jobs in the past five years.

CDCs provide not only job training and job opportunities, but also lasting stability by ensuring that impoverished areas develop the anchors that middle class areas take for granted—including strong community organizations, well-stocked stores, corner banks, thriving local businesses, safe parks and decent housing.

After substantial cuts in 1981, annual funding for CDCs has stagnated at $30 million. An increase of $100 million for fiscal year 1992 will more than quadruple this worthwhile and severely underfunded program.

C. SUMMER YOUTH (JTPA)

The unemployment effects of the recession have had a harsh impact on young people, particularly disadvantaged youth in the nation's cities. In many urban centers, the unemployment rate among black youth is almost 50%. Some studies have shown a relationship between early work experience and future labor market success.

Job training opportunities for youth have dramatically diminished during the 1980s, with a FY93 appropriation that is less than 75% of the 1981 appropriation in nominal dollars. With the cost of inflation, we are currently serving only half as many young people—about 530,000 annually—as a decade ago. (There are approximately 4 million young people who meet the eligibility criteria for the Summer Youth Program.)

This proposal would double the size of the current program and provide desperately needed job opportunities to an additional 675,000 inner city youth. It is a substantial down-payment on the promise of a summer job for every eligible youth.

D. NATIONAL AND COMMUNITY SERVICE

National and Community Service is an easily expandable program that can provide thousands of quality meaningful employment opportunities in cities for youth aged 15 to 25. Such opportunities provide a unique double-benefit. They restore a sense of purpose and civic responsibility in the lives of young people who serve—a sense of purpose and responsibility that studies have shown

will stay with them for the rest of their lives. They also generate millions of hours of service in needy communities.

The National Service Commission already awards grants to applicants seeking to involve youth from diverse backgrounds in community service. In 1992, the Commission received nearly 500 applications from 48 states. However, due to its extremely limited resources, the Commission was forced to deny funding to two-thirds of the high-quality proposals it received. These applications represent untapped blueprints—ready for immediate implementation—for engaging young Americans in jobs, and addressing critical needs in communities that have been unmet for the past decades.

These kinds of programs already have an excellent track record in a challenging urban environment. By providing an additional $150 million, thousands of opportunities will be created immediately for young people to meaningfully serve their neglected, overlooked communities.

II. EDUCATIONAL INVESTMENT

A. HEAD START, SUMMER PROGRAM

The Head Start program has a longstanding undisputed track record of success. Currently more than 625,000 low-income children (28% of eligibles) and their families benefit from receiving these critically important comprehensive Head Start services. However, most Head Start children do not receive either full day or full year services. During the 1980's, the Head Start cost-per-child was reduced by 15% in order to serve more with less.

The plan includes $500 million to enable the Head Start program to continue to offer comprehensive services through the summer months. These funds would be available to currently operating Head Start programs which are able to extend their operations, and would serve approximately 400,000 low-income children. In addition, Head Start programs which receive these funds would be required to extend their family literacy projects and agree to employ participants in the summer youth employment program as apprentices in each of their classrooms.

B. CHAPTER I, SUMMER PROGRAM

Chapter 1 education funds currently serve five million students in 14,000 local school systems across the country. They provide smaller classes in reading and math for low-achieving students in poor neighborhoods. Nearly 10% of the current $6.6 billion appropriation is set aside for concentration grants to counties with higher numbers of low income students.

National evaluations show achievement gains in all grades, especially in the early grades. The gap between disadvantaged students and more advantaged students also has narrowed.

A chronic problem among low-achieving students is the losses they suffer in reading during the summer. Too many students spend the early school months relearning last year's work.

The plan includes an additional $1 billion of Chapter 1 funding to run programs, beginning in the summer, for children in Chapter I concentration districts. Once appropriated, the funds will be available until expended. To target the most disadvantaged students, 25% of grants should go to Local Education Agencies (LEAs) with enrollments of 100,000 or more students, 50% of LEAs with enrollments of 200,000 to 100,000 students, and 25% to LEAs with enrollment below 20,000.

III. IMPROVED AVAILABILITY OF BASIC HEALTH SERVICES

A. COMMUNITY HEALTH CENTERS

The dramatic rise in the uninsured, Medicaid cutbacks, and the financially strained condition of inner-city hospitals have made timely health care increasingly unavailable to inner-city residents. This initiative will add $100 million to the current $530 million budget of the Community Health Centers programs, enough to provide services to 800,000 people. This program delivers comprehensive out-patient health services through a network of more than 600 clinics nationwide.

B. NATIONAL HEALTH SERVICE CORPS

The National Health Service Corps places primary care physicians, nurses, and other health professionals in "medically underserved" areas, including inner-cities. The additional $100 million funds will continue the restoration of the cuts that were made during the Reagan-Bush years and assures a steady supply of health personnel to needy areas.

IV. FEMA EMERGENCY FOOD AND SHELTER PROGRAM

The FEMA emergency assistance program was established by the 1983 JOBS bill as a temporary measure. Nearly, a decade later the program is serving ever growing numbers of the homeless and hungry.

Assistance under this program is delivered through local coalitions of human services agencies. Cities receive these funds based on their unemployment rates. Administrative expenses cannot exceed 1%. As a result, the dollars get out quickly and find their way directly to the neediest citizens.

This program is currently funded at $175 million dollars. An additional $100 million should be appropriated to meet immediate needs for food and shelter.

V. POLICE TRAINING AND ANTI-CRIME INITIATIVE

A. POLICE CORPS

The plan proposes to authorize and appropriate funding for the Police Corps, starting at $100 million for the coming summer. This program will allow college graduates to pay off their federal student loans by serving in local police departments for four years. More police will be put on the streets in local communities, and the program will bring increased diversity and more college-educated recruits directly into state and local police departments.

B. STATE AND LOCAL GRANTS FOR LAW ENFORCEMENT

This funding will assist state and local law enforcement through the Edward Byrne Memorial Program, administered by the Department of Justice. 95% of the funds under the program are distributed through formula block grants, with the remaining funds distributed through Justice Department discretionary grants. The current appropriations level is $704 million. The Bush Administration has requested $588 million for next year, and the plan will provide an additional $700 million. Particular emphasis will be placed on ensuring that each state or local agency receiving funds has appropriate police conduct training in place that focuses on reducing excessive force and enhancing cultural understanding among law enforcement officers and employees.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. The Senator from Wisconsin and the Senator from Colorado were kind enough to give me a few minutes.

I thank Senator KENNEDY from Massachusetts for his statement. I am proud to serve in the Senate with him because I think he has been a giant in this whole struggle for civil rights and human rights and opportunities for all our citizens. It was an eloquent statement and I think it was very important. I certainly wish to be included as an original cosponsor of his proposal.

Mr. President, let me follow up on the statement of the Senator from Massachusetts with one Minnesota story, and a report on a meeting I went to today that I think is relevant and should be reported on the floor.

Minnesota's story, phoned to me here from my office in Minnesota: One young white girl, age 9, went out in her block and, with chalk, wrote on a sidewalk about what is happening in our country: "Without justice there can be no peace." Her neighbor, an African-American black girl, age 9, could not read what was on the sidewalk. That tells us so much about our country and how much we still have to do.

Mr. President, I want to report to you on a meeting I attended today on M Street here in Washington, DC, at the Metropolitan AME Church, which, interestingly enough, the great black abolitionist Frederick Douglass actually attended. This was a gathering that Mayor Kelly hosted. Rev. Jesse Jackson brought people together from around the country. And the interesting thing is that the focus was in two areas. No. 1, the focus was on voter registration, on people, young people especially, exerting their political rights in behalf of their economic rights. And No. 2, a very positive focus, was really on the kinds of things Senator KENNEDY was talking about. The focus was on jobs; it was on education; it was on opportunity; and it was on investing in our own communities.

Mr. President, I have to tell you I am committed one way or another to bringing back the whole question of whether or not we are going to waive the budget agreement, not spend more as a Nation but at least redirect some of our resources into our own communities. I think it is time we understand that part of the definition of real national security is going to be the security of local communities where there are jobs, where there is housing, where there is education and where there is opportunity.

There are some people from Rushford, MN, here today and I have to tell you that these economic issues are also real, compelling rural issues.

The fact that poor people and people who are struggling in rural areas might be more hidden does not make the poverty any less real.

I want to just make it clear. We have much to do in our country by way of investment in rural America, as well.

A final point, Mr. President, because I promised that I would be brief.

The interesting thing about this gathering today at the Metropolitan A.M.E. Church was there was a focus on a call to action. The mayors' march on May 16, is going to be so important, and will follow up by events on June 19, which will be a national day of protest, with massive efforts on voter registration, massive focus on these domestic issues, saying to people in our country, especially the people that live in the cities that do not have the hope: There are alternatives.

St Augustine said: Hope has two lovely daughters: Anger and Courage. The anger at what is wrong, and the courage to know that we can change it.

I think that is what we need in our country today—the politics of courage, the politics of caring, and the politics of investment in our communities and in our people.

I thank you, Mr. President. I yield the floor.

TELEPHONE PRIVACY ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. LIEBERMAN). The pending business before the Senate is S. 652.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. Mr. President, I am delighted that S. 652, the Telephone Privacy Act of 1991, is finally before the Senate. I want to express my appreciation to the majority leader and his staff for helping us get to it.

AMENDMENT NO. 1794

Mr. KOHL. Mr. President, at this point, I send a committee substitute to the desk, and ask unanimous consent that it be treated as original text for the purpose of further amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 1794.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing;

(2) to encourage the use of new services which discourage harassing and obscene telephone calls even though information identifying the caller may be blocked; and

(3) to require government entities to give public notice of their use of caller identification service.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) Subject to paragraph (2), the prohibition of subsection (a) does not apply with respect to the installation or use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, or testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service;

"(iii) with the prior consent of the recipient of the communication when the communication may be relevant to an ongoing criminal or counterintelligence investigation;

"(iv) in connection with the provision of call return service; or

"(v) in connection with the provision of caller identification service to a user of that service, if the service provider—

"(I) permits the recipient of a communication to use call trace; and

"(II) permits the originator of a communication to block caller identification—

"(aa) on a per call basis without charge;

"(bb) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(cc) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A) (iv) and (v) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a Federal, State, or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) of a communication made from a public pay telephone.

"(2) The exception afforded by paragraph (1) does not apply to a communication to a governmental entity on a line that is publicized or represented as ensuring the confidentiality of the originator of a communication, such as an anonymous tip line or a confidential information line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that a subscriber to an automatic number identification service or charge number service receives, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously obtained from the recipient of the communication; or

"(D) use of any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(4) Nothing in paragraph (3) affects the provision or use of automatic number identification or charge number information by a provider of electronic or wire communication service.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsection (b)(1)(A)(v) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(2) Paragraph (1) does not apply to the use of information that is made available to the recipient of a communication through an automatic number identification or charge number service.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

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

"(7) the term 'automatic number identification or charge number' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers;

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call;

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a wire communication to the recipient of the communication;

"(10) the term 'call return service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to initiate a return communication to the originator without disclosing to the recipient the identity of the originator (except in connection with the provider's regular billing process; and

"(11) the term 'call trace service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to cause the identity of the originator of the communication to be disclosed to the service provider's security personnel and to law enforcement officials without disclosing to the recipient the identity of the originator.".

SEC. 4. NOTICE BY GOVERNMENT ENTITIES OF USE OF CALLER IDENTIFICATION SERVICE.

"(a) FEDERAL ENTITIES.—A Federal Government entity that uses caller identification service shall publish in the Federal Register and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of the government entity's use of caller identification service within a reasonable time after initiating that use. The Federal Register notice shall describe the scope and purpose of that use.

"(b) STATE AND LOCAL ENTITIES.—A State or local government entity that uses caller identification service shall make available and publish in the official publication of that State or local government entity and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of that government entity's use of caller identification service within a reasonable time after initiating that use. The official publication notice shall describe the scope and purpose of that use.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that my legal fellow, Geraldine Pamela Welikson, a distinguished and celebrated third-year law student at Washington University, be granted privileges of the floor during the debate on this matter.

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

Mr. KOHL. Mr. President, once again, American ingenuity has developed new technology. This new device is known as caller ID. It will change the way we use the telephone.

Caller ID is really very simple. When your phone rings, caller ID displays on the screen the number of the person placing the call. If you recognize the number, then you obviously know who is calling. Based on that information, you can decide whether or not to answer the telephone.

Caller ID is already being offered in a variety of jurisdictions, including Maryland, Virginia, and the District of Columbia. It will soon be in place in many more States. Indeed, this technology is developing so rapidly that some telephone companies soon expect to offer caller ID services that display the name of the person calling you, as well as their telephone number.

In my judgment, caller ID is a welcome development. It can tell us who is calling without requiring us to talk to the caller, and it can allow people to decide if they want to take the call before picking up the telephone. As a result of this feature, caller ID will enhance our privacy.

But in my view, caller ID has the potential to invade our privacy. Telephone companies will be able to force our phone numbers to be displayed every time we make a call, even if we have an unlisted number or if we do not want people to know from where we are calling.

In addition, since recipients of calls know the numbers of the persons calling them, they can use a device known as a "reverse directory" and easily obtain the caller's name and address. Forced caller ID without any restriction, therefore, can give the person you are calling your name, your phone number, and your address, whether you want them to have it or not.

Mr. President, I believe that this unrestricted caller ID violates our fundamental right to privacy. For example, people have the right to call a crisis hot line or a telephone marketer or even the IRS to ask for help without saying who they are and where they live. Senators and other public figures should be able to call the Washington Post, whose reporters have caller ID on all of their phones, without revealing their home phone numbers and addresses. And consumers should be able to call a business and ask for information without being compelled to identify themselves. In my judgment, there is no justification for such forced disclosure.

Yet, every time—with unrestricted caller ID—every time you place a call to any person or organization for any reason, you will disclose a lot of information about yourself, whether you wanted to or not.

In addition to privacy concerns, there are practical problems with caller ID without restriction. It can be dangerous. Consider just a few examples. Undercover officers sometimes call drug dealers from precincts to arrange buys. If a target recognizes where the call comes from, it could ruin the bust, or even worse, result in the death of an agent. And battered women often take refuge with friends, but call home to check on things. If their spouses know where they are staying, then further abuse could result.

The point is simply this: Phone companies cannot determine when it is safe to reveal our numbers and addresses. There are too many variables that even phone companies cannot perceive.

Fortunately, I believe there is a simple way to realize the benefits of caller ID and avoid its potential problems: Just allow consumers to retain their freedom of choice; let us decide when we want to reveal our phone numbers and when we do not.

The technology exists to give us that choice. It is known as per-call blocking. Per-call blocking works this way. When you want to make a call without revealing your number, you simply press a few digits on the phone and the display of your number is blocked. With this per-call blocking option, people can display their numbers when calling friends and family, and they can keep their phone number confidential when they want to.

A growing number of phone companies and a growing number of States have recognized the importance of protecting their caller's right to privacy, and offer a blocking option.

But in order to ensure that all telephone customers retain this crucial freedom of choice, we introduced the Telephone Privacy Act of 1991. It would require that telephone companies that offer caller ID give callers, at a minimum, the option of free per-call blocking. In that way, consumers can block the display of their telephone numbers.

To accommodate States which have already considered this issue, the bill "grandfathers in" State laws and regulations which authorize per-line blocking if a State has such a system in place at the time that S. 652 is enacted.

To address the special problems of battered women shelters, the bill requires telephone companies to offer additional privacy safeguards for them.

In addition, this legislation will prevent potential abuses by 800 and 900 phone services. As a result of these simple steps, the bill protects the privacy of callers, while ensuring the value of the caller ID service.

It would also move the caller ID technology toward a uniform Federal standard rather than a patchwork of inconsistent State laws.

Mr. President, our approach, centered on requiring free per-call block-

ing, makes sense. It balances our desire for privacy with our desire to see the caller ID technology developed.

Just as important, Mr. President, is the fact that per-call blocking does not reduce the value of caller ID. Let me give you a few examples. First, blocking will not reduce law enforcement's ability to deter obscene and harassing phone calls.

In fact, the telephone technology that makes caller ID possible also makes it possible to stop telephone terrorists without in any way undermining the privacy of law-abiding citizens.

We all know that a few telephone companies market caller ID as the only way to reduce obscene and harassing phone calls, but that is false advertising. The truth is that we have the technology and, with this bill, the ability to protect victims and ensure privacy at the same time. And here is how: Built into the software which makes caller ID operate are other capabilities. For example, there is "call trace," which allows a victim of an abusive call to automatically forward the number of the call to the authorities merely by dialing a three-digit code.

Then, there is "call return," which allows the recipient to automatically redial the number of the person who just called.

Finally, there is "call reject," which allows an individual to block all calls to his or her phone from a particular line, forever preventing calls from a telephone harasser.

So with the use of these three services—call trace, call reject, and call return—harassing phone callers will be caught. Best of all, Mr. President, these protective services work even when a number is blocked, and you do not have to subscribe to caller ID to use them. In virtually every State in which caller ID is available, telephone companies offer these services to everyone, whether they have caller ID or not.

Second, far from reducing the value of caller ID, this legislation is essential to securing its future. Right now, there are serious questions being raised about the legality of caller ID. Most experts, including the Congressional Research Service, concluded that caller ID is a "trap and trace device that violates Federal law." Last month, the Pennsylvania Supreme Court agreed. The court ruled that caller ID violated a provision in the Pennsylvania wiretap statute, which is identical to a provision in the Federal version. At least one State PUC may go a step further by banning the service entirely.

This legislation would resolve the ambiguities in our statutes and ensure the legality of caller ID. It would prohibit States from making caller ID illegal.

Finally, there is one more reason to pass this legislation. Per-call blocking already exists, but only for the wealthy. There is a new 900 service that charges people a few dollars a minute and allows them to place their calls through a third-party intermediary. It is the intermediary's number which is displayed. The recipient of the call never gets to see the phone number of the person actually making the call. The existence of such a service supports the essential thrust of this bill. There are times when you do not want someone you are calling to have your number. But the existence of such a service is also wrong, because blocking should be a matter of equity as well as privacy. Phone companies should make it available to everyone, rich and poor alike.

Mr. President, the Judiciary Committee favorably reported this measure by a 10-to-1 vote. That is not surprising, because it is a joint product of the committee. Senators LEAHY, BROWN, and BIDEN have all contributed to it and deserve special praise.

But since that time, we have made, I believe, several important improvements. At the request of Senator THURMOND, we have authorized the use of caller ID by most governmental entities, so that they can receive the benefits of this valuable technology. We have also removed the requirement that telephone companies provide blocking from pay phones in order to deter harassing calls from phone booths. At the suggestion of Senator METZENBAUM, we have provided consumers with greater flexibility by requiring telephone companies to offer call trace for a charge wherever they offer caller ID. Before this debate concludes, I will place a more detailed statement describing these modifications in the RECORD.

The final legislation now before the Senate is clearly a compromise, but it is a fair and a balanced compromise. Simply put, without compromise, we would not have legislation, and without Federal legislation, we would not protect telephone privacy at all in States like New Jersey, Virginia, Indiana, Mississippi, as well as other States that permit caller ID but do not permit blocking.

In conclusion, Mr. President, our bill allows us to expand the use of caller ID while protecting the privacy rights of individuals. We ensure caller ID can expand by making it clear that it is legal under Federal wiretap laws. We protect privacy by ensuring that callers, when they want, will have the right to withhold their numbers, and we allow vigorous pursuit of obscene and harassing phone callers.

Mr. President, a wide variety of groups endorse this legislation. We have endorsements from the Consumer Federation of America, the American Civil Liberties Union, and Public Citizen. We have endorsements from Ameritech and the Fraternal Order of Police. While AT&T, MCI, and Sprint may still have a few concerns about the bill, they are not opposing the substitute we are offering today.

It is, Mr. President, a balanced bill. It is a bill that we need, and I hope very much it is a bill that we will pass.

Now, before I yield to my colleague from Colorado, Senator BROWN, I want to say what a pleasure it has been working with him and how much I appreciate the special efforts he has put into this legislation.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be agreed to and that the reported committee substitute, as thus amended, remain amendable in two degrees.

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

Mr. BROWN. Mr. President, I am pleased to join the distinguished Senator from Wisconsin [Mr. KOHL] in cosponsoring the Telephone Privacy Act of 1991. I congratulate Senator KOHL and his staff on the fine job they have done on this important and necessary legislation.

S. 652 governs the use of caller ID and similar services. It amends the Federal wiretap statute to ensure that caller ID service will not be found to be an illegal trap and trace device within the meaning of that statute.

The bill strikes a balance between the uses of new technology like caller ID and similar services and the privacy interest of persons making calls to prevent disclosure of their numbers.

This legislation is necessary. A recent decision by the Pennsylvania Supreme Court found that caller ID was an illegal wiretap under the State wiretap statute. The Pennsylvania law is based on the Federal statute.

This is a difficult area and one subject to continued technological advances, but I believe the bill succeeds in striking an appropriate balance between the interests involved.

The bill exempts caller ID from the prohibition on trap and trace devices contained in section 3121 of title 18 provided certain conditions are met.

The bill requires phone companies offering caller ID to also provide the originator of a call with free per-call blocking. This is a service which permits the caller to prevent his number from being revealed to a recipient of a call who has caller ID.

The bill requires phone companies to provide per-line blocking at no charge in States which have acted to require free per-line blocking to the enactment of this legislation.

Phone companies are also required to provide per line blocking at no charge and upon request to victims of domestic violence that are protected by a court order, battered women's shelters

or other organizations providing safe haven for victims of domestic violence.

The bill does not require a telephone company to provide the blocking feature on calls made to emergency assistance lines, calls within private systems or calls from public telephones. This feature of the bill ensures that emergency lines will be able to provide immediate responses where a call might otherwise be inadvertently blocked.

The second condition requires phone companies to permit the recipient of a phone call to use call trace. This is a service which permits the recipient of an obscene or harassing phone call to refer the number of the caller to the phone company's security department for further action in conjunction with the appropriate law enforcement authorities.

The call trace service cannot be blocked, so even if a harassing caller has tried to block his number when placing the call, his number will be revealed to the authorities. This feature should go a long way to discourage obscene and harassing phone calls.

Further in this regard, the bill specifically notes that it is not the intent of the Senate to either endorse or facilitate the use of blocking of caller ID by originators of obscene or harassing telephone calls, nor is it the Senate's intent to limit the enforcement of laws prohibiting these types of phone calls.

The third condition permits governmental entities to use caller ID except on lines publicized or represented as providing confidentiality as to the identity of the caller. Governmental entities must also publish notice that they are using caller ID and describe the intent and scope of their use of the service.

This aspect of the bill serves to protect the identity of those calling medical hot lines, tax compliance lines or other lines where the caller generally does not want their identity revealed. We have drawn the exception to governmental use narrowly. We wanted to protect privacy interests while at the same time ensuring that governmental entities may make use of these new technologies to improve the delivery of their services to the public.

As a fourth condition, S. 652 also exempts from the wiretap statute the so-called automatic number identification service or ANI. ANI functions similarly to caller ID but on 800 and 900 lines only. ANI subscribers, such as mail order houses, may use the information they obtain on callers for internal billing, routing and other similar purposes. But these ANI subscribers may not resell or distribute the information they compile without the prior consent of the caller.

In this respect, the privacy of callers is protected and the information regarding their purchasing habits is maintaining only by those companies with which they have done business. This feature of the bill is intended to provide callers with an enhanced degree of control over the distribution of private and sometimes sensitive information to tele-marketers and other similar entities.

The bill provides for a civil private right of action where: First, the phone company fails to provide caller ID as required in the bill; second, caller ID is provided on a government line which is publicized as being confidential; or third, ANI subscribers are found to have misused the ANI information.

This bill represents important legislation. It is the result of intensive negotiations between the local telephone companies, the long distance carriers, State public utility commissions and public interest and privacy advocates.

Passage of this bill will ensure that caller ID and related services are provided throughout the States in a manner that ensures for the consumer a predictable and uniform expectation of privacy.

Mr. President, to summarize, this is a good bill, because it is a well-thought-out, well-reasoned measure. Senator KOHL has led the effort to develop thoughtful legislation in this area. I want to share briefly with the body why we need a bill. I think, as Members watch these deliberations, the first question they may inquire about is why in the world do we have to fix this when we are not sure it is broken? I will share my view on that particular subject. First of all, the reason we need this is that there is an enormous amount of new technology in this area that simply has not been dealt with under current law. The distinguished Senator from Wisconsin, Senator KOHL, has alluded to these new technologies in his opening statement. Let me outline them again very quickly.

Caller ID is now available in several States. It was not available in the past. Call blocking is now available, both per call and per line. Call return is now available. Call trace is now available. Call reject is now available.

Mr. President, our Federal statutes need to take these new and emerging technologies and services into account and interrelate them, so you can treat people fairly and deal with the existing prohibitions that now stand on the books.

Mr. President, the second reason we need this bill is the Pennsylvania Supreme Court decision on this subject. What the Pennsylvania decision has done is interpret a Pennsylvania statute that also is similar to the Federal wire tap statute. That decision simply deemed caller ID to be an illegal tap and trace device under the Pennsylvania wiretap statute. Mr. President, caller ID is a valuable service. We must ensure that it remains lawful. Therefore, we must take the Pennsylvania decision into account in adjusting the Federal wiretap statute. For these two reasons, Mr. President, this is necessary legislation.

The second question I would like to address very briefly—and it may occur to some Members as they listen to this—is why in the world a person would want to be able to withhold his or her number from the called party? If you are going to call somebody, why would you not be willing to let the called party identify your number if he or she chooses to? Let us look at that. Let us say, if you call a store to find out when it closes, or an airplane to find out if you can get a ticket, do you really want the store or the airline to have your name and phone number on a junk mail list? Well, some may not mind that, but some may, and we—and not the phone company—ought to have the right to make that decision. Let us say you are a doctor, or an attorney, or another that provides professional services. If a patient or client can find out your home phone number and your home address when you return his or her call, you may not be willing to call every time that you may be needed. Thus, call blocking simply provides a useful privacy option. Or let us say you want to call a crisis hot line for help, you do not necessarily want them to know who you are; or, let us say you are a reporter who calls a source from home, you may not want that source to know the way to your own doorstep; or, let us say you are an undercover narcotics agent who arranges a drug buy over the phone, you may not want the target to know your true identify. The simple fact is these new technologies provide enormous options that we have not always had in the past. We need to think them through carefully.

Mr. President, I think that is the value of this bill. Mr. President, this legislation reflects Senator KOHL's willingness to listen to a broad spectrum of interested parties. It is thoughtful, reasonable legislation that strikes a reasonable balance between the uses of new technology like caller ID and similar services and the privacy interest of persons making calls to prevent disclosure of their numbers.

The measure was reported out of the subcommittee unanimously. It was reported out of the Judiciary Committee on a 10 to 1 vote. While not everyone is an endorser or enthusiastic supporter of this measure, frankly, I think those who have taken a great deal of time to think about it and look at it will find their reasonable concerns and objectives have been addressed and incorporated into the bill.

Mr. President, I am proud to join with Senator KOHL as a cosponsor of this measure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise to express some concerns I have about

this legislation that is before the Senate. I, first of all, want to compliment the distinguished managers of the bill for trying to craft a compromise to deal with some of the objections to the legislation as reported by the Judiciary Committee.

There are still serious concerns about the bill: For example, whether or not legislation in this form is necessary to put before the Senate today. The Federal Communications Commission is given authority by law to regulate interstate communications services that are offered by telephone companies throughout the United States. At the present time I understand that the Federal Communications Commission is undertaking a rulemaking to deal with the very issues addressed in this legislation. My inclination is to permit the FCC to proceed without obstructing or trying to impede or direct or mandate the direction in which that rulemaking proceeds.

The reason we create an agency like the FCC to begin with recognizes that this Congress does not have the staffing, expertise, the procedures that enable it to make decisions of this kind that are very technical, that require an awful lot of research of technology, or understanding of technology, and the countrywide impact on the competitive relationships between industries, the impact on consumers, and those who use the services, to be sure that their rights are safeguarded in every possible respect.

Senators are not experts in the communications field. Senators would have a very difficult time trying to make a correct decision on technical issues of this kind and still discharge the other duties and responsibilities that we each have in a wide range of other subject matter areas. That is why the FCC is entrusted with the power to make rules, make determinations, and issue regulations on questions of this kind.

So I would urge the Senate to refrain from enacting a law on this subject at this time. It is premature for the Senate to legislate on this issue in the detail and in the area of communications minutia that we are being asked to do today in this bill.

There is one other concern that I have and it is a serious concern that has already been shared with the committee, and that is the fact that State regulatory agencies have the responsibility under our Federal system to regulate intrastate communications services. These public service commissions or regulatory bodies in every State have been reviewing this technology, have been hearing witnesses, have been trying to come to grips with how best to protect the interest both of consumers and customers, to be sure that privacy is protected, and to be sure that we are able to take advantage of new technologies like caller ID.

Twenty-three States have, through their regulatory agencies, authorized the providing of caller ID services. Some have elected to require the call-blocking service as well. That was described by the distinguished Senator from Wisconsin.

Some have not provided the call-blocking service. I am advised that in my State of Mississippi, for example, the caller ID service is available but the call-blocking service is not required to be made available. Few complaints by the Public Service Commission have been received in our State, I am told. In the committee report a letter or a copy of the letter addressed to the Senator from Vermont [Mr. LEAHY] was printed at his request as a part of his additional views on this subject. The chairman of the Vermont Public Service Board, the State regulatory agency, had this to say about this legislation.

States have taken their responsibilities seriously on this question. The various State commissions have been able to benefit from each other's investigations into the privacy and public safety aspects of caller ID services. This is not an issue that requires or suggests the need for Federal preemption of State legislative or regulatory actions. Federal preemption of State authority for caller ID's blocking capability is clearly unnecessary at this time. It is also unwise both as a matter of federalism and as a matter of service and technology deployment.

It seems to me, Mr. President, that the legislation before us is symptomatic of a problem we have in Congress at this time. Some see every instance when we perceive a need or a problem it must be solved by Federal regulation or Federal legislation. I disagree with that precept.

I really think we are making a big mistake, particularly in the scientific and technological areas, if we as an institution presume to be experts in every instance and to be capable and competent to legislate an answer to every question that arises in the use of new technologies, particularly communications, and telecommunications technology. We position ourselves as both judge, and jury, high and mighty arbiters over every dispute that arises between competing forces in our society, between consumers and business interests, and industries like this, the telephone industry and its customers.

There are already established regulatory procedures and bodies entrusted with the authority of law to do these things that we today are being asked to do in the U.S. Senate. I really feel that we are making a mistake to continue to intrude into these areas already under the jurisdiction of some other competent body, much more competent in terms of experience, knowledge of the subject matter, closeness to the situation and to the people affected by the law or regulation that will be enacted or promulgated, than we are here in the U.S. Senate.

So here we are in a situation where Senators are not prepared, on the basis of background, experience, or knowledge, to make a decision of this kind, and we are being asked to legislate, enact a statute that directs, in effect, the Federal Communications Commission and State regulatory bodies how to judge issues now before them which are being dealt with and have been dealt with, in many instances already, in what may prove to be a perfectly satisfactory way.

I have talked to some Senators about their knowledge of this caller ID issue and how it has been handled in their various States. In some States already, such as Virginia, steps have been taken by the local telephone companies to provide the very services that we are legislating now be required nationwide. Why do we need to legislate what already is being done?

I just saw in the paper here in a Washington Post article, "C&P Offers Virginia Caller ID Users an Unbeatable Block." And the article describes the service that this legislation requires to be made available. Well, now why do we need the law? If the companies are doing what the law suggests they ought to do, I do not see why we need to clutter up the Federal statute books with judgments that we are being asked to make on how a telephone company should provide service to its customers.

Obviously, there is a need for this kind of service, there is a demand for this kind of service, and it is being made available. And in States where it is not being made available, the pressures on the local regulatory bodies and on the local service providers will become such that those services will be made available.

I noticed in the Legislative Notice made available to all Republican Senators describing the Telephone Privacy Act, the summary of the bill, and a notation that the administration opposes the passage of S. 652. I am going to read from this notice.

Federal legislation on Caller ID is unnecessary. * * * For interstate service, the Federal Communications Commission (FCC) already has authority to regulate Caller ID. In fact, the FCC is now conducting a rulemaking on Caller ID that addresses the concerns underlying S. 652. On the local level, the States are using a variety of approaches in determining the conditions under which Caller ID should be offered in their jurisdictions. These different approaches are providing valuable information and experience in developing this service and should be permitted to continue.

I am persuaded that it is premature for the Senate to act today on this legislation.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Washington Post, May 5, 1992]

C&P OFFERS VIRGINIA CALLER ID USERS AN UNBEATABLE BLOCK

(By Mark Potts)

If a telephone call is the next best thing to being there, then Chesapeake & Potomac Co. has come up with the next best thing to not calling at all.

Closing a loophole in its Caller ID service, C&P yesterday introduced a service in Virginia that will automatically hang up on any caller who tries to circumvent Caller ID. The new service known as anonymous call rejection, also could be available to C&P customers in Maryland and the District within a few months, pending regulatory approval.

Caller ID, which has been available locally for about two years, provides a customer with an electronic display that shows the phone number of the person making a call to the customer.

C&P Telephone and other phone companies have marketed the service as a way to screen unwanted calls or learn the identity of prank or obscene callers. About 341,000 of the 17.9 million East Coast customers of C&P's parent company, Bell Atlantic Corp., subscribe to Caller ID, for which they are charged a $6.50 monthly fee, plus the cost of the display device.

But Caller ID can be overridden by the caller by pressing *67 before dialing the number. Instead of displaying the number at the other end of the line, the Caller ID device then shows a message saying the call is "private." Some critics have seen this service as defeating the purpose of Caller ID, since it allows unwanted callers to hide under this "private"guise.

But not anymore. Caller ID users or any other C&P customers in Virginia who want to block such "private" calls can dial *77 to subscribe to the anonymous call rejection service. The service will automatically screen calls and disconnect any made using the "private" prefix; the caller will hear a message saying that the party being called does not accept such calls.

The service, which can also be activated on a rotary phone by dialing 1177, is free for any Caller ID customer and will cost other customers $3 a month.

C&P of Virginia is one of the first phone companies in the nation to offer anonymous call rejection. State regulators approved the service last week, and C&P officials say they will ask for approval by Maryland and District regulators.

There is some irony to Virginia's approval of the system: State regulators have not allowed C&P of Virginia to give customers the option of making "private" calls to Caller ID users in the first place, although Virginia customers still can receive such calls from elsewhere.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I have great respect for the Senator from Mississippi. However, in this case, I believe that he is not on the right track.

The fact is that neither the FCC nor the State can adequately regulate caller ID for at least two reasons. On the one hand, the FCC can only regulate interstate calls and not intrastate calls. So it cannot protect the telephone privacy of people in States like New Jersey and Indiana which do not permit any sort of blocking by the caller and it cannot move the States toward more uniform privacy protections as our bill does.

And on the other hand, the States cannot protect the privacy of interstate callers. Travelers therefore would have to carry a list of which States recognize telephone privacy and which do not. And because not every State will require blocking, we need to ensure that callers in every State have their privacy protected.

More than that, before we go any further with caller ID, we have to make sure that it is legal under Federal law. Neither the FCC nor the States can do that. In fact, last month the Pennsylvania Supreme Court ruled that caller ID violates a provision of that State's wiretap statutes which is identical to the Federal wiretap statute. This proposal would resolve the ambiguities in our Federal wiretap statutes and ensure the legality of caller ID and move us toward a uniform national privacy policy in this area.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I wonder if I might have the attention of the managers of the bill on one provision?

There is in the substitute amendment per-call blocking on each individual call contrasted with the House version which has per-line blocking. I believe the provision of the Senate bill is far preferable to the provision in the House bill.

I would inquire of the managers of the bill on my own behalf, but I would represent at the same time that I think there are many other Senators who are interested in seeing to it that the Senate version on this issue stands in conference.

My inquiry of the distinguished managers would be their statement as to how important they feel this is and their own statement of firmness in conference on standing by this particular point in the Senate bill.

Mr. KOHL. Well, I personally feel that per-call blocking is a very important part of this legislation. I myself would feel very uneasy about per-line blocking, and I would intend to fight just as strongly as I can for per-call blocking as I think that is an essential part of the legislation.

Mr. SPECTER. I would agree with the distinguished principal sponsor of the bill, and I am glad to hear those assurances of his own firmness and determination to see that per-call blocking survives the conference in contrast with the House version.

If I might have the attention of the distinguished manager on the Republican side as to the same line of inquiry, the degree of firmness you have, Senator BROWN, as to the per-call blocking as opposed to per-line blocking.

Mr. BROWN. I want to assure the distinguished Senator from Pennsylvania that I share the view that has just been announced by the distinguished Senator from Wisconsin. As manager of the bill for this side, I share the sentiment of the distinguished floor manager for the majority, that we should hold firm in conference on these important issues.

Mr. SPECTER. I thank the distinguished Senator from Colorado and the distinguished Senator from Wisconsin for those assurances.

It seems to me that if we are going to have a national standard, aside from the limited grandfathering which is present here, and if we are going to have caller identification be meaningful, it has to be exercised when the caller wants to have his or her identity concealed on an individual basis. I concur with the managers that that is a good compromise. The recipient will know who is calling unless there is a specific exercise of privacy on an individual call basis.

But, given that value, the Senate version, I believe, has the appropriate approach: if the caller, the person placing the call, wishes to exercise his or her confidentiality, it must be made on a per-call basis and not per line. Therefore, the Senate version ought to prevail in conference, there ought to be this statement, and I think others may add their comments to the RECORD before consideration of the bill is concluded.

I thank my colleagues.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President I wanted to address just briefly the very thoughtful comments by the Senator from Mississippi. He, I think, has made an argument that I long thought had great validity and applies to many areas—not simply telephones—and that is a concern that we not necessarily try and regulate everything from Washington, DC.

It is an appropriate argument. It is appropriate to bring it up. I think it is a valid concern.

In this particular circumstance, however, I am convinced there is some need for a uniform rule here. Let me share why. We are dealing with a wide variety of interdependent technologies. Caller ID in my view, is inextricably linked to call blocking, which involves the ability to decide not to pick up the phone when you see whoever is calling has blocked your identification. This is not simple. It is quite involved. It is a difficult area in which to ensure all options to individuals.

For example, let us assume this. The caller ID might be invalid in one State, might be illegal, might be thought of as wiretapping. An adjacent State may think it is just fine. What could happen? A paradoxical and disparate result could result. Even if it is illegal to use caller ID in one State—thus precluding

access to the phone number information of the calling party—the same information could be available to the recipient of phone calls made on 1–800 or 1–900 lines through the service known as automatic number identification ID. This service is already available.

The simple fact is, this is truly interstate commerce in the most direct, in the most logical sense of the word. We cannot hope to give total State sovereignty. To begin with, the FCC regulates part of this in the interstate calls. Calls within the State indeed could be regulated by the State. But because we have interdependent technology, because we have options for the various people providing phone services as to where they locate, to have a wide variety of rules in this area invites a simple nightmare with regard to the rights of the individuals.

For those who have that concern, I would hope they would take the time to go through the details of the bill and evaluate for themselves the manner in which we have reasonably balanced, I believe, the competing privacy interests of the calling and called parties.

This measure is quite creative. It goes to significant lengths in an effort to protect individual rights and individual options. The miraculous thing is the tremendous ability of technology to protect those rights. I think anyone who goes through this in detail will be immediately impressed with how the rights of the individual caller are protected to a maximum degree.

So, are there problems to going to the one rule and trying to make uniform standards? Absolutely. But this is an area where I think most Members, as they take a look at the technologies involved and the rules involved, will agree that the only logical conclusion is that you have to come up with some common way of dealing with these issues.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1795

(Purpose: To restore an enforceable Federal death penalty, to curb the abuse of habeas corpus, to reform the exclusionary rule, to combat criminal violence involving firearms, and for other purposes)

Mr. GRAMM. Mr. President, on behalf of myself, Senator THURMOND, Senator DOLE, and others I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] (for himself, Mr. THURMOND, and Mr. DOLE) proposes an amendment numbered 1795.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 1796 TO AMENDMENT NO. 1795

Mr. KOHL. Mr. President, on behalf of Senator BIDEN, I would like to send this amendment to the desk please.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. BIDEN, proposes an amendment numbered 1796 to amendment 1795.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. GRAMM. Mr. President, 1,049 days ago, President Bush sent to the Congress a comprehensive anticrime bill and 1,049 days later that comprehensive crime bill is still stuck in a partisan gridlock denying the American people something that they desperately want.

Mr. President, we all know that the American Government is caught in the grips of partisanship which exists today at a level that is unprecedented in the postwar period. But nowhere is that partisanship more in evidence than on the President's crime bill.

Let me remind my colleagues what happened when the bill was considered in the House and Senate. Let me explain what I have sent to the desk, what has been sent to the desk as a second-degree amendment, and what the basic issue is that we face here.

Last year, we considered a crime bill in both the House and the Senate. Both the House and the Senate adopted very strong provisions that strengthened law enforcement, that provided stiff, minimum mandatory sentencing, and that provided the President with the strong piece of legislation he sought in order to deal with the crisis facing our bleeding Nation.

The problem was that when the bill went to conference where a very small number of Members from the House and Senate sat down together and the decisions were made by Democrats in the House and Democrats in the Senate, they dropped out all the strong provisions of the bill, the weakest provisions in most areas were adopted, and in some cases where the same provision had been adopted by both Houses of Congress, it ended up not being part of the final bill.

The crime language we ended up with after the conference, is a bill that overturns 20 Supreme Court decisions which strengthened law enforcement. A bill which, in the words of the President and 25 States attorneys general, both Republicans and Democrats, strengthens criminals' rights and weakens law enforcement.

Now, the proponents of this bill say it authorizes money for law enforcement, but not 1 penny of money is actually provided by the bill. A critic would say that in an effort to say something good about the bill, it is very cynical to say we are authorizing all this money even though the Congress underfunded the President's request for law enforcement in the last appropriations cycle.

Now, let me just review some of the provisions adopted by the Senate but that are not in the conference report.

One provision was 10 years in prison without parole for selling drugs to a minor or using a minor in drug trafficking.

Basically, the position that the Senate adopted on a voice vote said, if you sell drugs to a minor, no matter who your daddy is or how society has done you wrong, if you are arrested and convicted in the Federal system, you are going to serve 10 years in prison without parole. And if you get out of jail and you do it a second time, you are going to get life imprisonment. That provision was adopted in the Senate, but when the bill came out of conference the provision was dropped.

The Senate adopted the so-called three-time loser provision that said when a person is convicted of a violent crime or a drug felony in the Federal system on the third conviction, that person gets a mandatory sentence of life in prison without parole. That provision was adopted in the Senate, strongly supported here, but when it went to conference the provision was dropped.

The Senate adopted a provision that said if you use a firearm during the commission of a violent crime or a drug felony, and you are convicted in the Federal system, you get 10 years in prison without parole for the gun violation alone. If you discharge the firearm in the commission of a violent crime or drug felony you get 20 years in prison without parole. And if you kill somebody you get a minimum mandatory sentence of life in prison, or in aggravated cases you are subject to the death penalty. That provision was adopted in the Senate. Similar provisions were adopted in the House. But when the bill was written in conference at the end of last year, those provisions were dropped.

Basically, what was done in the conference committee, was all of the provisions supported by the President that were aimed at grabbing criminals and drug thugs by the throat and not letting them go to get a better grip, ended up being dropped. We ended up with a bill that overturned at least 20 Supreme Court decisions that strengthened law enforcement.

Basically, the conference report was a hollow shell of what we had adopted in the Senate, a hollow shell as compared to what had been adopted in the

House. The will of the majority in both houses ended up being circumvented.

I have tried to facilitate this debate. I want to make it clear that we notified our colleagues over a month ago that when we had an opportunity to offer this amendment, we intended to do so.

We have taken the strongest provisions from the House bill and the Senate bill and brought together the provisions either adopted by the House or adopted by the Senate that would strengthen law enforcement and that would send a very clear signal that we intend to do something about violent crime and about drug trafficking in America. That bill was introduced earlier this year as S. 2305 by Senators THURMOND, DOLE, myself, and many of our colleagues.

There is no provision in the amendment that I have sent to the desk that was not adopted last year by at least one of the two Houses of Congress except for the prison construction money. Many of these provisions have been adopted by both Houses.

The proposal that I have sent to the desk authorizes not only the funds that were in the conference report, but additionally authorizes funds for prison construction, something that is desperately needed. But let me make it clear that we are talking about authorizing money. We are not shooting with real bullets in either bill on money because appropriations provide money; authorizations represent wishful dreams.

We have been trying now for over a month to get Congress to go back to the crime bill. What has happened is that the majority has decided to drag this old dead cat conference report back out on the floor. The conference report overturns 20 Supreme Court decisions, and the U.S. Attorney General and 25 States' attorneys general of both parties have said it is a bill that strengthens criminal rights rather than strengthening law enforcement.

So what we have is the phony crime bill now as a substitute for a proposal which I have offered and which was intoduced earlier this year by Senator THURMOND and Senator DOLE and others and which is composed of the strongest provision from the House and the Senate versions of the bill.

Mr. President, it is clear to me that there is a determination by the majority to not allow us to deal with this issue. So I want to try to make it clear again that it is not my objective to try to slow up the flow of legislation. I am going to continue to offer this bill until we address this important issue.

We have the conference report which the President has said he will veto. The House passed this bill by a vote that clearly is insufficient to override that veto. The majority has not been able to get cloture on this bill and it is not going to become the law of the land because the Attorney General and 25 States' attorneys general say that it weakens the position of law enforcement.

So if that substitute is clotured or is accepted, I want my colleagues to know that this issue is not going to go away because the underlying bill is still amendable and what I would do in that case is simply allow, if we do cloture and do adopt the crime conference report, in its amendment form, if the majority, using its numbers, is able to adopt it, then it would simply become part of this bill; but at another point in the bill, I would send the same amendment to the desk and we would start the process over.

I am not going anywhere. I have the time to do this if we want to engage in it. But I do not think it is a good use of our time. I believe the time has come for us to be debating a tough anticrime bill. It is clear that the conference report which has been rejected by law enforcement officials all over the country, and which the President says he will veto, is not going to become the law of the land. So I am hopeful that we can put aside the conference report and get down to the issue of writing a real crime bill which is on the side of law enforcement and not on the side of the criminal.

I remind my colleagues that it has been 1,049 days since the President sent the crime bill to Congress. I think the time has come to act, and I urge my colleagues to reject the conference report, which the President will veto, which we have debated on many other occasions and which is offered today for one and only one purpose, and that is to try to kill the amendment that I have offered.

I want to repeat one final time. If this conference report which is offered for the purpose of killing the amendment is adopted, I will simply offer the amendment again, and if it is killed with another amendment, I will simply offer it again. I think my colleagues have the drift of what I am saying.

The basic bottom line is this: We are not going to allow the U.S. Senate to be denied to make fundamental decisions about crime and punishment in America, I hope my colleagues will support this effort. I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to speak in opposition to the pending amendment.

The underlying bill, S. 652, would protect people's telephone privacy by giving them the ability to block the display of their telephone number, thereby preventing the unauthorized use of that information. It is a simple, straightforward, and effective proposal, and one that is needed.

But at a time when the Senate is scheduled to debate legislation which insures people's telephone privacy, we find ourselves considering yet another crime bill.

Mr. President, the Senate has already debated the merits of a crime bill. And that crime bill was approved in a House-Senate conference last October. The House adopted the conference report on November 27 of last year. Since then the Senate has been unable to garner enough votes to overcome a Republican filibuster and send a crime bill to the President. In the meantime, Republicans have introduced another crime bill.

This latest crime bill today—except for the absence of the Brady bill and a difference in habeas language—is very similar to the House and Senate versions already passed. It is clear that the real motivation behind offering this amendment, and in filibustering the conference report, is not the desire to pass an effective crime bill. The true motivation—the real reason for shifting the focus of this body from a privacy bill to a crime bill—is hard and fast partisan politics.

This debate is not a debate on the merits of a crime bill, it is a sound bite debate. What we hear today will be repeated over and over until November has come and gone. And it is the public who suffers from this gamesmanship as we bicker on the Senate floor. But this is no surprise—or at least it should not be. It is an election year and this is the way things are done in an election year.

Yet, this is the type of political jousting that the American people have said they have had enough of. Partisanship does little more than ensure that public disdain for Congress will continue to grow.

Mr. President, this is not the time for debating the crime issue. The Senate has before it an important piece of legislation addressing people's privacy. The crime issue is equally important, but it is evident that we are a long way from agreeing on a crime bill. Consequently, I urge my colleagues to oppose the Gramm amendment and get on with the business at hand—passing the caller ID bill.

I thank the Chair.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand our colleague's interest in the bill that is before us. I guess there are just a couple of responses I want to make. First of all, for over a month, we have asked for an opportunity to debate the crime bill and this is the first opportunity we have had with this amendment. I know my colleague thinks that this issue of setting out telephone rules concerning the ability of people to detect the number of the person who is calling them is of great moment but, quite frankly, I think it is kind of insignificant as compared to the crime problem that faces America.

I think, quite frankly, if you do not want somebody to know your number, there is a simple way not to let them know it: Do not call them up. Listening to the whole logic of this very complicated bill, it sounds to me like people are arguing that if somebody comes and knocks on your door and you say who is it? They can say: "Wait a minute. You don't have a right to know who I am. Just let me in your house."

There is one sure way not to let people know your telephone number and that is do not call them up. So we can fix the problem they are trying to deal with very simply. If you do not want your number known by a particular individual, do not call them. But to say that somehow this is such an important bill that we cannot consider mandatory sentencing for selling drugs to minors, mandatory sentencing for using guns in violent crimes, I think is just outrageous on its face.

So, again, I am ready to debate the crime bill. I hope that we will have an opportunity to do that. If the conference report is clotured and adopted, I simply intend to offer this again and to continue the process until ultimately we debate a bill that is a legitimate bill that the President will sign into law to deal with the problem.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in a Senate in which transparent political ploys are customary, rarely have we seen a more transparent, more political ploy than that which has just occurred.

The Senator from Texas and his colleagues have filibustered to prevent a comprehensive crime bill from passing this Chamber, going to the President, and becoming law.

A majority of the House have approved it. A majority of the Senate favor it. But because the Senate rules are such that permit a minority to prevent the will of the majority from being effected, that permits a minority to stop the Senate from acting on comprehensive crime control legislation that within hours would do something meaningful about the serious problem of crime confronting people in urban areas all across the country.

Now, they recognize the political vulnerability of filibustering and preventing a comprehensive crime bill from being enacted into law, and so to create confusion, to obscure what is really happening, we have this transparent political ploy of bringing this yet another new Republican crime bill here, as though it is the only crime bill, as though fighting crime is a franchise, a monopoly of our colleagues.

The reality is, Mr. President, if anyone here is serious about crime, they will stop filibustering, stop using these tactics, and permit this comprehensive crime control legislation, that has already been approved by the House and now only needs final action by the Senate at this time, and it could be on the President's desk in a matter of hours—it is that which is occurring here, and it is that of which every American should be aware. A determined minority, unwilling to deal seriously with the problem, now engages in a transparent political ploy to give the impression that someone else is responsible, that someone else is preventing action.

So, Mr. President, we are going to debate crime. We ought to be debating crime. We have debated it hundreds of hours, and it is our colleagues on the Republican side who have filibustered to prevent action from occurring. That is what has happened. That is what has happened right until now.

Now, we have on the calendar crime legislation that has already passed the House, and all it takes is a vote here in the Senate. We could vote at 5:30 tonight, within one-half hour, and it would be on the President's desk in one-half hour. If anybody is serious about acting, that is what we ought to do, and we are going to have that opportunity momentarily.

The legislation proposed here in the form of an amendment has no chance of being enacted. Everybody knows that. It has not even been considered in the House of Representatives. It is a brand new bill. So it is an obvious, transparent political ploy. If we want to debate crime, let us debate something that will happen in a matter of hours.

MOTION TO PROCEED TO THE CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 3371

Mr. MITCHELL. Mr. President, I move that the Senate proceed to the consideration of the conference report on H.R. 3371, the Omnibus Crime Control Act.

The PRESIDING OFFICER. The question is on agreeing to the motion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I understand that there is now a nondebatable motion before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I ask unanimous consent I be permitted to proceed on a subject unrelated to that motion.

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

CONSIDERATION OF MOST-FAVORED-NATION STATUS FOR COMMUNIST CHINA

Mr. HELMS. Mr. President, during my nearly 20 years in the Senate I have dealt with literally scores of Federal officials on issues of great importance to the American people. Almost always, like other Senators, I have been given assurances that total cooperation and unflagging efforts to resolve whatever issue was at hand. And in some cases, sad to say, that was the last I ever heard of the commitments made to me.

But in other cases there were, indeed, efforts to resolve the issues. In other words, as Senators know around this place, you win some, you lose some, and some are rained out when you deal with the Federal bureaucracy.

My purpose today, Mr. President, is to pay my genuine, sincere, respects to a lady who came to my office last year and made a commitment to me; a commitment which she is clearly this day in the process of fulfilling. I have in mind the Honorable Carol Hallett, the U.S. Commissioner of Customs.

Mr. President, Commissioner Hallett came to my office last year. She came at my request to discuss the deluge of textile imports flowing into the United States from Communist China, textile products manufactured in large measure in Communist China by slave labor.

Commissioner Hallett reviewed the investigation then in process by the Customs Service, which she heads, and after discussing this flood of textiles flowing into the United States from Communist China she looked at me and she said: "Senator, I give you my word; we are going to get to the bottom of this."

This morning, a call came from Commissioner Hallett's office. She just wanted me to know that she was in New York where indictments were today being filed in Federal court in New York against, guess who—the Chinese Government.

The Associated Press later in the morning began a lengthy story this way:

> NEW YORK.—The Chinese Government is involved in a scheme to avoid paying millions of dollars in duties and taxes on textiles and clothing exported into the United States, Federal officials said Wednesday.
>
> The charge was made as authorities unveiled the first indictment to result from a massive Federal investigation into the alleged fraud.
>
> "All of the evidence indicates that there is a direct involvement" by Chinese trade officials, said U.S. Customs Service Commissioner, Carol Hallett.

I quote that part of the AP story. Later on I will have printed in the RECORD the entire story from the Associated Press earlier today.

These Chinese-controlled companies, and at least four individuals, are charged with criminally defrauding the United States in connection with mas-

sive textile imports sent into this country. And for the purpose of emphasis I will say again, in large measure these textile products are manufactured by slave labor in Communist China. This is a subject that I have discussed on this floor countless times; also in the Foreign Relations Committee of which I am the ranking member.

Communist Chinese government officials are clearly involved and at least one government official has been indicted. The reason I say "at least" is because there is at least one indictment that is not yet unsealed and we do not know the contents of that indictment. And perhaps there will be others. But we will learn as time goes by.

A Chinese trade official, Zhang Jina Jhong, Deputy Chief of the Trade Agency in the Chinese Province of Jiangsu, and his trade agency, are charged in Federal court in New York City with fraud, conspiracy, and smuggling.

That raises a question, Mr. President, about all these people who say, "You ought not bring this up, Jesse. We have to get along with the Chinese." My answer has been we do not need to get along with a bunch of crooks.

I must say, this did not go over so well with people down at the State Department—at least some of them.

One of the indicted corporations that has, of all things, the name of Sunlight International, Inc. is, in fact, owned by the Chinese Government. Its officers, who are in fact employees of the Chinese Government, were also indicted today.

Mr. President, I have been protesting for years this arrogant, outrageous conduct by the Chinese Communists. I have long been persuaded that the Communist Chinese will lie and cheat and use every underhanded trick in the book to defraud the United States. But this time, thanks to Carol Hallett and her associates at the Customs Service, they got caught—I am tempted to say with their pants down but I am not sure whether they had them up or down. It does not matter.

The Chinese scheme exposed this morning defrauded the United States Government of tens of millions of dollars. More important, it has destroyed thousands of American textile jobs. This is a point that some of us have been making for years on the Senate floor.

Industry experts estimate that as many as a half million United States textile jobs may have been lost because of the double dealing and the deceit by the Chinese Communist trade policies and activities.

But, as for this particular scheme, one part of the operations involved the transshipment of Chinese slave-made goods through other countries. In other words, China would ship them to another country and that country would ship them to the United States.

This enabled the Chinese to get around the textile quotas. It is estimated that the Communist Chinese are transshipping more than $2 billion worth of textile products into the United States every year.

Another part of the scheme involves understating the value of the textiles being shipped into the United States, again defrauding the United States of tens of millions of dollars. This is probably only the tip of the iceberg. I have learned that there are more than 50 investigations going on at this time. I knew there were some, but I did not know that there were as many as 50.

The Chinese-controlled companies have been selling the Chinese quotas—now get this—to potential importers, and when the textiles were imported, clearly as a bribe, that bribe, of course, was never included in the customs declaration form that is required by law. In fact, this is more an act of distortion than of a bribe.

In other words, anyone who wanted to deal in textiles with Communist China had to pay off the Government first. Anybody who wanted to trade in Chinese textiles has been required to go to the Chinese Government—controlled entity called China National, and they would be referred to an importer, such as Sunlight, which just happens to be owned by—guess whom—the Chinese Government.

I have a few charts that I will try to interpret. Here is what has happened. Mofert is the Commerce Department of China. China National, which I have already referred to, is controlled by the Government. Then there is the Knitwear & Home Textiles Co. in Nanjing and under it is Sunlight International, that is their New York subsidiary.

I cannot discuss this sealed indictment, but it will be unsealed, and you had better hold your nose when it is opened. And there is C&H West Merchandising, another one of these importer outfits, out in Los Angeles.

Here are the names of various people involved. Li Ping, who is vice president of Sunlight International. Guess what? He is a fugitive today. They do not know where he is. Then there is Wu Yimin, who is vice president. He was arrested. Then a fellow named Robert Hsu, who is president of C&H West Merchandising of Los Angeles, and he, too, is a fugitive.

This next chart simply demonstrates some of the MO, modus operandi, of how the Chinese Government has been hoodwinking the United States Government while Members of this Senate were saying: Oh, we have to get along with the Chinese; we must not say anything about these type of things.

Thank the Lord for Carol Hallett. She went to New York this morning and she, as they say, stuck it to them. In any case, Mr. President, I believe I mentioned an important part of the scheme involves the understatement of values of the textiles being shippped into this country, costing the United States tens of millions of dollars. Nobody knows how much.

These Chinese-controlled companies that I mentioned and demonstrated on this chart have been selling the Chinese quotas to potential importers. And when the textiles were imported, clearly a bribe, that bribe was never included in the customs declaration form.

And that is the reason Carol Hallett and her great associates, the Customs Service, hauled these people into court with indictments today in New York.

To ensure that the imported textiles would be delivered into the United States, these good people in Red China make you buy and pay money for, a portion of China's textile quotas. I think I made that clear earlier, but I wanted to repeat it for purposes of emphasis. This is like reserving your quota allocation.

Obviously, since it was an under-the-table deal, a raw deal, a dishonest deal, the importer would not mention one syllable to the Customs Service that it had paid this extra price for a portion of the Communist Chinese imports. Therefore, the prices paid for the imported textiles were tremendously undervalued and that, Mr. President, is where the Customs Service of the United States nailed them.

Mr. President, I come here today to applaud Carol Hallett and her associates at the Customs Service. We have been working with these folks for a long time. I do not know how many hours I spent on the telephone with them. I have been down there; they have been up here. We have consulted. We kept quiet about what each of us has known. We compared notes. And I was convinced from the very beginning, when Carol Hallett told me, looked me right in the eye, and said: We are going to get to the bottom of this.

The bottom line, Mr. President, is that I long ago concluded that the United States Government should stop this sorry business of playing economic footsie with the Chinese Communists. Therefore, this afternoon, I sat down and drafted an amendment in the nature of a sense-of-the-Senate resolution in this regard. It is drafted for possible consideration during the debate on S. 652, the pending legislation.

AMENDMENT NO. 1797

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to send this amendment to the desk for the purpose of having the distinguished clerk read it into the RECORD.

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

Mr. HELMS. I want it read in its entirety. I thank the Chair.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

AMENDMENT NO. 1797

(Purpose: To call for a suspension of Most Favored Nation status for Communist China until the President determines and certifies that high level Chinese officials are under indictment in the United States for criminal activities in connection with the export of textiles to the United States)

At the appropriate place, add the following:

SEC. . CRIMINAL TEXTILE TRADE PRACTICES BY COMMUNIST CHINA.—It is the sense of the Senate that the President should immediately suspend nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") for the People's Republic of China until the President determines and certifies to Congress that no senior-level official of the Government of the People's Republic of China, nor any senior-level official of a provincial government of the People's Republic of China are under indictment in the United States for criminal activities in connection with the export of textiles to the United States.

Mr. HELMS. I thank the clerk, and I ask that the amendment be held at the desk for possible calling up later today or tomorrow, whichever the case may be.

The PRESIDING OFFICER. The amendment will be held at the desk.

Mr. HELMS. Mr. President, I believe it is essential that the RECORD be made clear by the inclusion of the Associated Press story to which I alluded earlier, and which moved on the AP wire earlier this afternoon.

I am going to read part of it, and I ask unanimous consent that the remainder of it be printed in the RECORD as one story by the Associated Press.

The head on the AP story: "Indictment Brought in Massive Import Fraud Investigation," written by Paul Geitner, Associated Press writer.

Here is the way it goes:

NEW YORK (AP).—The Chinese government is involved in a scheme to avoid paying millions of dollars in duties and taxes on textiles and clothing exported to the United States, federal officials said Wednesday.

The charge was made as authorities unveiled the first indictment to result from a massive federal investigation into the alleged fraud.

"All of our evidence indicates that there is direct involvement" by Chinese trade officials, said U.S. Customs Service Commissioner Carol Hallett.

The provincial trade office in Nanjing, China, and its commissioner, Zhang Jian Zhong, were charged with fraud, conspiracy and smuggling. Also indicted on similar charges were two import companies in the United States and three U.S. residents.

As a result of the investigation, the Chinese government has threatened to retaliate against U.S. businesses operating in China, possibly by closing plants or interfering in their shipment of goods, Hallett said.

But she said she knew of no actions taken so far, adding that her conversations with at least one major U.S. company operating there indicated they were not worried.

"We are certainly not going to stand down or in any way retreat from this important investigation," Hallett said.

Official figures show China exported nearly $3.9 billion in textiles to the United States last year.

Federal officials believe another $2 billion was imported illegally, including textiles made in China but shipped through other countries to avoid quotas. The most common way-stations are Pakistan, Malaysia, Taiwan, Panama and Honduras, Hallett said.

Some 50 investigations are currently under way involving millions of dollars in lost revenues to the U.S. Treasury, authorities said. Nearly 200 search and seizure warrants were executed last year by federal agents nationwide.

The companies and individuals already charged allegedly cheated Customs and the Internal Revenue Service of $120,000, Hallett said. They were charged with fraud and conspiracy for under-reporting the value of the goods they brought into the country.

Named along with Zhang and the China Jiangsu Knitwear and Home Textiles Import and Export Corp. were: Sunlight International Inc. of Manhattan; its two vice presidents, Li Ping and Wu Yimin, both of Fort Lee, N.J.; and C&H West Merchandising Inc. of Gardena, Calif. and its president, Robert Hsu of Palos Verde Estate, Calif.

Zhang is also president of Sunlight, which is owned by the Chinese government.

Wu was arrested Tuesday in New York. Hsu was expected to surrender in California and Li is a fugitive, U.S. Attorney Otto Obermaier said.

The United States has lost thousands of textile industry jobs because of the influx of cheap clothing from abroad, where wages are usually low and working conditions poor.

"In an ever increasing international marketplace, it is imperative that the customs laws and the income tax laws of the United States be scrupulously observed," Obermaier said.

That is the conclusion of the story.

I also have at hand a story from Reuter's, and I am going to ask unanimous consent that that story be printed in the RECORD.

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

U.S. ACCUSES CHINA FOR ROLE IN EXPORT SCHEME

(By Gail Appleson)

NEW YORK, May 6 (Reuter).—Federal authorities on Wednesday announced the first indictment growing out of a major investigation into an export scheme involving alleged efforts by the People's Republic of China to avoid paying millions of dollars in U.S. textile duties.

As a result of the prosecution, the Chinese government is threatening to retaliate, said Carol Hallett, commissioner of the U.S. Customs Service.

"The Chinese government has already indicated publicly it would take action against U.S. companies operating in China," she said at a news conference.

"We are certainly not going to stand down or in any way retreat," she said.

Although the indictment involves only a relatively small amount of money—underpayment of $120,000 in duties—Hallett said it was a key case that will lead to other prosecutions.

She said there were 50 separate ongoing investigations as part of the government's Operation Q-Tip probe into alleged fraudulent imports by China that could uncover underpayments running into many millions of dollars.

In 1990 total imports from China reached about $15 billion, making it the eighth largest supplier to the U.S. market, she said.

Textile imports from China were $3.7 billion in 1990 and $3.89 billion in 1991.

Hallett said the Customs Service believed China had illegally transshipped at least another $2 billion worth of goods into the United States through other countries including Pakistan, Panama, Taiwan and Honduras.

The indictment charges four individuals and three companies with participating in a scheme that began in 1988 to undervalue textiles and wearing apparel imported from China and to defraud the U.S. Internal Revenue Service (IRS).

Import duties for Chinese-made goods are assessed by the Customs Service in part based on the sale price of the items. The indictment charges that the defendants created false documents that understated these prices in order to evade payment of import duties.

Two of the individuals, Li Ping and Wu Yimin, are principals of Sunlight International, a New York sales agent that represents a Chinese textile manufacturer China Jiangsu Knitwear & Home Textiles of Nanjing, China.

Hallett said China Jiangsu is a provincial branch office of the Chinese government agency that oversees textile exports. It owns 52 percent of Sunlight and controls its operations.

"There is a direct link (with the Chinese government)," Hallett said.

The indictment charges Sunlight, China Jiangsu and Zhang Jian Zhong, a former principal of China Jiangsu and president of Sunlight, in 17 counts with conspiring to defraud the U.S. Customs Service and the IRS and importing goods from China to illegally evade the payment of U.S. import duties.

Also indicted was C & H West Merchandising Inc., a Gardona, California-based company involved in importing Chinese-made apparel from China Jiangsu and other companies, and its president Robert Hsu.

Hsu, who lives in Palos Verdes Estate, California, and the company were included in 10 counts of the indictment.

Wu Yimin, 31, of Fort Lee, New Jersey, was arrested on Tuesday in New York and Hsu was expected to surrender later on Wednesday in California. Li Ping, 37, also of Fort Lee, has not yet been arrested.

Zhang Jian Zhong, a commissioner with China's foreign trade office in Nanjing, is also a fugitive, authorities said.

Mr. HELMS. Mr. President, that is about it. I am not sure at this moment whether I shall call up the amendment that I had the clerk read, which is at the desk and available to be called up at the appropriate time. I want to see what the officials of the State Department have to say about this. I want them to try to persuade this Senator—perhaps some other Senators may be equally interested—that we should continue to do business with people like this. I am far from persuaded. As a matter of fact, I am absolutely persuaded that when you lie down with dogs, you get fleas.

Mr. President, I thank you, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

WAIVER OF CERTAIN ASPECTS OF THE TRADE ACT WITH RESPECT TO AZERBAIJAN, GEORGIA, KAZAKHSTAN, MOLDOVA, UKRAINE, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT—PM 234

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan required by section 402(c)(2)(B) of the act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the act with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING AND FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES—MESSAGE FROM THE PRESIDENT—PM 235

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1991 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2763. An act to enhance geological mapping of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

The President pro tempore [Mr. BYRD] reported that on today, May 6, 1992, he had signed the following enrolled bill which had previously been signed by the Speaker of the House:

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center in Northampton, Massachusetts, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3153. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on specific information with regard to four rescissions submitted on March 20, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Select Committee on Indian Affairs.

EC–3154. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the quarterly report on Program Activities for Facilitation of Weapons Destruction and Nonproliferation in the Former Soviet Union; to the Committee on Appropriations.

EC–3155. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on Air Force programmed actions affecting Air Force installations and activities; to the Committee on Armed Services.

EC–3156. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving a long-term financial guarantee to support U.S. exports to the Czech and Slovak Federal Republic; to the Committee on Banking, Housing and Urban Affairs.

EC–3157. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report of certificates regarding the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science and Transportation.

EC–3158. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3159. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3160. A communication from the Secretary of the Interior, transmitting, pursuant to law, the April 1992 proposed Final Comprehensive Outer Continental Shelf Natural Gas and Oil Resource Management Program for 1992–1997; to the Committee on Energy and Natural Resources.

EC–3161. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on assistance related to international terrorism provided by the United States government to foreign countries; to the Committee on Foreign Relations.

EC–3162. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a monthly report of the General Accounting Office reports; to the Committee on Governmental Affairs.

EC–3163. A communication from the Director of the United States Office of Personal Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1991; to the Committee on Governmental Affairs.

EC–3164. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the National Transportation Safety Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–3165. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report of amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC–3166. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to improve the admissions process at airports and other ports of entry; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following report of a committee was submitted on May 5, 1992:

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 914. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (with additional and minority views) (Rept. No. 102–278).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

Thomas P. Kerester, of Virginia, to be Chief Counsel for Advocacy, Small Business Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2659. A bill to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S. 2660. A bill to amend the Agriculture Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself, Mr. RIEGLE, Mr. CRANSTON, Mr. SPECTER, Mr. WOFFORD, Mr. PELL, Mr. BRADLEY, Mr. BURDICK, Mr. SIMON, Mr. DIXON, and Mr. JEFFORDS):

S. 2661. A bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 2662. A bill entitled the "Irwin Rutman Retired Safety Officers Benefits Act"; to the Committee on the Judiciary.

By Mr. SEYMOUR:

S. 2663. A bill to increase the accountability of the executive branch and Congress; to the Committee on Governmental Affairs.

By Mr. DIXON:

S. 2664. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. GORE):

S. 2665. A bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 2666. A bill to shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense; to the Committee on Labor and Human Resources.

By Mr. HEFLIN (for himself, Mr. ADAMS, Mr. BOREN, Mr. CRAIG, Mr. DASCHLE, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GORTON, Mr. GRASSLEY, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PRESSLER, Mr. PRYOR, and Mr. SHELBY):

S. 2667. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself, Mr. GRAMM, Mr. SYMMS, and Mr. HATCH):

S.J. Res. 298. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SEYMOUR:

S. Res. 293. A resolution to amend the Standing Rules of the Senate to establish a point of order against consideration of any measure containing a provision increasing the pay of Senators unless the Congress has passed a balanced budget; to the Committee on Rules and Administration.

By Mr. MOYNIHAN (for himself and Mr. PACKWOOD):

S. Con. Res. 113. A concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem; to the Committee on Foreign Relations.

By Mr. NICKLES:

S. Con. Res. 114. A concurrent resolution expressing the sense of the Congress relating to the ratification of an amendment to the Constitution of the United States which varies compensation of Members of Congress until after the next election of Representatives; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2659. A bill to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington; to the Committee on Environment and Public Works.

OLYMPIC EXPERIMENTAL FOREST

Mr. GORTON. Mr. President, today I am introducing legislation that will, if passed, end 3 years of dispute over the Olympic Experimental Forest.

In 1989, a group of environmentalists, industry leaders, and community representatives came together to form the Commission on Old Growth Alternatives for Washington's Forest Trust Lands. That consensus group recommended, among other things, that a 260,000-acre experimental forest be established on the Olympic Peninsula and that its purpose be to "produce a level of timber harvest comparable with contemporary forest practices and simultaneously to provide for ecological values."

The same year, the northern spotted owl was listed as a threatened species and the dream of creating an experimental forest was placed on hold. Neither the Washington State Department of Natural Resources in its management capacity, nor the U.S. Fish and Wildlife Service in its regulatory capacity, has been willing to move forward with the experimental forest. The legislation I introduce today will free up the Olympic Experimental Forest to be the forest laboratory the commission intended.

Today's legislation would require the Secretary of Interior to review the commission's 1989 recommendations for the experimental forest and the Olympic Natural Resource Center and for the Secretary to make recommendations regarding the implementation of those recommendations. More importantly, the bill would require the State to submit an overall management plan for the Olympic Experimental Forest to the Secretary. If it does so, and if the Secretary determines that the plan is sufficient to provide for the conservation of the northern spotted owl, he must accept the plan in lieu of enforcing any regulations on the forest pursuant to section 4(d) of the Endangered Species Act.

The Olympic Experimental Forest is not only an ecological laboratory. It will also be laboratory for experiments in commercial output. The Washington State Commissioner of Public Lands, Brian Boyle, estimates that under today's legislation the experimental forest will produce 143 million board feet of timber per year. This would provide a significant boost to a forest that produced just 81 million board feet last year as a result of spotted owl restrictions. This legislation will not return the area to pre-spotted owl harvest levels, but it will allow the forest in that area to produce a reasonably certain level of timber production.

Similar legislation has been introduced in the House by Representatives JOLENE UNSOELD, AL SWIFT, NORM DICKS, and SID MORRISON. This is a bipartisan effort to provide a balanced approach to the management of the

Olympic Experimental Forest. I hope that Congress can, at the least, see the benefit of this legislative proposal and pass it this year.

The people of Washington State, and particularly the Olympic Peninsula, have been waiting 3 years for Congress to solve a timber supply crisis in the Pacific Northwest. Today's legislation will not solve that crisis, but it is one part of the solution.

Congress must recognize that a balanced solution involves management. We cannot lock up our forests and expect them to provide for the country's various needs. Whether those needs involve recreation, wildlife, aesthetic, or commercial use, the forests must be managed. We must be active managers of our natural resources, or they will be ravaged by disease, fire, or general mismanagement. The Olympic Experimental Forest will give us all some insight into management of our forests. It was developed through consensus and I sincerely hope that it will guide us to further consensus on the difficult issues that confront us.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

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

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to assist the experimental management program being conducted by the State of Washington on State-owned trust lands on the western Olympic Peninsula in order to contribute to the conservation of the northern spotted owl and old growth resources by protecting suitable owl habitat, accelerating the development of additional suitable habitat, and developing and applying new knowledge about ecosystem management and owl conservation, while still providing a sustainable supply of timber and stable trust income.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In June 1989, a group of environmentalists, timber industry representatives, and other community leaders known as the Commission on Old Growth Alternatives for Washington's Forest Trust Lands reached consensus on a comprehensive set of recommendations for the management of old growth and associated forests in a newly created 260,000 acre Olympic Experimental State Forest. The experimental forest is bounded on the north by the Strait of Juan de Fuca, the west by the Pacific Ocean, the east by the range line between townships 9 and 10, and the South by the Queets River.

(2) The Commission recommended that the State of Washington—

(A) Adopt an ecosystem approach to management of the forest lands in the experimental forest;

(B) provide a systematic research program in conjunction with the Olympic Natural Resources Center;

(C) implement innovative forest management methods in the experimental forest, such as new forestry;

(D) continue to provide a sustainable, stable flow of timber from the experimental forest to local communities;

(E) defer harvest on 15,000 acres of old growth and spotted owl habitat in the experimental forest; and

(F) provide for greater coordination with adjacent Federal and private landowners.

(3) The Olympic Natural Resources Center has received State and Federal funding and is developing a research program involving State and other lands in the area.

(4) The listing of the northern spotted owl as threatened under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) has led to discretionary decisions by the Secretary of the Interior which have constrained the ability of the State of Washington to implement many of the Commission's recommendations.

(5) It is likely that the full implementation of the Commission's recommendations, under the supervision of the Secretary of the Interior, would satisfy the purpose of section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)).

SEC. 3. REVIEW OF IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS.

(a) REVIEW REQUIRED.—Upon the request of the State of Washington, the Secretary of the Interior shall determine the extent to which the State has adopted and is implementing the following recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands contained in the June 1989 final report of the Commission:

(1) Recommendation B, to establish an Olympic Experimental State Forest on Department of Natural Resources trust lands on the west side of the Olympic Peninsula to experiment with harvest and regeneration methods intended to sustain key elements of ecological diversity and habitat while producing commodities from a managed commercial forest.

(2) Recommendation C, to establish an Olympic Natural Resource Center to develop research and education programs in support of the management of natural resources, ecosystems, and riparian areas of the Olympic Peninsula for both the production of commodities and the maintenance of ecological values.

(3) Recommendation D, to establish an independent sustained yield unit on the Olympic Experimental State Forest after a stepped-down conversion period of 10 years.

(4) Recommendation E, to defer harvest for at least 15 years on 15,000 acres of mature, natural stands identified by wildlife biologists as most critical for the northern spotted owl.

(b) INFORMING STATE OF RESULTS OF REVIEW.—The Secretary shall submit to the State of Washington the results of the review conducted under subsection (a). The Secretary shall include such recommendations regarding the implementation of the Commission's recommendations as the Secretary considers to be appropriate.

SEC. 4. SUBMISSION AND REVIEW OF STATE MANAGEMENT AND RESEARCH PLANS FOR THE EXPERIMENTAL FOREST.

(a) SUBMISSION OF PLANS.—After completion of the review required by section 3, the State of Washington may submit to the Secretary of the Interior—

(1) an overall management plan for the Olympic Experimental State Forest that—

(A) is based on the recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands referred to in section 3; and

(B) contains a framework for coordinated decision making between the State land management agency and the Olympic Natural Resources Center or a comparable research institution; and

(2) a scientific research plan mutually developed and agreed on by the State land management agency and the Olympic Natural Resources Center or a comparable research institution.

(b) REVIEW OF ADEQUACY OF PLAN.—Upon submission of the management and research plans for the Olympic Experimental State Forest, the Secretary shall determine whether the plans are sufficient to provide for the conservation of the northern spotted owl in the experimental forest and are consistent with the objectives for the Olympic Peninsula contained in the final northern spotted owl recovery plan, or, if no final plan exists, then the draft recovery plan. The Secretary shall complete the review of the management and research plans within 60 days after the submission of applicable documentation by the State of Washington under subsection (a).

(c) EFFECT OF SUFFICIENT PLANS.—If the Secretary determines that the management and research plans for the Olympic Experimental State Forest satisfy the requirements specified in subsection (b), the Secretary shall accept the plans for the experimental forest in lieu of enforcing any regulations adopted pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to provide for the conservation of the northern spotted owl. Before accepting the plans, the Secretary shall require the State of Washington to make a formal commitment to follow the plans.

(d) CONTINUING OVERSIGHT.—The Secretary shall periodically review the implementation of the management and research plans by the State of Washington. The Secretary shall continue to accept the plans unless the Secretary determines that the State no longer complies with the plans or that the requirements specified in subsection (b) are no longer satisfied.

By Mr. WOFFORD:

S. 2660. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT

Mr. WOFFORD. Mr. President, as our Nation continues to linger in this recession, it has become increasingly clear that our Nation must develop an economic strategy to create jobs for American workers and American families by ensuring our competitiveness abroad and creating long-term economic growth. As we formulate that strategy, it is critical that any Government assistance we provide to improve competitiveness goes to the segment of our economy which is most needy and also represents the best opportunity for growth—small- and medium-sized enterprises—and not to corporate welfare programs for our Nation's wealthiest companies.

Toward that end, I rise today to introduce a bill to help small- to medium-sized agricultural companies establish a foothold in foreign markets by making it easier for them to utilize

the Market Promotion Program. Equally important, this proposal would eliminate the corporate welfare that this program is currently providing to many of our country's largest agricultural exporters.

The Market Promotion Program has been the subject of widespread criticism—and the public has a right to be upset when they hear stories of companies with sales exceeding half a billion dollars, companies such as Gallo Wines, receiving over $10 million in Government funds to promote their wines in foreign markets. Or Blue Diamond receiving over $31 million the last 5 years to sell almonds abroad. Or Sunkist Growers receiving $48 million from the taxpayers over the past 5 years to promote their citrus fruit overseas. The Market Promotion Program was not intended to provide a permanent handout for successful agricultural corporations—rather, it was intended to provide financial assistance to agricultural producers to enter new export markets or improve their export sales.

In spite of these and other well-documented abuses, the Market Promotion Program has helped many companies gain a foothold in a foreign market. In my State of Pennsylvania, for example, the Goldenberg Candy Co. of Philadelphia has made inroads into markets in Europe and the Middle East and Zeigler Bros. of Adams County has begun exporting grain-based bird food to Japan. This is exactly the type of assistance the program was designed to provide and that should be available to more companies.

While the Market Promotion Program has had notable and laudable successes, it has been widely criticized. These criticisms are focused in three areas:

That the program is now dominated by large and wealthy corporations that receive large amounts of money year after year;

That there is no domestic processing requirement for receiving the assistance; and

That due to ineffective Government oversight efforts some companies may be using MPP funds in lieu of, rather than as a supplement to, their own marketing funds.

The General Accounting Office has made a series of recommendations to the Foreign Agricultural Service to improve the Market Promotion Program. This legislation contains provisions to address each of the three main areas of concern and incorporates many of the GAO's recommendations.

First, by limiting the size of companies eligible to participate, this legislation will free up funds for small- and medium-sized companies that genuinely need financial assistance to enter foreign markets. Specifically, this legislation would bar from participation any commercial entity with sales exceeding $500 million per year. In addition, it would place a 5-year limit per product per market on all branded participants. Together these provisions will make the large corporations such as Gallo Wines and Sunkist Growers ineligible. The legislation also caps at $500,000 the amount any branded participant could receive in any single year. This means Blue Diamond, while still eligible to participate in the program, could have received no more than $500,000 in 1990 instead of the $7.7 million it actually received.

Second, there is a domestic processing requirement for any product receiving money as a branded promotion. No branded product with less than 50-percent domestic processing would be allowed to participate in the program and products with the greatest amount of processing would be given preference when money is disbursed. Keeping the processing in the United States will create manufacturing jobs and increase tax revenues at all levels—local, State, and Federal.

Third, this legislation would ensure that the Market Promotion Program remains a public-private partnership. Any company seeking funds must demonstrate that the Government's money will be used as a supplement to the company's own export promotion efforts. A company would have to disclose to the Foreign Agricultural Service, on a confidential basis, what it spent on market promotion in the previous year and would then be required to use the Market Promotion Program money in addition to money the company previously allotted to marketing.

I am proposing other safeguards to ensure this money is not wasted. This legislation will change the current spending floor of $200 million to a spending ceiling. The Foreign Agricultural Service will not have to seek out groups to take funds because it is required to distribute all of the $200 million; instead, they can provide funds to the organizations that design the best plans to utilize them. And to monitor the success of the Market Promotion Program, this legislation requires the GAO to report to Congress 1 year from enactment on the success or failure of these reforms.

Mr. President, I believe that the original purpose of the Market Promotion Program serves an important role in helping U.S. agriculture producers increase exports of domestic products. However, we have to halt the practice of providing assistance to our largest and wealthiest corporations who do not need the help, yet receive the lion's share year after year. Instead, we must return this program to its intended mission to help small- and medium-sized agricultural producers and processors expand into foreign markets.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

BILL SUMMARY—AGRICULTURAL MARKET PROMOTION PROGRAM AMENDMENTS ACT OF 1992 (S. 2660)

BACKGROUND

The Foreign Agricultural Service (FAS) of the U.S. Department of Agriculture administers the Market Promotion Program (MPP) to promote the export of U.S. agricultural commodities. Program participants include nonprofit, agricultural trade organizations, state-related organizations and private profit-making companies. Program funds are used for both the generic promotion of U.S. commodities and promotion of branded products containing U.S. commodities.

BILL PROVISIONS

Broaden Objectives of the Program

The program's objectives are broadened to include not only expanding export markets for U.S. agricultural commodities, but expanding export markets for companies that use U.S. agricultural commodities in their products, and that manufacture those products in the United States.

Means-Testing for Companies

Only companies with less than $500,000,000 in annual gross sales (foreign and domestic) will be eligible for assistance under the MPP for branded promotions.

Cap on annual funding for any individual company

For branded participants, a $500,000 cap per company on annual funding is established.

Minimum U.S. content and processing requirement, and incentives to encourage more U.S. content and processing

For branded participants, a minimum U.S. commodity content and U.S. processing requirement of 50 percent is established. Any branded product containing less than 50 percent U.S. agricultural commodities or less than 50 percent domestic processing is not eligible for MPP assistance.

Priority funding is given to those products with the highest percentage of U.S. commodity content and U.S. processing.

U.S. agricultural commodity is defined as being 100 percent U.S. in origin.

MPP funds allowed only as supplement not replacement of company expenditures on marketing

For branded participants, MPP funds can only be used to finance market development above and beyond what was spent on market development the previous year, excluding MPP funds.

This will require a certification to FAS by each participating company, on a business-confidential basis, of their total marketing budget (foreign and domestic) for the previous year—to ensure that MPP funds do not simply replace marketing funds that the company would have spent anyway.

Reimbursement for branded participants is set at 50 percent of the additional (the increase over the previous year) eligible promotional expenses, not to exceed $500,000.

Limit on program participation

For branded promotions, a 5-year time limit on a company's participation, per market, per product, is established.

For generic promotions (for specified commodities), criteria, based on market penetration, are to be established to determine a cap on the use of MPP funds, per commodity, per market, once a certain penetration level is reached.

Miscellaneous provisions

MPP's $200 million annual funding level is changed from a floor to a ceiling.

Under the TEA program, some participants received higher reimbursement rates than currently provided for under the MPP program. The 1990 Farm Bill phased down these higher reimbursement rates to current reimbursement rates over a 5-year period. This legislation eliminates the phase down and requires current reimbursement rates for all MPP participants.

GAO is required to report to Congress one year from the enactment of this legislation on FAS' progress in implementing this legislation.

By Mr. MOYNIHAN (for himself, Mr. RIEGLE, Mr. CRANSTON, Mr. SPECTER, Mr. WOFFORD, Mr. PELL, Mr. BRADLEY, Mr. BURDICK, Mr. SIMON, Mr. DIXON, and Mr. JEFFORDS):

S. 2661. A bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson; to the Committee on Banking, Housing, and Urban Affairs.

STRIKING OF MEDAL TO COMMEMORATE THE FOUNDING OF THE AMERICAN PHILOSOPHICAL SOCIETY AND THE BIRTH OF THOMAS JEFFERSON

Mr. MOYNIHAN. Mr. President, the American Philosophical Society will celebrate its 250th anniversary in April 1993. In 1743, Benjamin Franklin, one of the society's principal founders, wrote "the first drudgery of settling new colonies is now pretty well over and there are many in every province in circumstances that set them at ease, and afford leisure to cultivate the finer arts, and improve the common stock of knowledge." Thus was the country's first learned society born. Its early members included most of the great Founders of the Republic; Washington, Adams, Hamilton, Paine. Membership was not limited to Americans, however. European scientists also proudly proclaimed membership in the society on title pages of their books.

The society's contribution to the young Nation cannot be overlooked. Such were its resources and great influence that it served many functions; National Academy of Science, National Library and Museum, even Patent Office. Then as today, most anyone of great scholarly accomplishment was included among its ranks. In 1780, Pennsylvania granted a charter which guaranteed that the APS might correspond with learned individuals and institutions "of any nation or country." The State also deeded a portion of Independence Square to the society, on which it erected a hall in 1785–89.

The American Philosophical Society promotes useful knowledge in the sciences and humanities through excellence in scholarly research, professional meetings, publications, library resources, and community service. Its members are elected for their scholarly and scientific accomplishments in all fields of learning, including mathematical and physical sciences, biological and medial sciences, social sciences, humanities, and public affairs.

The society's library is a major national center of research. It holds some 180,000 volumes and 6,000,000 manuscripts specializing in the history of science in America and its European background. It also houses a vast biographical archives and an outstanding collection of maps and prints. Its rare collection is among the finest in the world.

As important is the role the society plays in promoting research. It bestows awards upon those accomplished in such fields as jurisprudence, astronomy, and navigation. It also sponsors major research grant programs, and has over the years given some $14 million to 11,000 individual scholars and scientists. More than $30 million has gone to other scholarly projects.

In short, Mr. President, we owe an incalculable debt to the American Philosophical Society. It is more than a learned society; it is a national treasure. Next year's anniversary coincides with the 250th anniversary of the birth of Thomas Jefferson, both member and third president of the society. The APS plans to commemorate both of these historic dates with special events in Philadelphia. I rise today to introduce a bill authorizing the striking of a gold medal to present to the society as Congress' contribution to this lofty occasion. The society will present bronze duplicates of the medal, hereafter to be known as the "Thomas Jefferson Medal," to persons of scholarly achievement in annual ceremonies, the first of which will take place next year. I trust my colleagues will concur that this is fitting recognition for an organization which has contributed so mightily to the cultural and intellectual life of this Nation. I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the American Philosophical Society was founded in 1743 as the American Philosophical Society held at Philadelphia for Promoting Useful Knowledge;

(2) the American Philosophical Society was founded by Benjamin Franklin and today it is the oldest learned society in the United States and one of the principal scholarly and scientific bodies in the world;

(3) the American Philosophical Society plans to celebrate its 250th anniversary and the 250th anniversary of the birth of Thomas Jefferson with programs and activities to be held in Philadelphia, Pennsylvania, in April 1993;

(4) Thomas Jefferson served as the third president of the American Philosophical Society at the same time as he served as President of the United States; and

(5) it is proper and desirable to pay tribute to the American Philosophical Society and to Thomas Jefferson's devotion to learning as exemplified in the principles and programs of the American Philosophical Society.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—In commemoration of the 250th anniversary of the founding of the American Philosophical Society and the 250th anniversary of the birth of Thomas Jefferson, the President is authorized to present, on behalf of the Congress, to a duly authorized representative of the American Philosophical Society, a gold medal of appropriate design which shall be known as the "Thomas Jefferson Medal".

(b) DESIGN AND STRIKING.—The Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") is authorized and directed to strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary in consolation with representatives of the American Philosophical Society.

SEC. 3. DUPLICATE MEDALS.

(a) AUTHORIZATION AND DIRECTION TO THE SECRETARY OF THE TREASURY.—The Secretary is authorized and directed to strike 50 bronze duplicates of the gold medal struck pursuant to section 2 and deliver the bronze duplicates to the American Philosophical Society.

(b) PRESENTATION OF DUPLICATE MEDALS.—the American Philosophical Society shall present the bronze duplicates to persons of scholarly achievement in connection with annual ceremonies.

SEC. 4. PAYMENT FOR MEDALS.

The Secretary shall take such actions as may be necessary to ensure that striking the gold medal and the bronze medals under this Act will not result in any net cost of the United States Government. Medals shall not be struck pursuant to this Act unless the Secretary has received full payment for the medals from the American Philosophical Society.

SEC. 5. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) EXCEPTIONS.—Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

By Mr. D'AMATO:

S. 2662. A bill entitled the "Irwin Rutman Retired Safety Officers Benefits Act"; to the Committee on the Judiciary.

IRWIN RUTMAN RETIRED SAFETY OFFICERS BENEFITS ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Irwin Rutman Retired Safety Officers Benefits Act. This bill extends death and disability benefits to retired public safety officers who are killed or disabled in the

course of attempting to rescue or in responding to a fire or police emergency. These benefits are currently only available to those officers who had been on active duty.

In October 1990, Irwin Rutman, a retired 23-year veteran of the New York City Police Department, witnessed a mugging in a dark Manhattan subway train. Mr. Rutman immediately attempted to intervene and aid the crime victim when a struggle ensued between Mr. Rutman and the mugger. Mr. Rutman was brutally shot in the head.

He left behind a wife and four young sons. Two sons were in college at the time of his death. Because Mr. Rutman was retired, his family was ineligible to apply for the death benefit funds available under the Public Safety Officers' Benefits Act. If Mr. Rutman had been on active duty, his family would have been eligible for up to $100,000 in death benefits.

Last year, Congresswoman MOLINARI introduced a similar bill in the House. It was reviewed by the House Judiciary Committee and was eventually incorporated into the House crime bill. I am introducing the same provision that was passed as part of the House crime bill. At the time of its introduction, there was considerable support from police and firefighting professional organizations.

The cost of this provision is negligible. The House Budget Committee did not characterize the budgetary impact as significant. The Congressional Budget Office advised the House Judiciary Committee that this expansion of benefits would result in direct spending of under $500,000 annually. Even though the expense of this bill is minimal, it appropriately honors those heroes and their families who deserve our support.

During the initial House Judiciary Committee review, a number of changes were made to Congresswoman MOLINARI's original bill. One change eliminated a provision concerning retroactivity. Consequently, Irwin Rutman's family will not derive any financial benefit from the passage of this bill.

Nevertheless, Mr. Rutman's widow, Elaine, believes that, in order to help other families whose loved ones died or were maimed in acts of bravery, we should name and pass a bill in Mr. Rutman's honor. I agree. Irwin Rutman made the ultimate sacrifice in the battle against crime. This would be a living memorial to a concerned citizen, a good Samaritan, and a police officer who never shed his duty even though retired.

Mr. President, I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irwin Rutman Retired Safety Officers Benefits Act."

SEC. 2. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a) by inserting after "line of duty" the following "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency";

(2) in subsection (b) by inserting after "line of duty" the following "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency"; and

(3) in subsections (c), (1), and (j) by inserting after "public safety officer" every place it occurs the following "or a retired public safety officer".

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" after paragraph (6);

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

(3) by adding at the end the following:

"(8) 'retired public safety officer' means a former public safety officer, as defined in paragraph (7), who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of the enactment of this section.

By Mr. SEYMOUR:

S. 2663. A bill to increase the accountability of the executive branch and Congress; to the Committee on Governmental Affairs.

OMNIBUS CONGRESSIONAL AND PRESIDENTIAL COVERAGE AND ACCOUNTABILITY ACT

• Mr. SEYMOUR. Mr. President, it is no secret that the American people are not happy with the U.S. Congress. In poll after poll, a large majority of Americans believe that Congress is out of touch with the Americans they represent. But there's more than just dissatisfaction. The American people are angry. They are angry because they believe Congress has become an ivory tower of government: It sees but does not feel or reach out to the average American. It rules rather than represents the people. And it is out-of-touch because its own day-to-day operations is beyond reality and the law.

Let me describe what I mean, Mr. President:

Americans don't understand how a Member of Congress could once write checks that never bounced.

Americans aren't pleased that their tax dollars go to provide Members of Congress gourmet meals, fitness services, medicinal services, and other posh privileges free or at discount prices.

Americans can't believe that a Member of Congress needn't fear that his or her wages will be garnished because of failure to pay bills.

Americans are amazed that Congress can evade full compliance with worker safety, wage or age discrimination laws.

This is not the kind of Congress the founders of this nation envisioned. This is not the kind of Congress the American people expect. This is not the kind of Congress the American people are proud of.

It's about time that Members of Congress have only one privilege: the privilege to serve the people.

It's about time that Congress be no less accountable than the average law-abiding guy on the street.

Yes; it's easy to make fun of Congress. But I'm not going to poke fun or bash Congress. I'll leave that to Leno and Letterman. Joking about Congress won't change it. Congress needs to be reformed.

Reform means term limits on Members of Congress. I strongly believe that the longer a member stays in Congress the more out-of-touch that member becomes. That's why, as a California State senator, I supported proposition 140, which limits the length of service for members of the California Legislature. And that's why I cosponsored the constitutional amendment offered by the distinguished Senator from Indiana [Mr. COATS] to limit a Member's stay in Congress to 12 years—2 terms for a Senator, 6 for a Member of the House. Only with term limits are we going to put an end to Congress simply being a generational ruling class.

Reform means more than limiting terms. It means offering proposals that put an end to questionable practices within Congress. And that is what I intend to do. Today, I am introducing a legislative package that makes several needed changes to restore Congress as an accountable institution—accountable to the law and to all Americans.

First and foremost, I intend to put an end to unmeritorious efforts to inflate congressional pay.

I was strongly opposed to last year's late night Senate pay raise. Federal spending remains out of control. Our economy remains stagnant. Millions of people still remain out of work. But we raised our pay. Like everyone else, we at least should raise our pay for a job well done. And no future accomplishment will be worth anything unless Congress finally bites the bullet and balances the Federal budget.

And that's what I propose we do. Today, I am submitting a Senate resolution that prohibits any measure to raise a Senator's pay unless we've passed a balanced budget. Whether it's a pay hike or a simple cost of living adjustment, the Senate can't consider it until we've earned it.

Why do I make future pay increases contingent on a balanced budget? Because it's the one true element of government that we can control. It is our responsibility to pass a balanced budget, and put an end to paying for Federal programs out of the pockets of the next generation of Americans. And if we fail to live up to this responsibility, then we don't deserve to reward ourselves.

It's time we raise our pay the old fashioned way. It's time to earn it.

But my reform proposal takes pay raise control a step further. The ultimate judges of a Congressman's merits are the people. So I am introducing legislation which includes a provision that requires any congressional pay raise to not take affect until after a general election has occurred. In short, if a Member of Congress deserves a raise, then the people will send him back to Washington to collect it.

But we must not stop at controlling congressional pay. In a decade supposedly dedicated to reduce government spending, one of the greatest failures of Congress was to control spending for itself. In just 11 years, from 1981 to 1992, the cost of running Congress to the American taxpayer has doubled.

Leading this growth in the cost of Congress is the U.S. Senate. In 1981, the cost of running the U.S. Senate was $160 million. This year, it hit an all-time high of $488 million—nearly half a billion dollars.

In short, the nominal cost of running the U.S. Senate has tripled. But what's even more amazing is that the growth in the cost of the Senate exceeded the cost growth of Medicare, Social Security, food stamps, veterans benefits, and other programs to assist the poor, the elderly, the jobless, and at-risk youth.

If we intend to control Federal spending, if we intend to no longer mortgage the future of your children and grandchildren, then we must lead by example. Congress must learn to tighten its own belt.

While Congress begins to make real reductions in defense spending, it must make some real reductions in its own spending. A message must be sent that Congress is not immune from spending control.

As my colleagues know, I successfully amended the Senate's budget resolution to reduce the already excessive budget of the Congress by 25 percent over 2 years—a reduction that will save the American taxpayer $2 billion over 5 years.

I don't intend to rest on this issue. The legislation I am introducing today not only slashes spending in the Senate by 25 percent, it will keep the Senate from becoming spendthrifts in the future.

When it comes to controlling excessive spending, Congress must lead by example. But just as important, Congress must no longer hide by exemption. We in Congress must be made accountable to the very laws it passes for others. It just makes sense to do so.

After all, when businesses are required to comply with Federal worker safety laws, shouldn't we expect Congress to provide the same degree of safety for its workers?

If a Member of Congress discriminates on the basis of race, sex, or age, shouldn't we expect that Member to face the same penalties that are applied against private sector employers?

Employees in the private sector and in the civil service have the right to form unions if they choose. Shouldn't congressional employees be given the same right to make those choices?

Businesses across the Nation are making major changes in the workplace to accommodate and meet the needs of disabled Americans. Shouldn't the entire Congress be required to make the same accommodations?

Of course they should. In fact, simple fairness demands it.

That being the case, why is the entire Congress exempt from virtually every major labor, equal pay, and worker safety law that we impose on private citizens? Why has Congress made itself above the law?

Well, some have argued that Congress is special. But we in Congress are no more special than the largest corporation or the smallest mom and pop shop. We are the people's representatives. Not their rulers. What's best for the workplace, what's best for each American, is best for Congress.

Fortunately, we are on the road to accountability. Last year, the distinguished Senator from Iowa [Mr. GRASSLEY] offered an amendment to the civil rights bill that applies Federal race, sex, age, and disabled discrimination laws to the Senate. I was proud to support that amendment.

But it was a partial victory. A complete victory is when every exemption from Federal law is removed and Congress operates under the same conditions imposed on the private sector.

When we debated the Grassley amendment last year, I stated that Congress suffers from a cancer of unaccountability. And making the Senate operate under civil rights laws was simply the first step in curing Congress of this cancer. I called that first step legislative chemotherapy.

My congressional reform package represents the next phase of treatment. Under the legislation I am introducing today, both House and Senate no longer will be exempt from every Federal labor, civil rights, and worker safety law on the books.

Furthermore, my legislation also brings Congress under Federal wage garnishment laws. If we fail to pay our debts, we should face the same conditions and treatment that any debt violator faces.

That is the essence of my congressional reform package. A number of similar bills from a number of my distinguished colleagues have already been introduced on similar subjects, and my package, in part, represents a combination of the best proposals out there that can do the most to reform Congress.

I have been in public service for more than 15 years, but as one of the Senate's new kids on the block, I must confess that public service takes on a whole new meaning when one becomes a Member of Congress. Throughout my career in State and local government, my former colleagues and I balanced our budgets. This year is the first time that I have been a part of a legislative body that passed a budget with a deficit—a deficit roughly five times the size of the State of California's entire budget for 1 year.

I supported proposition 140, which reduced the budget of the California Legislature by 40 percent. And now I'm trying to apply similar fiscal medicine to Congress.

But more important, I am proud and honored to be a public servant. I was proud to serve the citizens of Orange County as both mayor of Anaheim and a State senator. And I am enormously proud to serve the entire State of California as a U.S. Senator. And I just can't stand and allow my pride and my honor as a public servant to be tarnished by the events of the past year that have occurred in Congress. I want to do more than simply identify the problems of Congress. I want to change them.

I truly believe that if democracy is to succeed, the people must have faith in Government. I've heard from many Californians, and they have expectations of how Congress should perform. They expect Congress to be no better, no different and no less accountable to the law than the law-abiding citizens it represents. And rightly so.

Americans must be able to see Congress as a symbol not just of Government, but of the ideals at the heart of

our system—the ideal that no man is above the law; the ideal that to serve the people in the ultimate privilege of public office; the ideal that this is a Government not to the people, but by, for, and of the people.

I believe my reform package, if enacted, will bring Congress closer to the people, and restore the people's confidence, the people's faith, the people's trust in the Congress—the people's body.

Mr. President, I ask unanimous consent that the text of the resolution and legislation be printed in the appropriate place in the RECORD.

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

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Congressional and Presidential Coverage and Accountability Act".

TITLE I—SENATE SPENDING REDUCTION AND CONTROL

SEC. 101. REDUCTION OF 25 PERCENT IN THE OPERATIONAL EXPENSES OF THE SENATE OF THE UNITED STATES.

Notwithstanding any other provision of law—

(1) the amount appropriated for the Senate for fiscal year 1993 may not exceed 87 percent of the budget authority for the Senate in fiscal year 1992; and

(2) the amount appropriated for the Senate for fiscal year 1994 may not exceed 75 percent of the budget authority for the Senate in fiscal year 1992.

SEC. 102. LIMITATIONS ON FUTURE SPENDING INCREASES.

Notwithstanding any other law, any annual increase in the amounts appropriated for the Senate for any fiscal year after fiscal year 1994 may not exceed the cost of living adjustment for that fiscal year.

TITLE II—CONGRESSIONAL AND PRESIDENTIAL ACCOUNTABILITY

SEC. 201. COVERAGE OF CONGRESS AND PRESIDENTIAL APPOINTEES.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—The rights and protections provided pursuant to the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(ii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(v) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(vi) section 1977A of the Revised Statutes (42 U.S.C. 1981a);

(vii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(viii) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(ix) the Equal Pay Act of 1963 (29 U.S.C. 206);

(x) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(xi) the Indoor Air Quality Act of 1991, if enacted.

(2) ENFORCEMENT BY CIVIL ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of law referred to in paragraph (1) in a court specified in subparagraph (C) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(B) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—

(i) IN GENERAL.—Except as provided in clause (ii), a civil action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(ii) ADMINISTRATIVE REQUIREMENTS.—No congressional employee or congressional employer shall be required to comply with an administrative requirement issued by an executive agency, or be subject to administrative review by such an agency.

(C) VENUE.—An action may be brought under this paragraph to enforce a provision of law referred to in paragraph (1) in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(D) RELIEF.—In any civil action brought under this paragraph to enforce a provision of law referred to in paragraph (1), the court—

(i) may grant as relief against Congress or the congressional employer any equitable relief otherwise available to a similarly situated complaining party bringing an action to enforce the provision;

(ii) may grant as relief against Congress any damages that would otherwise be available to such a complaining party; and

(iii) shall allow such fees and costs as would be allowed in such an action.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(2) of the Americans with Disabilities Act of 1990, the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against Congress or a congressional employer, to enforce paragraph (1).

(c) INFORMATION.—

(1) APPLICATION.—The rights and protections provided pursuant to section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974) shall apply with respect to information in the possession of the Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against Congress, or the congressional employer in possession of the information, to enforce paragraph (1).

(d) ETHICS IN GOVERNMENT.—

(1) APPLICATION.—The rights and protections provided pursuant to chapter 40 of title 28, United States Code (commonly known as title VI of the Ethics in Government Act of 1978) shall apply with respect to investigation of congressional improprieties.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection against any party with a duty under chapter 40 of title 28, to enforce paragraph (1).

(e) INDOOR AIR.—

(1) APPLICATION.—The requirements of the Indoor Air Quality Act of 1991 set forth in section 9 of S. 455, 102d Congress, as reported in the Senate, shall, if enacted, apply with respect to any building that is—

(A)(i) used primarily as an office building;

(ii) owned, leased, or operated by any entity of Congress; and

(iii) over ten thousand square feet in area; or

(B) occupied by the Library of Congress.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, if such a requirement is enacted, any person may bring a civil action described in subsection (a)(2) in accordance with such subsection, against any party with a duty to carry out the requirement, to enforce the requirement.

(f) ADMINISTRATION.—

(1) SENATE.—The Committee on Rules and Administration of the Senate shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the Senate.

(2) HOUSE OF REPRESENTATIVES.—The Committee on House Administration of the House of Representatives shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the House of Representatives.

(3) INSTRUMENTALITIES.—Each congressional employer described in subsection (i)(1)(C) shall issue such requirements as the Committee may determine to be appropriate to effectuate the application of the rights, protections, and requirements described in subsections (a) through (e) to the employees of the employer.

(g) PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—The rights and protections provided pursuant to the provisions described in clauses (i) through (xi) of subsection (a)(1)(B) shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring a civil action described in subsection (a)(2) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such a civil action before the agency.

(h) OTHER ENFORCEMENT.—Notwithstanding any other provision of law, no congressional employee or Presidential appointee may commence a proceeding or action to enforce a provision of law specified in subsection (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), or (f)(1) except as provided in this section.

(i) DEFINITIONS.—As used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representatives, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policymaking, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(4) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a complaining party.

(j) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

TITLE III—WAGE GARNISHMENT EQUALIZATION

SEC. 301. FEDERAL PAY TO BE TREATED IN SAME MANNER AS NON-FEDERAL PAY WITH RESPECT TO GARNISHMENT AND SIMILAR LEGAL PROCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the pay of any elected officer of the United States, person employed by the United States, Presidential appointee, congressional official, or congressional employee shall be subject to garnishment in the manner applicable to the pay of any person employed by a nongovernmental entity.

(b) ADMINISTRATIVE COSTS.—The administrative costs of executing any garnishment to which the provisions of subsection (a) apply may be included in such garnishment.

SEC. 302. DEFINITIONS.

As used in this Act—

(1) the term "elected officer of the United States" means the President, Vice President, and any Member of the Senate and the House of Representatives;

(2) the term "person employed by the United States" means a member of the civil service or of a uniformed service (as such terms are defined in section 2101 of title 5, United States Code);

(3) the term "Presidential appointee" means an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service, and any person employed by; and

(iii) the President or head of an agency for a position excepted from the competitive service by statute;

(4) the term "congressional official" means—

(A) an officer of the Senate and the House of Representatives;

(B) the Architect of the Capitol;

(C) the Director of the Congressional Budget Office;

(D) the Comptroller General of the General Accounting Office;

(E) the Librarian of Congress;

(F) the Director of the Office of Technology Assessment; and

(G) the Director of the United States Botanic Garden;

(5) the term "congressional employee" means an employee who is employed by or for—

(A) a Member of Congress;

(B) a committee or subcommittee of the Senate or the House of Representatives; or

(C) a congressional official as defined in paragraph (4) of this subsection; and

(6) the term "garnishment" means garnishment, execution, levy, attachment, and any similar legal process.

SEC. 303. EFFECTIVE DATE.

This title shall apply to any garnishment order served after the date of the enactment of this Act.

TITLE IV—INCOME TAX DISCLOSURE

SEC. 401. DISCLOSURE OF FEDERAL TAX RETURNS BY ELECTED FEDERAL OFFICIALS.

Section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subsection:

"(j) Notwithstanding any other provision of this title, the President, the Vice President, a Member of Congress, and a candidate for the office of President, Vice President, or Member of Congress shall include a copy of his or her most recent Federal income tax return with each report required to be filed under this title.".

TITLE V—CONGRESSIONAL PAY ACCOUNTABILITY

SEC. 501. CONGRESSIONAL PAY ACCOUNTABILITY.

Notwithstanding any other provision of law, any adjustment in the rates of pay of Members of Congress which is not made in accordance with the provisions of section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) shall take effect on the first day of the first applicable pay period beginning on or after the election of the House of Representatives following the date of enactment of the law making such adjustment. For purposes of this section the term "election of the House of Representatives" means an election held on the Tuesday following the first Monday of November in any even numbered calendar year.•

By Mr. DIXON:

S. 2664. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS

• Mr. DIXON. Mr. President, I am introducing legislation today to temporarily suspend the duty on three chemicals that are used to produce new pharmaceutical drugs. This bill is simple and noncontroversial. It eliminates the duty on chemicals that are not produced in the United States, so they can be imported to produce unique drugs for domestic and foreign sale. All of the chemicals in the legislation are part of proprietary, highly specific chemical conversion processes for which substitute chemicals cannot be used.

Cyclohexane, 1,1-bis(1-methylethoxy) is used in the production of clarithromycin, which is used in the treatment of community-acquired respiratory infections. Clarithromycin is an effective antibiotic against the organism hemophilus influenza, which causes upper and lower respiratory tract infections.

Benzenepropanoic acid, 2-chloro-4,5-difluoro-beta-oxo-ethyl ester is a chemical used in the production of Temafloxacin. Temafloxacin is a quinolone antibiotic that is very effective in combating the primary cause of community-acquired respiratory tract infections. The use of benzenepropanoic acid to produce Temafloxacin is unique and a process patent application is pending in the United States.

2-acetylbenzo(b)thiophene is a chemical used to produce zileuton, a drug

currently undergoing clinical testing. Zileuton is the first of a new class of drugs used primarily to treat asthma, and conditions such as ulcerative colitis, rhinitis, and rheumatoid arthritis. There are no other known drugs which provide beneficial effects in the same manner as zileuton.

Abbott Laboratories, the U.S. firm that produces these drugs, anticipates that the benefits from the duty suspension would contribute to its research and development efforts in the pharmaceutical field, an area where the United States is still a leader. In addition, increased U.S. export sales is expected.

I understand that the Finance Committee is considering putting together another miscellaneous trade and tariff bill; I strongly believe this provision should be included in that measure.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY SUSPENSION FOR CERTAIN CHEMICALS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	Cyclohexane, 1,1-bis(1-methylethoxy) (CAS No. 1132-95-2) (provided for in subheading 2911.00.00)	Free	No change	No change	On or before 12/31/94
9902.31.13	Benzenepropanoic acid, 2-chloro-4,5-difluoro-betaoxo-ethyl ester (CAS No. 121872-97-7) (provided for in subheading 2918.30.20	Free	No change	No change	On or before 12/31/94
9902.31.14	2-Acetylbenzo(b)-thiophane (CAS No. 22720-75-8) (provided for in subheading 2934.90.40)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. BINGAMAN (for himself and Mr. GORE):

S. 2665. A bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America; to the Committee on Commerce, Science and Transportation.

INTER-AMERICAN SCIENTIFIC COOPERATION ACT OF 1992

● Mr. BINGAMAN. Mr. President, today I rise to introduce the Inter-American Scientific Cooperation Act of 1992. This legislation is aimed at increasing our scientific and technological ties with the nations of Latin America. The United States is known as a world leader in science and technology. In order to maintain and strengthen our leadership, the United States needs to reevaluate our current process for science and technology cooperation. Unfortunately, cooperative efforts between the United States and one of our most important partners, Latin America, have declined in the past 20 years. This bill seeks to reverse this trend by establishing a strong alliance in joint research and education between Latin America and the United States.

As scientific cooperation between Latin America and the United States has declined, Latin America has looked increasingly to Europe and Japan for scientific and technological training. This trend, in conjunction with the increased emphasis on science and technology in the national development plans of many Latin American nations, will mean a loss of United States influence if we do not act to reassert our interest in this area. Such a reawakening of United States-Latin American cooperation is not only possible but imperative. The bill I am introducing today is but one step, albeit an important step, towards reinvigorating cooperation between the United States and Latin America.

We need to develop policies with our Latin American neighbors which are consistent and which support common interests in science and technology. As the Latin American nations strive to increase the standard of living for their people and as we strive to become more economically competitive with other industrialized nations in Europe and Asia, the need for cooperation between the nations of Latin America and the United States becomes evident. It is good policy for us to forge scientific and technological partnerships with Latin America now, as a basis for establishing economic markets later. The United States would not only aid Latin America but would also benefit from expanded trade and investment opportunities.

As a result of the political and economic turmoil in Latin America in recent years, these nations have had an extremely difficult time in developing their scientific and technological resources. In addition, a new generation of advanced technologies, microelectronics, biotechnologies, new materials, and new energy technologies, present a new set of challenges and problems for science and technology activities all over the world. Hence, the rapid rate of advancement has made it difficult for some Latin American countries to keep abreast of the latest global scientific developments.

Increased science and technical cooperation would not only aid Latin America but would also benefit the United States. Unique natural environments and conditions make Latin America a critical area for research opportunities for U.S. scientists. For example, to thoroughly investigate such topics as the deforestation of the Amazon Basin and its contribution to global climate change and species diversity, U.S. scientists need stable working relationships with Latin American scientists as well as access to these environments.

The new Inter-American scientific cooperation program within the NSF would consist of several elements. The first is an expansion of funds. At present, NSF funds joint research projects between the United States and Latin America through its international division, with funding under $1 million. This bill would expand the scope of joint research activities with an authorization of $10 million in FY 1993 and up to $10 million in FY 1994.

The bill would also increase the number of Latin American exchange students eligible to study in the United States. Since the peak year of 1982, enrollment of Latin American students in the United States has dropped by 31 percent and more Latin American students have elected to study in Europe and in Japan. This trend has been fostered by several factors including the Latin American debt crisis, devaluation of currencies, decline of oil revenues, rise in the cost of education in the United States, improvement in indigenous opportunities, and increased opportunities in other Latin American countries, Europe, and Japan.

In order to reverse these trends, this bill establishes the Inter-American Scientific Educational Development Exchange to provide graduate and postdoctoral fellowships, both for Latin Americans studying in the United States and for all U.S. students who wish to study in Latin America. There will also be an exchange of information and technical assistance between the scientists and engineers of both countries interested in establishing data bases and computer linkages.

These exchanges are both political and economic investments for the United States. As part of the future leadership in their homelands, these students will play key roles in determining the political and economic alliances that the region will forge in the next century. This type of communication link is critical for strengthening the Latin American scientific infrastructure as well as for regional and global cooperation.

Mr. President, the viability of the U.S. economy is inescapably linked to the world economy. A successful Latin America will be fundamental to world economic growth and thus to our own. Increased cooperation by the United States and Latin America in the areas of science and technology will provide

new research and development opportunities and, as a consequence, positively impact economic growth. It is my sincere hope that my colleagues will support this legislation.

I ask that the text of the bill be printed in the RECORD.

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

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inter-American Scientific Cooperation Act of 1992".

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) Latin America shares a wide range of scientific and technological concerns with the United States, and the diversity of Latin American countries and their needs in science and technology are significant;

(2) the need for science and technology cooperation with Latin America has increased significantly since the 1970's, but mechanisms for cooperation have decreased since many countries in Latin America graduated from programs sponsored by the Agency for International Development;

(3) Latin American scientists and engineers have increasingly looked to Europe and Japan for advanced training and research, and this trend, in conjunction with the emphasis on science and technology in Latin American national development plans and the increase in science and technology cooperation among Latin American nations, may result in a loss of mutually beneficial commerce and scientific cooperation between Latin America and the United States;

(4) investment by the United States in the Latin American science and technology infrastructure and participation of United States scientists and engineers in short-term and long-term assignments in Latin America can further improve relations between the United States and Latin America, and bring many benefits to the United States, including scientific access, enhanced trade and investment relations, and the opportunity to contribute to economic growth and democratization in the hemisphere;

(5) science and technology cooperation with the United States and advanced training and research in the United States can bring many benefits to Latin America, for example, in developing Latin American countries cooperation can contribute to the strengthening of basic science and technology infrastructure, and in industrially advanced Latin American countries, cooperation can increase opportunities in many scientific disciplines and in the frontier scientific fields;

(6) considerable progress in science and technology cooperation can be made with relatively modest investments; and

(7) the return to democracy in a number of Latin American countries provides renewed vigor for freedom of scientific inquiry, cooperation, and progress, as well as a focus for the reversal of the decline in science and technology cooperation between the United States and Latin America.

(b) DEFINITIONS.—For the purpose of this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "Latin America" means Mexico, the Caribbean basin, Central America, and South America; and

(3) the term "Program" means the Inter-American Scientific Cooperation Program established under section 3.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

The National Science Foundation shall establish an Inter-American Scientific Cooperation Program aimed at increasing the level of science and technology cooperation between the United States and Latin America. The National Science Foundation, in establishing this Program, shall identify and cooperate with private and governmental funding bodies, both in Latin America and in the United States. The Program shall include the following elements:

(1) ENCOURAGEMENT AND FUNDING.—Encouragement and funding of project development interchanges and joint research projects between United States and Latin American scientists and engineers. Interchanges and joint projects funded by the National Science Foundation shall, whenever possible, include cost sharing from sources within the Latin American countries whose citizens participate in such interchanges and projects. The Director shall determine the amount of cost sharing which is required.

(2) INTER-AMERICAN SCIENTIFIC EDUCATIONAL DEVELOPMENT EXCHANGE.—(A) Establishment in accordance with section 13 of the National Science Foundation Act of 1950 (42 U.S.C. 1872) of an Inter-American Scientific Educational Development Exchange (hereafter in this paragraph referred to as the "Exchange"). The Exchange's activities shall include—

(i) graduate and postdoctoral fellowships in science and technology for Latin Americans to study in the United States and for United States citizens to study in Latin America;

(ii) collection and dissemination of information to Latin Americans on other avenues for advanced study in science and technology in the United States; and

(iii) United States assistance to Latin American institutions, at the institutions' request, for development of courses, seminars, and curriculum in science and technology.

(B) In awarding fellowships under this paragraph, the Exchange shall give priority to candidates who are professionally active scientists or engineers and whose institutions give assurance that a position will be available to such individuals after completion of the fellowship. Fellowships for Latin Americans shall, whenever possible, include cost sharing from sources within the country of origin of the recipient. The amount of cost sharing required shall be determined by the Director.

(3) INFORMATION AND TECHNICAL ASSISTANCE.—Exchanging information and technical assistance between United States and Latin American scientists and engineers interested in establishing data bases and computer linkages.

(4) EQUIPMENT.—Providing information to enable the routing of scientific equipment between the United States and Latin America, including information with respect to matching equipment with need, identifying technical maintenance requirements, and meeting customs regulations.

(5) RESEARCH PROGRAMS.—Promotion of research programs which utilize unique natural environments or existing or potential centers of scientific research excellence in Latin America.

SEC. 4. REPORT.

(a) IN GENERAL.—Beginning on March 1, 1994 and each year thereafter through March 1, 1999, the Director shall submit to the Congress a report which—

(1) details activities conducted pursuant to this Act during the preceding fiscal year;

(2) includes a description of how activities of the Program relate to other ongoing and prospective National Science Foundation activities in Latin America;

(3) describes plans for the current and upcoming fiscal years' activities;

(4) recommends priorities for cooperation in terms of scientific disciplines and geographic regions; and

(5) recommends necessary legislative or administrative changes in the Program.

(b) SPECIAL RULE.—Every two years, the report described in subsection (a) shall include a description, analysis, and compilation of funding data for all federally funded research and development activities carried out in, or in cooperation with, Latin American nations.

SEC. 5. FUNDING.

(a) IN GENERAL.—The Director is authorized to make available not more than $10,000,000 of the funds authorized to be appropriated pursuant to section 101 of the National Science Foundation Authorization Act of 1988 for each of the fiscal years 1993 and 1994 to carry out this Act.

(b) SPECIAL RULE.—From amounts made available pursuant to subsection (a), the Director shall make available to carry out this Act $400,000 in each of the fiscal years 1993 through 1998 to universities, institutions or centers that have a comprehensive bilateral linkage program in the field of science or technology with a Latin American university, institution or center.●

By Mr. PELL:

S. 2666. A bill to shift Impact Aid funding responsibility for military connected children from the Department of Education to the Department of Defense; to the Committee on Labor and Human Resources.

FUNDING RESPONSIBILITY FOR MILITARY CONNECTED CHILDREN

Mr. PELL. Mr. President, on the Federal level we have established the Impact Aid Program to provide financial assistance to school districts where a Federal activity, such as the operation of a military base, results in an increased number of children to be educated and a depleted local tax base from which to draw support for their education. Schools are left in a double-bind and often utterly dependent on impact aid dollars.

The reality today, though, is that the Impact Aid Program is underfunded and our children are underserved. Local communities have been forced to absorb the costs of educating military children, and too often the result is a diminished education for all children in a district.

As we approach reauthorization of the Impact Aid Program in the 103d Congress, the Department of Defense's responsibility for the education of military dependents is something we need to carefully reconsider. Today, I am introducing legislation aimed at reducing the school finance inequity that plagues communities which support military installations. The bill, which is primarily a discussion piece, takes several steps to require the military to pay its fair share.

First, the bill would transfer impact aid funding responsibility for children of military dependents from the Department of Education to the Department of Defense, where it belongs. And second, the bill would require the Department of Defense to provide school districts with the financial capacity to adequately serve disabled students.

This second aspect of the legislation addresses an area with which I am particularly concerned—the effects of personnel assignments by the Department of Defense on behalf of military families with severely handicapped children. Often the military confers special compassionate post-assignments for these personnel to areas with school districts that have outstanding special needs programs.

For example, in the State of Rhode Island, the Middletown school district, which has an excellent special needs program, absorbs the cost of educating a handful of special needs children. Middletown is compensated with a few extra dollars in Impact Aid funding for special needs children, but it is saddled with a crippling per pupil cost that has reached as high as $100,000.

Like many communities across the nation, Middletown welcomes these children into its schools. It is critical, however, that the Department of Defense take greater responsibility for the financial burden they bring.

With a budget 10 times as large as the Department of Education, the Department of Defense is more able to assure military families of our collective gratitude and support for their sacrifices. It should begin in showing that appreciation with the full funding of the education costs of all military children.

Mr. President, Impact Aid is a very complex program that focuses far too often not on the education of the children involved, but on the impact those children have on a local school district. We do not examine the needs of the children. Instead, we attempt to measure how their presence affects a school district. This stems from the fact federally connected parents often do not pay local taxes and yet local school district's are asked to educate their children.

Even worse, we inadequately compensate the local education agencies for the burden they are asked to carry. For far too many years, appropriations have been insufficient to meet the task at hand. Perhaps it is time to change the process even further and place the program at the Department of Defense where it might be fashioned to meet the needs of these children directly, and not simply recognize their existence.

The Department of Defense takes responsibility for the housing of our soldiers and their families, and for their health care. It should, to my mind, assume responsibility for their education as well.

By Mr. HEFLIN (for himself, Mr. ADAMS, Mr. BOREN, Mr. CRAIG, Mr. DASCHLE, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GORTON, Mr. GRASSLEY, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PRESSLER, Mr. PRYOR, and Mr. SHELBY):

S. 2667. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use; to the Committee on Labor and Human Resources.

ALTERNATE USES OF CERTAIN DRUGS

Mr. HEFLIN. Mr. President, I rise today to induce a bill that will rectify a serious problem facing America's veterinarians and the animals they treat. If the FDA were to strictly enforce the Federal Food, Drug, and Cosmetic Act as it is written today, the act would prevent the relief of pain and the prevention of suffering in a host of animal species from cattle to pet birds for which there are no FDA approved drugs for these purposes. The legislation I am introducing today would correct this problem by codifying current veterinary practices.

Unique to the practice of veterinary medicine is the abundance of species that the veterinarian encounters in the clinical setting. New animal drugs have been approved for only the most common of domestic species. Few, if any, new animal drugs are approved for species of animals which are used extensively in most of the Nation's research facilities such as mice, rats, hamsters, gerbils, guinea pigs, and rabbits. No other profession is forced to practice under a law which is contrary to and defeats the purpose of the professional's oath.

Current veterinary practices permit extra-label drug use because insufficient therapies are approved to treat the conditions that veterinarians routinely face in practice. Examples for companion animals include insulin to treat diabetes, cardiac, and chemotherapeutic drugs that bear a human drug label; anesthetic, analgesic, and sedative agents for food animals; and effective antibiotics for food and companion animals to name just a few.

Veterinarians use drugs in an extra-label manner to save animal lives, prevent suffering and to protect human health. Treatment of sick food-producing animals results in increased levels of food safety because sick animals will not be shipped to market. If legal therapies are not available to veterinarians, producers may feel compelled to ship sick animals to market, rather than watch them suffer and perhaps die, or take a chance that they may infect the remainder of the herd.

This legislation which would permit extra-label drug use will transform this section of the FD&C Act from a non-enforceable, confusing law into a clear and easily enforceable statute. Violators who cause the presence of illegal residues in food can then be prosecuted appropriately.

This bill codifies current FDA policy and authorizes extra-label drug use by veterinarians only, under carefully controlled supervision and will not result in increased violative residues in food products. It will not increase or alter overall patterns of drug usage by veterinarians.

The law as it exists today is contrary to its own basic purpose of protecting the public health. For example, chlamydiosis—a disease which is transmitted from birds to man—is most effectively treated in birds with an antibiotic known as doxycycline. This drug presently is only approved for use in humans. The only FDA approved animal drug for the treatment of chlamydiosis in birds is no longer marketed. Without the ability of the veterinarian to use a human label drug on a non-food producing animal, there will be an increased risk of transmission of this disease between bird and man.

Mr. President, I urge my colleagues to move expeditiously on this urgently needed legislation.

Mr. PRESSLER. Mr. President, today I join Senator HEFLIN and others in introducing legislation clarifying Food and Drug Administration [FDA] procedures regarding extra-label use of animal drugs. The bill is a simple and straightforward approach to resolving the current conflict between modern veterinary medicine and the law.

The issue is extra-label drug use of animal drugs. This is an important issue for South Dakota's 36,000 farmers and ranchers and my State's veterinarians and consumers as well. After visiting with several veterinarians and discussing their daily routines and practices, I became convinced that extra-label drug use is necessary. This is because currently approved therapies are insufficient to treat the conditions veterinarians routinely face in practice. All too often, veterinarians face situations in which an animal's health is immediately threatened and suffering or death would result from failure to provide prompt and effective treatment.

The problem in existing law is that it prohibits the use of an animal drug for purposes other than those listed on the drug's label. The reality is that it is not economically feasible under the present animal drug approval process to seek an approved label for all species and uses for which a drug is beneficial and safe. If a veterinarian is working to save the life of a cow or calf and the only effective treatment is a drug labeled only for horses, the letter of the law says a veterinarian cannot use the drug to save the cow or calf. This bill rectifies that situation and would allow the veterinarian to save the life of the animal without being in conflict with the law.

Mr. President, the FDA recognizes the fact that a veterinarian, on occasion, will find it necessary to use an approved drug in a manner that does not appear on the label. In fact, the FDA has gone so far as to state it will not institute regulatory action against licensed veterinarians for using or prescribing any drugs legally obtained. Thus, this bill simply codifies existing FDA practice.

This Nation's veterinarians use drugs in an extra-label manner to save animals' lives, prevent suffering and to protect human health. This bill would provide the FDA a clear, easily enforceable statute. The bill would allow the FDA to develop practical and constructive regulations to enhance its ability to define violations of the Food, Drug and Cosmetic Act. It also would resolve existing conflicts between modern veterinary medicine and the law.

Mr. President, I urge my colleagues to take a close look at this bill and support its passage. The bill has the support of veterinarians in South Dakota and the American Veterinary Medical Association.

By Mr. CRAIG (for himself, Mr. GRAMM, Mr. SYMMS, and Mr. HATCH):

S.J. Res. 298. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROVIDING FOR A BALANCED FEDERAL BUDGET

Mr. CRAIG. Mr. President, this morning during morning business it is my intent to introduce an amendment to the U.S. Constitution, an amendment that I have worked on with a good many others for a long while, an amendment to our Constitution that would require the Congress of the United States to provide a balanced budget on an annual basis.

The gross Federal debt today tops $4 trillion. Yesterday was tax freedom day for the American taxpayer, in other words, if you used all of your money up until yesterday you would have paid your taxes, and starting today you are no longer working for the Federal Government, you are working for yourself. That statement along with a $4 trillion debt means that $45,000 is owed by every American household as a debt in response to the debt of this Nation. Federal interest payments in 1992 are $201 billion; 40 percent of all personal income tax this year was dedicated to that, all of the personal income tax collected west of the Mississippi dedicated to interest on that debt structure.

Three weeks ago in a budget resolution debate here on the floor, we recognized that $297 billion would be used for interest on debt structure in this coming fiscal year. The 1992 deficit as projected per CBO figures would be about $350 billion assuming that we comply with the caps, about $400 billion on off-budget.

Does anybody even question why I and others would want to see our Federal budget balanced? Starting 8 years ago when I was a Member of the other body, I, along with a Congressman from Texas, CHARLIE STENHOLM, began a crusade nationwide for a balanced budget. The work product that I am introducing today is the effort of years and years of involvement by citizens, by legal scholars, to attempt to craft an amendment that in fact would work, that would recognize all of the frailties and the importance of writing the right language for the citizens of this country and the States to review and respond to and ratify as a legitimate and functioning amendment of our Constitution.

While we were working over there, and prior to my election to this body, Senators like Senator THURMOND, Senator SIMON, Senator HATCH, and others were working here. I am a cosponsor of those work efforts here. Senate Joint Resolution 18 by Senator SIMON and Senator THURMOND that was reported out of the Judiciary Committee, and as we know this body and its leadership has now suggested by late month or early next month we will have a vote on this amendment.

But the reason I am introducing the amendment that I have worked on and others is because I think it is important that all of these issues be on the floor, that all of this body have an opportunity to look at the variations and the ideas that their fellow legislators have come up with as it relates to this most important and critical issue of a balanced budget amendment to our Constitution.

The one that I am introducing today will be the vehicle of debate. It will be the final work product that is voted on by the House, and I would believe to be voted on by possibly during this month. It now has over 275 cosponsors. There is an enthusiasm and excitement growing over there, over in the House, that that vote will occur, even the Speaker himself has said that it more than likely will occur sometime this spring.

I am one of those who, unlike many of the critics, believe it will work. I believe it is time that this Congress recognizes that it cannot solve its own problems, that it is individually and collectively too committed to programs, systems, Government departments that dedicate or ensure that a majority of this body will work to perpetuate the status quo which represents that $320-plus billion deficit and $4 trillion debt. It is not a surprise that well over 75 percent of the American people, for better than a decade, have argued that this Congress must balance its budget, and they as citizens are demanding it.

Now I would have to say that in the process of amending the Constitution it is not that we the Congress will amend it, not at all. Article V of the Constitution provides two approaches. One that allows the Congress to recommend or propose to the citizenry of this country an amendment. The other is to allow the citizens collectively to convene a constitutional convention for the purpose of proposing and developing an amendment.

I prefer the first route. I believe it is a responsible and reasonable effort on the part of this Congress to propose that amendment, and that is what I hope we will do this year, 1992, propose a working and functional amendment to the citizens of this country and then allow the debate to go on in the some 50 States that it must go on in across this country to require the necessary three-fourths or 38 States through their legislatures to review it and ultimately to ratify it.

That debate that will be going on once we have sent forth the proposed amendment will be in my opinion one of the most important national debates that could go on. The average citizen for the first time can truly become engaged in why this Government is spending like it is spending, why there are programs of the nature that this Congress, the House and the Senate, have collectively devised, and why we cannot at this time, by all appearances, control a budget. It is now important that the citizens become directly involved by making the structural change necessary in our system of Government to reinstate the political will to be fiscally responsible.

Many citizens say out there, "Why don't you do it; just do it?"

I think if they watched us closely they will find there are too many in this body and the other that are incapable of making those kinds of tough decisions, because of all the interest groups, private and public, that apply the pressures that they can in the decisionmaking process on the budgets that fund the systems of Government that are now driving us towards an all-time high debt and an all-time high deficit, and clearly endangering the economy of this country and the vitality of that economy to produce the job base that our free and private citizenry demands.

So today I am introducing a Senate joint resolution, a constitutional amendment to balance the Federal budget that will do a variety of things that I think are important. It will, by its nature, require recorded votes by a constitutional majority—in other words, not just a majority of this body assembled, but 50 percent plus 1 of this body's total number—in increasing taxes.

My amendment would also require that the legislative and the executive

branch come together by a majority vote each year on a revenue statement as to the revenues that would be collected and therefore spent by the Government.

My amendment also requires a three-fifths vote to lift the debt ceiling or, in essence, to allow increased borrowing capability of the Federal Government.

So it is clearly one that recognizes the importance of putting checks and limitations on the process itself because I am one of those who believes that we will not resort to taxes to balance the budget. We will resort to reductions in growth rates of spending.

In the some 20 to 24 months that the States will be reviewing this amendment and moving toward its ratification, it will become the responsibilities of the Senate and the House, working with the executive branch of Government, to build a process that will bring our budget into balance by fiscal 1997 if this amendment or one like it is passed this year.

It also does exactly what I and Senator BYRD debated on this floor some 3 to 4 weeks ago—that the executive branch of Government must clearly be engaged in this process; that the President of the United States must be a direct participant, and the executive branch, like the legislative branch, must shoulder the burden of balancing the Federal budget, and from that point forward, submitting balanced budgets consistent with the constitutional requirement that would be provided by this amendment.

I believe the time is now. I think the American people are speaking more loudly than they have ever spoken before about the issue of fiscal responsibility and the impact of debt and deficit on the economy of this country, the well-being of its citizens and the vitality of the workplace.

If we do not act this year, Mr. President, we will be sending forth a message to future generations that while we will bask in the largess of the Public Treasury, the uncontrolled spending of this Government, we will ask young people to shoulder the burden of payment of that debt. I do not want to leave that legacy for my children and I cannot believe that any responsible adult, whether he or she be private citizen or elected public official, would likewise want to leave that legacy to theirs.

It is a national responsibility but it is a responsibility that starts here on the floor of this Senate and on the floor of the House in the collective Congress to allow the citizens of this country to effect a change in their Constitution and therefore in the structuring of their Government that will require this body, as it must annually do, to put forth a budget to run this Government that is in balance to the best of the capability and the talents of the agencies and the systems involved consistent with the Constitution of the United States.

So I challenge all Senators to become engaged with us, those who will be leading the debate on the balanced budget amendment in the coming days on the floor or this Senate.

And I would ask the leader of the Senate, as he has spoken to the issue before, to honor his commitment to the parties involved and to honor the sense-of-the-Senate resolution that passed just a few weeks ago that we should debate this issue and vote it up or down, the issue of a constitutional amendment to balance the Federal budget.

I submit that amendment to the desk and ask unanimous consent that it be printed in the RECORD.

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

S.J. Res. 298

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the Senate for ratification:

ARTICLE—

SECTION 1. Prior to each fiscal year, an estimate of total receipts for that fiscal year shall be determined by enactment of a law devoted solely to that subject.

Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The provisions of this article may be waived for any fiscal year in which a declaration of war is in effect.

SECTION 6. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 7. This article shall take effect beginning with fiscal year 1997 or with the second fiscal year beginning after its ratification, whichever is later.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. FOWLER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 684, a bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1032

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1159

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1159, a bill to provide for the labeling or marking of tropical wood and tropical wood products sold in the United States.

S. 1294

At the request of Mr. FOWLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1294, a bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. BOREN], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1834

At the request of Mr. LOTT, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1834, a bill to amend the Social Security Act to clarify the medicare geographic classification adjacency requirements.

S. 2062

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Missouri

[Mr. DANFORTH] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2123

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2123, a bill to provide for enhanced reporting to the public of release of toxic chemicals, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2373

At the request of Mr. BOREN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2394

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2394, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2517

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2517, a bill to amend title 10, United States Code, to rename the Defense Advanced Research Projects Agency as the National Advanced Research Projects Agency, to expand the mission of that Agency, and for other purposes.

S. 2528

At the request of Mr. AKAKA, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2528, a bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes.

S. 2608

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2608, a bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2636

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2636, a bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the United States Army Command and General Staff College.

SENATE JOINT RESOLUTION 227

At the request of Mr. COATS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. GRASSLEY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 281, a joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. GORE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 290, a joint resolution calling for the Secretary of the Interior, in cooperation with the Secretary of State, to enter into agreements with Canada to protect the Alsek and Tatshenshini Rivers, for the Secretary of the Interior to ensure that Glacier Bay National Park and Reserve is not degraded by potential mine developments in Canada, and for other purposes.

SENATE CONCURRENT RESOLUTION 110

At the request of Mr. SYMMS, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 110, a concurrent resolution to authorize the construction of a monument on the U.S. Capitol Grounds to honor Thomas Paine.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, sec-

tion H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 280

At the request of Mr. GORE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Connecticut [Mr. DODD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 280, a resolution to express the sense of the Senate concerning the tropical rain forests of Malaysia.

SENATE CONCURRENT RESOLUTION 113—RELATING TO THE 25TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MOYNIHAN (for himself and for Mr. PACKWOOD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTION 113

Whereas, for 3,000 years Jerusalem has been the focal point of Jewish religious devotion;

Whereas, Jerusalem is also considered a holy city by the members of other religious faiths;

Whereas, the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas, from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas, in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas, since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas, this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the rights of all fa ths have been respected and protected;

Whereas, in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capitol of Israel, "must remain an undivided city";

Whereas, subsequent statements by the Government of the United States, including support for United Nations Security Council Resolutions 681 and 726, have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states;

Whereas, such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 25 years; and,

(3) call upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

Mr. MOYNIHAN. Mr. President, today the distinguished Senator from Oregon [Mr. PACKWOOD] and I are submitting a concurrent resolution which congratulates the residents of Jerusalem and the citizens of Israel on the 25th anniversary of the reunification of Jerusalem during the Six-Day War. The resolution also contains the elemental proposition that Jerusalem must never be divided again.

In January 1990, I traveled to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel, I met with a broad cross-section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, however, two things on which they all agreed: Their desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem.

Since that time, events have only served, I fear, to heighten the legitimate concern in Israel over United States policy toward Jerusalem. Despite Israel's staunch support during the Persian Gulf war—a war unrelated to Israel's disputes with its neighbors which nonetheless brought terror pouring down from the skies on the innocent civilians of Israel—the United States supported not one but two Security Council resolutions—Resolution 681 and Resolution 726—which describe Jerusalem as "occupied Palestinian territory." Resolution 726 also strongly condemns Israel, language which is considerably stronger than any used by the Security Council to condemn Iraq's invasion of Kuwait. In fact, only once during the entire Persian Gulf crisis did the Security Council use such language to condemn Saddam Hussein, and that only when he committed gross crimes against humanity by rounding up human shield hostages and besieging diplomatic facilities.

We were far too passive in May 1948, when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. We were too passive when Jerusalem was divided by barbed wire, mine fields, and cinder block walls. I declared 2 years ago that President Bush's statements and policies "raise the frightful irony that a President who only 4 months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenberg Gate might encourage the redivision of Jerusalem and the reimposition of the infamous Mandelbaum Gate."

Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will continue to participate in a process which it believes might end with the dismemberment of Jerusalem.

We would do well to remember that the Jewish presence in Jerusalem is not new. No people on earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem. For more than three millennia, ever since King David declared it the capital of his Jewish Kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's Temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the Patriarchs, dreamt of a ladder connecting Heaven and Earth.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily payers and thrice at grace—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers: "Next Year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritative Turkish census of the city, in 1884 discovered that 7,120 of Jerusalem's 12,510 inhabitants were Jewish—and this before there was a "west" or "new" Jerusalem. Thus even the Old City of Jerusalem had a Jewish majority well over a century ago.

Likewise, the city of Jerusalem has a powerful religious significance for persons of other religions. These attachments—themselves stretching back over the millennia—make Jerusalem a unique and treasured city to persons around the world.

Thus, the division of Jerusalem after the 1948 war in which Israel's Arab neighbors determined to wipe out the fledgling Jewish state and drove the Jewish population of Jerusalem out of the city at gunpoint was especially painful. The subsequent years of Jordanian desecration of holy sites and adamant refusal to permit access to sacred places under Jordanian control was a sorry period indeed. Thus it is that we celebrate the reunification of this holy city and its magnanimous administration by the Government of Israel. This is not just a moment for the

people of Israel, or Jews around the world, to celebrate. Everyone who believes that the rights of persons of all faiths should be respected have good reason to celebrate 25 years of Israeli governance and to congratulate the residents of Jerusalem on the fact that their city is no longer divided by barbed wire.

It is interesting to note that in 1980 President Bush criticized the Carter administration for sending mixed signals about Jerusalem. He claimed that they "undermined confidence in America's policy and purpose in the Middle East." Specifically, in a campaign speech delivered on October 19, 1980, he told the Zionist Organization of America that "I need to detail the recent history of mixed signals delivered in the United Nations and elsewhere around the world concerning the Carter administration's policy on such issues as the PLO and the status of Jerusalem. They are only too well known. Nor need I stress that though these signals are mixed, they assume a pattern that has undermined confidence in America's policy and purpose in the Middle East."

Mr. President, I call upon the administration to embrace the principles of this resolution: To celebrate the reunification of Jerusalem and to pledge that it will never again be divided and I invite my colleagues to join with me and the Senator from Oregon as cosponsor of the concurrent resolution.

Mr. PACKWOOD. Mr. President, 25 years ago, a holy city to three great religions became accessible to the people of those religions. As a result of the Six-Day War in 1967, the gates of Jerusalem were opened to Moslems, Christians, and Jews from all over the world. This stands in contrast to the years of Jordanian control which lasted from 1948 to 1967, when free access to the holy sites of these religions was only a dream.

Since 1967, Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected. The 25th anniversary also marks a time of great hope. It is a year when Israel and its neighbors are working toward a real and lasting peace in the region. As the world watches this complicated process, one can only sense that returning to the divisions and restrictions of pre-1967 Jerusalem will inhibit the search for peace.

The resolution we submit today recognizes the citizens who have made a unified Jerusalem a place for people of all faiths. These citizens include the 1967 Golani brigade soldiers who fought in the corridors of the ancient city, as well as the 1992 social workers who teach Jewish and Arab children to respect and understand their similarities and differences.

The resolution also states that Jerusalem should remain an undivided city, and urges the President and Secretary of State to support these principles. As the peace talks continue, many people fear that the world is encouraging a peace which includes a redivided Jerusalem—and with it, a return to the restrictions of 25 years ago. To me, this doesn't sound like progress. A lasting peace will come by cooperation, not further division.

I hope my colleagues will join us in supporting this resolution.

SENATE CONCURRENT RESOLUTION 114—RELATIVE TO CONGRESSIONAL PAY

Mr. NICKLES submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 114

Whereas on September 25, 1789, the Congress sent to the States for ratification a proposed amendment designed to limit the power of the Congress to raise the salaries of its Members;

Whereas this proposed amendment was introduced by James Madison as the 2nd of 12 amendments, 10 of which eventually became the Bill of Rights;

Whereas this amendment reads as follows: "Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened";

Whereas this amendment failed to be adopted by the necessary 11 States and become part of the Constitution;

Whereas more than 200 years later, 37 States have ratified this amendment to the Constitution (Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming); and

Whereas this amendment to the Constitution was proposed without a deadline for ratification and is therefore still pending before the States: Now, therefore, be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of the Congress that at least 1 of the remaining 13 states should ratify the proposed 2nd amendment to the Constitution which would delay the effect of any law which varies the compensation of Members of Congress until after the next election of Representatives (these States being California, Hawaii, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, and Washington).

Mr. NICKLES. Mr. President, yesterday, the States of Missouri and Alabama became the 36th and 37th States to ratify the original second amendment to the Constitution. That amendment, one of the original 12, reads as follows:

Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Thirty-eight States are required to ratify an amendment before it becomes part of the Constitution. Currently, the States of New Jersey, Illinois, and Michigan have resolutions of ratification under consideration.

This is a fair and equitable approach in handling congressional pay. This is attested to by the fact that the framers of our Constitution seriously considered its inclusion. Today, Congress faces a tremendous credibility gap and this is one reform that can help bridge that gap.

By requiring a pay increase to go into effect after the ensuing election of Representatives, Members will not benefit from that raise until the voters have spoken.

This so-called Madison amendment was first introduced on September 25, 1789 along with 11 other amendments that were proposed for inclusion in the just-created Constitution. Ten of these amendments were adopted and are known as the Bill of Rights.

When the amendment was first considered by the States, it fell four states short needed for inclusion in the Constitution. We now have the opportunity to see this amendment added as part of the Constitution and restore some of the integrity to our representative form of government.

I also ask that the resolution adopted by the Oklahoma State Legislature and transmitted to the U.S. Senate Judiciary Committee on October 17, 1985, be inserted in the RECORD at this point.

"RESOLUTION NO. 1016

"Whereas, a resolution of the First Congress of the United States, proposing an amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, was approved by the Congress, two-thirds (⅔) of each house concurring therein, in the following words:

"(An ARTICLE) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"Now, therefore, be it resolved by the House of Representatives and the Senate of the 1st session of the 40th Oklahoma Legislature:

"Section 1. The amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, proposed by a resolution of the First Congress of the United States, is hereby ratified.

"Section 2. Pursuant to 75 O.S. 1981, Section 26.42, this resolution shall expire on December 31, 1995.

"Section 3. Duly authenticated copies of this resolution shall be transmitted to the Governor of the State of Oklahoma, to the President of the United States, to the Administrator of General Services of the Unit-

ed States, to the President Pro Tempore of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

SENATE RESOLUTION 293—RESOLUTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. SEYMOUR submitted the following resolution; which was referred to the Committee on Rules an Administration:

S. RES. 293

Resolved, That the Standing Rules of the Senate are amended by inserting after rule XXXV the following new rule:

"RULE XXXVI

"PAY OF SENATORS

"1. It shall not be in order in the Senate to consider a measure containing a provision increasing the pay of Senators, the President pro tempore of the Senate, the majority leader of the Senate, or the minority leader of the Senate unless the Committee on the Budget has determined that the most recent Federal budget passed by the Congress will be balanced for the applicable fiscal year.

"2. As soon as practicable after the Congress has passed a fiscal year Federal budget, the chairman of the Committee on the Budget shall submit to the Parliamentarian of the Senate a determination by the committee as to whether that Federal budget will be balanced for the applicable fiscal year, and that determination shall be conclusive for the purposes of this rule.".

AMENDMENTS SUBMITTED

TELEPHONE PRIVACY ACT

KOHL AMENDMENT NO. 1794

Mr. KOHL proposed an amendment to the bill (S. 652) to protect the privacy of telephone users by amending section 3121 of title 18, United States Code, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing;

(2) to encourage the use of new services which discourage harassing and obscene telephone calls even though information identifying the caller may be blocked; and

(3) to require government entities to give public notice of their use of caller identification service.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) Subject to paragraph (2), the prohibition of subsection (a) does not apply with respect to the installation or use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, or testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service;

"(iii) with the prior consent of the recipient of the communication when the communication may be relevant to an ongoing criminal or counterintelligence investigation;

"(iv) in connection with the provision of call return service; or

"(v) in connection with the provision of caller identification service to a user of that service, if the service provider—

"(I) permits the recipient of a communication to use call trace; and

"(II) permits the originator of a communication to block caller identification—

"(aa) on a per call basis without charge;

"(bb) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(cc) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A) (iv) and (v) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a Federal, State, or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) of a communication made from a public pay telephone.

"(2) The exception afforded by paragraph (1) does not apply to a communication to a governmental entity on a line that is publicized or represented as ensuring the confidentiality of the originator of a communication, such as an anonymous tip line or a confidential information line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that a subscriber to an automatic number identification service or charge number service receives, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously obtained from the recipient of the communication; or

"(D) use of any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(4) Nothing in paragraph (3) affects the provision or use of automatic number identification or charge number information by a provider of electronic or wire communication service.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsection (b)(1)(A)(v) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(2) Paragraph (1) does not apply to the use of information that is made available to the recipient of a communication through an automatic number identification or charge number service.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

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

"(7) the term 'automatic number identification or charge number' means an access signaling protocol in common use by com-

mon carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers;

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call;

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a wire communication to the recipient of the communication;

"(10) the term 'call return service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to initiate a return communication to the originator without disclosing to the recipient the identity of the originator (except in connection with the provider's regular billing process; and

"(11) the term 'call trace service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to cause the identity of the originator of the communication to be disclosed to the service provider's security personnel and to law enforcement officials without disclosing to the recipient the identity of the originator.".

SEC. 4. NOTICE BY GOVERNMENT ENTITIES OF USE OF CALLER IDENTIFICATION SERVICE.

"(a) FEDERAL ENTITIES.—A Federal Government entity that uses caller identification service shall publish in the Federal Register and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of the government entity's use of caller identification service within a reasonable time after initiating that use. The Federal Register notice shall describe the scope and purpose of that use.

"(b) STATE AND LOCAL ENTITIES.—A State or local government entity that uses caller identification service shall make available and publish in the official publication of that State or local government entity and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of that government entity's use of caller identification service within a reasonable time after initiating that use. The official publication notice shall describe the scope and purpose of that use.

GRAMM (AND OTHERS) AMENDMENTS NO 1795

Mr. GRAMM (for himself, Mr. THURMOND and Mr. DOLE proposed an amendment to the bill S. 652, supra, as follows:

On page 10, line 19 of the pending substitute, strike "use," and insert in lieu thereof the following:

"Use

DIVISION B—THE "CRIME CONTROL ACT OF 1992"

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Crime Control Act of 1992".

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

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101, Short Title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Crime Control Act of 1992".

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

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.
Sec. 102. Death penalty procedures.
Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft facilities.
Sec. 104. Conforming amendment relating to espionage.
Sec. 105. Conforming amendment relating to transporting explosives.
Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
Sec. 108. Conforming amendment relating to murder.
Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
Sec. 110. Murder by Federal prisoner.
Sec. 111. Conforming amendment relating to kidnapping.
Sec. 112. Conforming amendment relating to hostage taking.
Sec. 113. Conforming amendment relating to mailability of injurious articles.
Sec. 114. Conforming amendment relating to presidential assassination.
Sec. 115. Conforming amendment relating to murder for hire.
Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
Sec. 117. Conforming amendment relating to wrecking trains.
Sec. 118. Conforming amendment relating to bank robbery.
Sec. 119. Conforming amendment relating to terrorist acts.
Sec. 120. Conforming amendment relating to aircraft hijacking.
Sec. 121. Conforming amendment to Controlled Substances Act.
Sec. 122. Conforming amendment relating to genocide.
Sec. 123. Protection of court officers and jurors.
Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 125. Death penalty for murder of Federal law enforcement officers.
Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
Sec. 127. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 128. Amendment to Federal Aviation Act.
Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
Sec. 130. Torture.
Sec. 131. Weapons of mass destruction.
Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 133. Death penalty for civil rights murders.
Sec. 134. Death penalty for murder of Federal witnesses.
Sec. 135. Drive-by shootings.
Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 137. Death penalty for rape and child molestation murders.
Sec. 138. Protection of jurors and witnesses in capital cases.
Sec. 139. Inapplicability to Uniform Code of Military Justice.
Sec. 140. Death penalty for causing death in the sexual exploitation of children.
Sec. 141. Murder by escaped prisoners.
Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

Sec. 201. Short title.
Sec. 202. Period of limitation.
Sec. 203. Appeal.
Sec. 204. Amendment of Federal Rules of Appellate Procedure.
Sec. 205. Section 2254 amendments.
Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for subtitle B.
Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—FIREARMS AND RELATED AMENDMENTS

Sec. 401. Increased mandatory minimum sentences for criminals using firearms.
Sec. 402. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 403. Smuggling firearms in aid of drug trafficking.
Sec. 404. Prohibition against theft of firearms or explosives.
Sec. 405. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 406. Summary destruction of explosives subject to forfeiture.
Sec. 407. Elimination of outmoded language relating to parole.
Sec. 408. Enhanced penalties for use of a firearm in the commission of counterfeiting or forgery.
Sec. 409. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 410. Receipt of firearms by nonresident.
Sec. 411. Prohibition against conspiracy to violate Federal firearms or explosives laws.
Sec. 412. Prohibition against theft of firearms or explosives from licensee.
Sec. 413. Prohibition against disposing of explosives to prohibited persons.
Sec. 414. Increased penalty for interstate gun trafficking.
Sec. 415. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 416. Possession of explosives by felons and others.
Sec. 417. Possession of an explosive during the commission of a felony.

Sec. 418. Disposition of forfeited firearms.
Sec. 419. Definition of serious drug offense.
Sec. 420. Definition of burglary under the armed career criminal statute.

TITLE V—JUVENILES AND GANGS

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

Sec. 501. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

Sec. 511. Grant program.
Sec. 512. Conforming repealer and amendments.
Sec. 513. Criminal street gangs.

Subtitle C—Juvenile Penalties

Sec. 521. Treatment of violent juveniles as adults.
Sec. 522. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 523. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

Sec. 531. Bindover system for certain violent juveniles.
Sec. 532. Gang investigation coordination and information collection.
Sec. 533. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

Sec. 601. Terrorism civil remedy.
Sec. 602. Providing material support to terrorists.
Sec. 603. Forfeiture of assets used to support terrorists.
Sec. 604. Alien witness cooperation.
Sec. 605. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
Sec. 606. Assimilated crimes in extended territorial sea.
Sec. 607. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 608. Penalties for international terrorist acts.
Sec. 609. Authorization of appropriations.
Sec. 610. Enhanced penalties for certain offenses.
Sec. 611. Sentencing guidelines increase for terrorist crimes.
Sec. 612. Extension of the statute of limitations for certain terrorism offenses.
Sec. 613. International parental kidnapping.
Sec. 614. State court programs regarding interstate and international parental child abduction.
Sec. 615. Foreign murder of United States nationals.
Sec. 616. Extradition.
Sec. 617. Gambling devices on United States ships.
Sec. 618. FBI access to telephone subscriber information.

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

Subtitle A—Sexual Violence and Child Abuse

Sec. 701. Definition of sexual act for victims below 16 years of age.
Sec. 702. Increased penalties for recidivist sex offenders.
Sec. 703. Restitution for victims of sex offenses.
Sec. 704. HIV testing and penalty enhancement in sexual abuse cases.
Sec. 705. Payment of cost of HIV testing for victim.

Subtitle B—Victims' Rights

Sec. 711. Restitution amendments.
Sec. 712. Victim's right of allocution in sentencing.
Sec. 713. Right of the victim to an impartial jury.
Sec. 714. Mandatory restitution and other provisions.

Subtitle C—Crime Victims Fund

Sec. 721. Crime victims fund.
Sec. 722. Percentage change in crime victim compensation formula.
Sec. 723. Administrative costs for crime victim compensation.
Sec. 724. Relationship of crime victim compensation to certain Federal programs.
Sec. 725. Use of unspent section 1403 money.
Sec. 726. Underserved victims.
Sec. 727. Grants for demonstration projects.
Sec. 728. Administrative costs for crime victim assistance.
Sec. 729. Change of due date for required report.
Sec. 730. Maintenance of effort.
Sec. 731. Delayed effective date for certain provisions.

Subtitle D—National Child Protection Act

Sec. 741. Short title.
Sec. 742. Findings and purposes.
Sec. 743. Definitions.
Sec. 744. Reporting by the States.
Sec. 745. Background checks.
Sec. 746. Funding for improvement of child abuse crime information.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

Sec. 751. Short title.
Sec. 752. Establishment of program.
Sec. 753. State compliance.

Subtitle F—Domestic Violence

Sec. 761. Domestic violence grants.
Sec. 762. Report on battered women's syndrome.

Subtitle G—Other Provisions

Sec. 771. Inducement of minor to commit an offense.
Sec. 772. Disclosure of records of arrests by campus police.
Sec. 773. National baseline study on campus sexual assault.
Sec. 774. Sense of Congress concerning child custody and visitation rights.

TITLE VIII—EQUAL JUSTICE ACT

Sec. 801. Short title.
Sec. 802. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 803. General safeguards against racial prejudice or bias in the tribunal.
Sec. 804. Federal capital cases.
Sec. 805. Extension of protection of civil rights statutes.

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

Sec. 901. Short title.
Sec. 902. Grants to State and local agencies.
Sec. 903. Continuation of Federal-State funding formula.
Sec. 904. Grants for multi-jurisdictional drug task forces.

Subtitle B—Retired Public Safety Officer Death Benefit

Sec. 911. Retired public safety officer death benefit.

Subtitle C—Study on Police Officers' Rights

Sec. 921. Study on police officers' rights.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

Sec. 931. Short title.
Sec. 932. Purposes.
Sec. 933. Establishment of Office of the Police Corps and Law Enforcement Education.
Sec. 934. Designation of lead agency and submission of State plan.

Subchapter A—Police Corps Program

Sec. 935. Definitions.
Sec. 936. Scholarship assistance.
Sec. 937. Selection of participants.
Sec. 938. Police corps training.
Sec. 939. Service obligation.
Sec. 940. State plan requirements.
Sec. 941. Authorization of appropriations.

Subchapter B—Law Enforcement Scholarship Program

Sec. 942. Short title.
Sec. 943. Definitions.
Sec. 944. Allotment.
Sec. 945. Program established.
Sec. 946. Scholarships.
Sec. 947. Eligibility.
Sec. 948. State application.
Sec. 949. Local application.
Sec. 950. Scholarship agreement.
Sec. 951. Authorization of appropriations.

Subchapter C—Reports

Sec. 952. Reports to Congress.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

Sec. 961. Short title.
Sec. 962. Cop-on-the-beat grants.

Subtitle E—Rural Crime Prevention Strategy

Sec. 971. Findings.
Sec. 972. Strategy to address rural crime.
Sec. 973. National Institute of Justice national assessment.
Sec. 974. Pilot programs.
Sec. 975. Funding.

Subtitle F—National Commission to Support Law Enforcement

Sec. 981. Short title.
Sec. 982. Findings.
Sec. 983. Establishment of commission.
Sec. 984. Duties.
Sec. 985. Membership.
Sec. 986. Experts and consultants.
Sec. 987. Powers of commission.
Sec. 988. Report.
Sec. 989. Termination.
Sec. 989A. Repeals.

Subtitle G—Other Provisions

Sec. 991. Missing Alzheimer's disease patient alert program.
Sec. 992. Authorization of appropriations for Bureau of Justice Assistance discretionary grants.
Sec. 993. Law enforcement family support.
Sec. 994. Mandatory literacy program.
Sec. 995. Trauma centers and crime-related violence.
Sec. 996. Study and assessment of alcohol use and treatment.
Sec. 997. Notice of release of prisoners.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

Sec. 1001. Drug testing of Federal offenders on post-conviction release.
Sec. 1002. Drug testing in State criminal justice systems.

Subtitle B—Precursor Chemicals

Sec. 1011. Short title.
Sec. 1012. Definition amendments.
Sec. 1013. Registration requirement.
Sec. 1014. Reporting of listed chemical manufacturing.

Sec. 1015. Reports by brokers and traders; criminal penalties.
Sec. 1016. Exemption authority; additional penalties.
Sec. 1017. Amendments to list I.
Sec. 1018. Elimination of regular supplier status and creation of regular importer status.
Sec. 1019. Administrative inspections and authority.
Sec. 1020. Threshold amounts.
Sec. 1021. Management of listed chemicals.
Sec. 1022. Attorney General access to the National Practitioner Data Bank.
Sec. 1023. Regulations and effective date.

Subtitle C—Interdiction

Sec. 1031. Sanctions for failure to land or to bring to.
Sec. 1032. FAA revocation authority.
Sec. 1033. Coast Guard air interdiction authority.
Sec. 1034. Coast Guard civil penalty provisions.
Sec. 1035. Customs orders.
Sec. 1036. Customs civil penalty provisions.
Sec. 1037. Information exchange and assistance.
Sec. 1038. Assistance to foreign governments and international organizations.
Sec. 1039. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.

Subtitle D—Rural Drug Crime

Sec. 1051. Rural drug enforcement task forces.
Sec. 1052. Cross-designation of Federal officers.
Sec. 1053. Rural drug enforcement training.
Sec. 1054. Authorization of appropriations for rural law enforcement agencies.
Sec. 1055. Rural substance abuse treatment and education grants.
Sec. 1056. Clearinghouse program.

Subtitle E—Grant Programs

Sec. 1061. Drug emergency areas.
Sec. 1062. Department of Justice community substance abuse prevention.
Sec. 1063. Grants for substance abuse treatment.
Sec. 1064. Drug testing upon arrest.

Subtitle F—Other Provisions

Sec. 1071. Strengthened Federal penalties relating to crystalline methamphetamine.
Sec. 1072. Advertisements of controlled substances.
Sec. 1073. Increased penalties for distribution of controlled substances at truck stops and rest areas.
Sec. 1074. Enhancement of penalties for drug trafficking in prisons.
Sec. 1075. Seizure of vehicles with concealed compartments.
Sec. 1076. Closing of loophole for illegal importation of small drug quantities.
Sec. 1077. Undercover operations—churning.
Sec. 1078. Drug paraphernalia amendment.
Sec. 1079. Conforming amendments concerning marijuana.
Sec. 1080. Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.
Sec. 1081. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 1082. Conforming amendments to recidivist penalty provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act.
Sec. 1083. Elimination of outmoded language relating to parole.
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TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1992".

SEC. 102. DEATH PENALTY PROCEDURES.

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

"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;

"(2) an offense described in section 1751(c) 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.), 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, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(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, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

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

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

"(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.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

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

"(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.

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

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

"(1) 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), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339A (use of weapons of mass destruction), or section 2381 (treason) 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 (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); or

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

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

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 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), 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 sections 1 and 2 of title 3; 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.

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

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

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

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

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substances (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) to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant 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 (21 U.S.C. 860) 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 (21 U.S.C. 861) 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.

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

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

"(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, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, 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 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—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) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

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

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

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

"(3) an offense described in section 3591 (3), (4), or (5), an aggravating factor required to be considered under section 3592(d) 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 a sentence of death is justified, 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 no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 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 cases.

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

"(1) the evidence submitted during the trial;

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

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

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

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—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) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), 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) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

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

"(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) EMPLOYEES 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 employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any 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) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q)(4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q)(4), (5), (6), (7), (8), (9), and (10)).

"(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. At least 1 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 10 days after 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 1 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 entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 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 the standards prescribed in the 2 preceding sentences, 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, section 3006A 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 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 a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 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. 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 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, 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 the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF 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, 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 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.".

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

"228. Death penalty procedures ..... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

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

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

"(2) war plans;

"(3) communications intelligence or cryptographic information;

"(4) sources or methods of intelligence or counterintelligence operations; or

"(5) any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

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

SEC. 106. CONFORMING AMENDMENT RELATING TO 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".

SEC. 107. CONFORMING AMENDMENT RELATING TO 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".

SEC. 108. CONFORMING AMENDMENT RELATING TO 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".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

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

SEC. 110. MURDER BY FEDERAL PRISONER.

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

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—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) DEFINITIONS.—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; and

"(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 15 years and a maximum of life, or an unexecuted sentence of death.".

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

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Section 1751(c) 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) shall be punished—

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

"(2) 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, by death or imprisonment for any term of years or for life.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

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

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

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

"(1) for murder, by death or life imprisonment, or a fine 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;".

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

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

SEC. 118. CONFORMING AMENDMENT RELATING TO 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".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

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

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

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

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

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

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

SEC. 122. CONFORMING AMENDMENT RELATING TO 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".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

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

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "commissioner" each place it appears and inserting "magistrate judge"; and

(B) 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)"; and

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

"(b) The punishment for an offense under this section is—

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

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

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 124. 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 before subsection (b), as redesignated by paragraph (1), the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

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

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL 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 ", in the case of murder (as defined in section 1111), be punished by death or imprisonment for life, and, in the case of manslaughter (as defined in section 1112), be punished as provided in section 1112, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," after "other statutory authority".

SEC. 127. 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 new section:

"§ 36. Violence at international airports

"(a) Whoever 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 the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

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

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

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

"36. Violence at international airports.".

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

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

(2) the date on which the 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. 128. AMENDMENT TO FEDERAL AVIATION ACT.

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

(1) by striking paragraph (3); and

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

SEC. 129. 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 new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSE.—Whoever 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 an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7),

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

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

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

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

"(A) such activity is committed—

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

"(ii) in the United States; 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, if the offender is later found in the United States after such activity is committed; and

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

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she has on board the 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 the master 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 or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(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 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 that 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 stated 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) OFFENSE.—Whoever 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 that is likely to destroy the fixed platform or likely to endanger its safety;

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

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

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

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

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

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

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

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

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

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

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

"(1) 'continental shelf' means the seabed 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 seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

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

"(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) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United

States Code, is amended by adding at the end the following new items:

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

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

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

(2)(A) in the case of section 2280 of title 18, United States Code, the date on which 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 on which 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. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§ 2340. Definitions

"As used in this chapter—

"(1) '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) '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) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§ 2340A. Torture

"(a) OFFENSE.—Whoever outside the United States 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) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§ 2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture ..... 2340.".

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

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

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in the amendment made by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

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

"§ 2339A. Use of weapons of mass destruction

"(a) OFFENSE.—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 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) DEFINITIONS.—As used in this section—

"(1) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

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

"(A) a destructive device (as defined in section 921);

"(B) poison gas;

"(C) a weapon involving a disease organism; and

"(D) a weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

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

"2339A. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

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

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

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

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

"(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)), 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.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) 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".

(b) 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".

(c) 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".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

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

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 135. 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) OFFENSE.—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 not more than 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) DEFINITION.—As used in this section, the term 'drug trafficking activity' means a drug trafficking crime (as defined in section 929(a)(2)), or a pattern or series of acts involving one or more drug trafficking crimes.".

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

"931. Drive-by shootings.".

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

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

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

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

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

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

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

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

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

"§ 2245. Sexual abuse resulting in death

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

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

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by striking the period and inserting: ", except that the 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. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of 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.).

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

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following new sentence: "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. 141. MURDER BY ESCAPED PRISONERS.

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

"§ 1119. Murder by escaped prisoners

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

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.".

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

"1119. Murder by escaped prisoners.".

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

Title 18 of the United States Code is amended—

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

"§ 1118. Capital punishment for murders in the District of Columbia

"(a) OFFENSE.— It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is a federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the District of Columbia.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)–(1).

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury 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 factors:

"(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 is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnaping, or arson.

"(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm as defined in section 921 of this title.

"(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"(7) 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.

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

"(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

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

"(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"(i) while such public servant was engaged in the performance of his or her 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.

"(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, 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 as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that 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.

"(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references

to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the 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 information presented may include trial transcripts and exhibits. 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, and the government shall then be permitted to reply in rebuttal.

"(i) 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 (f) 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.

"(j) FINDING CONCERNING A SENTENCE OF DEATH.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury 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.

"(k) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or 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 such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that 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 such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon a recommendation under subsection (j) 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.

"(m) REVIEW OF A SENTENCE OF DEATH.—

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

"(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or 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 described in subsection (e) 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 that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) IMPLEMENTATION OF SENTENCE OF DEATH.—A person sentenced to death under this section 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 a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

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

"(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION IN EXECUTION.—No employee of any State department of corrections, the United States Marshals Service, or the Federal Bureau of Prisons, and no person providing services to that department, service, or bureau 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.

"(q) APPOINTMENT OF COUNSEL FOR INDIGENT CAPITAL DEFENDANTS.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and 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. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death under this section 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 court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order 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. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. 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.

"(s) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)–(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 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 5 years and have at least 3 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.

"(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN COLLATERAL PROCEEDINGS.—The inef-

fectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section 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.

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

"(v) STAY OF EXECUTION.—The execution of a sentence of death under this section 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 (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

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

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) 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 is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim 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.

"(x) DEFINITIONS.—For purposes of this section—

"(1) 'State' has the meaning given in section 513 of this title, including the District of Columbia;

"(2) 'Offense', as used in paragraphs (2), (5), and (13) of subsection (e), and in paragraph (5) of this subsection, means an offense under the law of the District of Columbia, another State, or the United States;

"(3) '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;

"(4) 'Robbery' means obtaining the property of another by force or threat of force;

"(5) 'Burglary' means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"(6) '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;

"(7) 'Arson' means damaging or destroying a building or structure through the use of fire or explosives;

"(8) 'Kidnapping' means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"(9) 'Pre-trial release', 'probation', 'parole', 'supervised release', and 'other post-conviction conditional release', as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"(10) 'Public servant' means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of this title.

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

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

"1118. Capital punishment for murders in the District of Columbia.".

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1992".

SEC. 202. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(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—

"(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; or

"(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. 203. APPEAL.

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

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 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.

"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.

"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, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure 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 or probable cause is not required.".

SEC. 205. SECTION 2254 AMENDMENTS.

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

(1) by amending subsection (b) 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.";

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

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

"(d) 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 with respect to any claim

that has been fully and fairly adjudicated in State proceedings.";

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

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

SEC. 206. SECTION 2255 AMENDMENTS.

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

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

(2) 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—

"(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; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

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

Subtitle B—Death Penalty Litigation Procedures

SEC. 211. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1992".

SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"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) APPLICATION OF CHAPTER.—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) ESTABLISHMENT OF APPOINTMENT MECHANISM.—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) OFFER OF COUNSEL.—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 1 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) PREVIOUS REPRESENTATION.—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) NO GROUND FOR RELIEF.—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. 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) STAY.—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) EXPIRATION OF STAY.—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) LIMITATION ON FURTHER STAY.—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 180 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 60 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) REVIEW OF RECORD; HEARING.—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) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§ 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 this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedure

"(a) IN GENERAL.—For purposes of this section, the term '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. 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) OFFER OF COUNSEL.—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) APPLICATION OF OTHER SECTIONS.—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, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§ 2262. Limitation periods for determining petitions

"(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 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 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of the application unless a responsive pleading is required, in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) APPLICATION OF SECTION.—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 redetermination 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) RULE OF CONSTRUCTION.—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) NO GROUND FOR RELIEF.—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) REPORT.—The Administrative Office of the 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) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2256.".

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

SEC. 221. 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 inserting after section 511 the following new section:

"FUNDING FOR DEATH PENALTY PROSECUTIONS

"SEC. 511A. Notwithstanding any other provision of this part, 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 III—EXCLUSIONARY RULE

SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.

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

"§ 3509. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence that 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) TECHNICAL AMENDMENT.—The chapter analysis for chapter 223 of title 28, United

States Code, is amended by adding at the end the following new item:

"3509. Admissibility of evidence obtained by search or seizure.".

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(i) knowingly uses, carries, or otherwise possesses a firearm, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 10 years;

"(ii) discharges a firearm with intent to injure another person, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years; or

"(iii) knowingly uses, carries, or otherwise possesses a firearm that is a machinegun or destructive device, or that is equipped with a firearm silencer or firearm muffler, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 30 years.

"(B)(i) In the case of a second conviction under this subsection, a person shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years for a violation of subparagraph (A)(i), to imprisonment for 30 years for a violation of subparagraph (A)(ii), and life imprisonment for a violation of subparagraph (A)(iii).

"(ii) In the case of a third or subsequent conviction under this subsection, or a conviction for a violation of subparagraph (A)(ii) that results in the death of another person, a person shall be sentenced to life imprisonment.

"(C) Notwithstanding any other law, a term of imprisonment under this subsection shall not run concurrently with any other term of imprisonment imposed for the underlying crime.

"(D) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if the person has a firearm readily available at the scene of the crime during the commission of the crime.".

SEC. 402. 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 "20".

SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

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

"(j) Whoever, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

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

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

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

SEC. 404. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 403, is amended by adding at the end the following new subsection:

"(k) 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 not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

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

"(k) 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 2 nor more than 10 years, fined in accordance with this title, or both.".

SEC. 405. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

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

(1) in paragraph (1)(B) by striking "(a)(6),"; and

(2) in paragraph (2) by inserting "(a)(6)," after "subsection".

SEC. 406. 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 new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture 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 may 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 60 days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

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

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 407. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

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".

SEC. 408. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, as amended by section 401, is amended in subparagraph (A) by inserting "or during and in relation to any felony punishable under chapter 25" after "United States,".

SEC. 409. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) ONE 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 or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than 5 years" before the period.

(b) TWO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, as amended by section 404, is amended by adding at the end the following new subsection:

"(l)(1) Notwithstanding subsection (a)(2), 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 as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).".

SEC. 410. RECEIPT OF FIREARMS BY NONRESIDENT.

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

(1) in paragraph (7)(C) by striking "and";

(2) in paragraph (8)(C) by striking the period and inserting "; and"; and

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

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 411. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 409(b), is amended by adding at the end the following new subsection:

"(m) 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 title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

"(l) 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. 412. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 411(a),

is amended by adding at the end the following new subsection:

"(n) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 411(b), is amended by adding at the end the following new subsection:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

SEC. 413. 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. 414. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 412(a), is amended by adding at the end the following new subsection:

"(o) Whoever, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 415. 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. 416. 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. 417. POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) by striking "carries an explosive during" and inserting "uses, carries, or otherwise possesses an explosive during"; and

(2) by striking "used or carried" and inserting "used, carried, or possessed".

SEC. 418. DISPOSITION OF FORFEITED FIREARMS.

Subsection 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 machinegun or 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 or 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 or 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 such firearm; and

"(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 419. DEFINITION OF SERIOUS DRUG OFFENSE.

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 new clause:

"(iii) an offense under State law that, if it had been 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 have been punishable by a maximum term of 10 years or more;".

SEC. 420. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL STATUTE.

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

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

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

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

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously within 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.".

TITLE V—JUVENILES AND GANGS

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

SEC. 501. STRENGTHENED FEDERAL PENALTIES.

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

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

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

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

Subtitle B—Antigang Provisions

SEC. 511. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs";

and

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

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible pri-

ority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"(c) USE OF FUNDS.—Of the funds made available to each State under this section in any fiscal year, 50 percent shall be used for juvenile drug supply reduction programs and 50 percent shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—(1) The purpose of this section is to—

"(A) provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(B) replicate and demonstrate such programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(C) provide technical assistance and training to public or private organizations to implement similar programs.

"(2) In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purpose of this section is to—

"(1) provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime-, drug-, and alcohol-related challenges faced by juveniles residing at or near ports of entry into the United States and in other international border communities, including rural localities;

"(2) replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) provide technical assistance and training to public and private organizations to implement similar programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles residing at or near ports of entry into the United States or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 234. There are authorized to be appropriated $100,000,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 235. Of the amounts appropriated for this subpart for any fiscal year, the amount remaining after setting aside the amounts required to be reserved to carry out sections 232 and 233 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for grants under section 232 or 233 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.

"(c) COORDINATION OF ASSISTANCE.—Each application described in subsection (a) shall include a detailed description of how the funds received under this subpart will be coordinated with assistance provided under subpart I of this part and part C of this title and assistance provided by the Bureau of Justice Assistance under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs (42 U.S.C. 3750 et seq.).

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State governments under sections 505 and 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

SEC. 512. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

SEC. 513. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) ENHANCED PENALTY.—Whoever, under the circumstances described in subsection (c), commits an offense described in subsection (b), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. A sentence of imprisonment imposed under this subsection shall run consecutively to any other sentence that is imposed.

"(b) OFFENSES.—The offenses referred to in subsection (a) are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(2) a Federal felony crime of violence;

"(3) a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.); and

"(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

"(c) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

"(1) that the offense described in subsection (b) was committed by a member of, on behalf of, or in association with a criminal street gang; and

"(2) within 5 years prior to the date of the offense, the offender had been convicted of—

"(A) an offense described in subsection (b);

"(B) a State offense that—

"(i) involves a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(ii) is a crime of violence for which the maximum penalty is more than 1 year's imprisonment;

"(C) a Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'criminal street gang' means a group, club, organization, or association of 5 or more persons—

"(A) whose members engage, or have engaged within the past 5 years, in a continuing series of any of the offenses described in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent felony or controlled substances felony.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs ..... 521".

Subtitle C—Juvenile Penalties

SEC. 521. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) DESIGNATION OF UNDESIGNATED PARAGRAPHS.—Section 5032 of title 18, United States Code, is amended by designating the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh undesignated paragraphs as subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(b) JURISDICTION OVER CERTAIN FIREARMS OFFENSES.—Section 5032(a) of title 18, United States Code, as designated by subsection (a), is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(c) ADULT STATUS OF JUVENILES WHO COMMIT FIREARMS OFFENSES.—Section 5032(d) of title 18, United States Code, as designated by subsection (a), is amended to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), a juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult.

"(2) With respect to a juvenile 15 years and older alleged to have committed an act after his or her 15th birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 924 (b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, that such a transfer would be in the interest of justice.

"(3) A juvenile who is alleged to have committed an act after his or her 16th birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, 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), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.".

(d) FACTORS FOR TRANSFERRING A JUVENILE TO ADULT STATUS.—Section 5032(e) of title 18, United States Code, as designated by subsection (a), is amended—

(1) by inserting "(1)" before "Evidence";

(2) by striking "intellectual development and psychological maturity;" and inserting "level of intellectual development and maturity; and";

(3) by inserting ", such as rehabilitation and substance abuse treatment," after "past treatment efforts";

(4) by striking "; the availability of programs designed to treat the juvenile's behavioral problems"; and

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

"(2) In considering the nature of the offense, as required by this subsection, 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 factors, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of such factors shall not preclude a transfer to adult status.".

SEC. 522. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) ACT OF JUVENILE DELINQUENCY.—Section 924(e)(2)(A) of title 18, United States Code, as amended by section 422, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking "and" at the end of clause (iii) and inserting "or"; and

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

"(iv) any act of juvenile delinquency that, if it were committed by an adult, would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

SEC. 523. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—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 P as part Q;

(2) by redesignating section 1601 as section 1701; and

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

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1601. 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 electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

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

"(8) innovative methods that address the problems of young 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. 1602. 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) An application under paragraph (1) 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 title I—

"(1) shall prepare the application required under section 1602; 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. 1603. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1601(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1604. 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 1602(b).

"(2) An application under paragraph (1) 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 an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1601 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 Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

"SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated for this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders in the 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 the State for the purposes specified under section 1601 the portion of those funds that bears the same ratio to the aggregate amount of those funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified under section 1601.

"(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 the fiscal year will not be used by the State or that a State is not eligible to receive funds under section 1601, the Director shall award such funds to units of local government in the State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1606. 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 subsection (a) 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) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1601. Grant authorization.
"Sec. 1602. State applications.
"Sec. 1603. Review of State applications.
"Sec. 1604. Local applications.
"Sec. 1605. Allocation and distribution of funds.
"Sec. 1606. Evaluation.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

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

"(24) The term 'young offender' means an individual 18 years of age or younger.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1054(a), is amended by adding at the end the following new paragraph:

"(10) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part P.".

Subtitle D—Other Provisions

SEC. 531. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

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 at the end and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code.".

SEC. 532. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by July 1, 1993.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1992 such sums as are necessary to carry out this section.

SEC. 533. CLARIFICATION OF REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032(j) of title 18, United States Code, as designated by section 521(a), is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 until".

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

SEC. 601. TERRORISM CIVIL REMEDY.

(a) REINSTATEMENT OF LAW.—The amendments made by section 132 of the Military Construction Appropriations Act, 1991 (104 Stat. 2250), are repealed effective as of April 10, 1991.

(b) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (a), is amended—

(1) in section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) as section 2332 and amending the heading for section 2332, as redesignated, to read as follows:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332, as redesignated by paragraph (2), the following new section:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin;

"(2) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act; and

"(4) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property."; and

(4) by inserting after section 2332, as redesignated, the following new sections:

"§ 2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902 (i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, any civil action under section 2333 against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy that is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of the defendant's whereabouts, shall not be counted for the purposes of the period of limitation prescribed by subsection (a).

"§ 2336. Other limitations

"(a) ACTS OF WAR.—No action shall be maintained under section 2333 for injury or loss by reason of an act of war.

"(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the attorney for the Government may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any objections raised by the Government in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

"(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within the officer's or employee's official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within the officer's or employee's official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.".

(c) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 113A of title 18, United States Code is amended to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(2) The item relating to chapter 113A in the part analysis for part 1 of title 18, United States Code, is amended to read as follows:

"113A. Terrorism ..... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

SEC. 602. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

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

"§ 2339. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (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 includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 603. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any property, real or personal—

"(i) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(ii) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

(b) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any property, real or personal—

"(A) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(B) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

SEC. 604. ALIEN WITNESS COOPERATION.

(a) AMENDMENT OF CHAPTER 224 OF TITLE 18.—Chapter 224 of title 18, United States Code, is amended—

(1) by redesignating section 3528 as section 3529; and

(2) by inserting after section 3527 the following new section:

"§ 3528. Aliens; waiver of admission requirements

"(a) IN GENERAL.—Upon authorizing protection to any alien under this chapter, the

United States shall provide the alien with appropriate immigration visas and allow the alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) ALIEN WITH FELONY CONVICTIONS.—Notwithstanding any other provision of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of 2 years. Upon a showing that the alien is still being provided protection, or that protection remains available to the alien in accordance with this chapter, or that the alien is still cooperating with the Government and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be ganted to an alien who would be excluded because of felony convictions unless the Attorney General determines, pursuant to regulations which shall be prescribed by the Attorney General, that granting permanent residence status to the alien is necessary in the interests of justice and comports with safety of the community.

"(c) LIMIT ON NUMBER OF ALIENS.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed 200 persons in any fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.

"(d) DEFINITIONS.—As used in this section, the terms 'alien' and 'United States' have the meanings stated in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 224 of title 18, United States Code, is amended by striking the item relating to section 3528 and inserting the following:

"3528. Aliens; waiver of admission requirements.
"3529. Definition.".

SEC. 605. TERRITORIAL SEA EXTENDING TO 12 MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 606. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, territory, possession, or district"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of the State, territory, possession, or district within which it would lie if the boundaries of the State, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 607. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code, is amended by inserting at the end the following new paragraph:

"(8) Any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 608. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2332 of title 18, United States Code, as redesignated by section 601(a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "20"; and

(B) in paragraph (3) by striking "three" and inserting "10"; and

(2) in subsection (c) by striking "five" and inserting "10".

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in each of the fiscal years 1992, 1993, and 1994, in addition to any other amounts specified in appropriations Acts, for counterterrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco, and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

SEC. 610. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) INTERNATIONAL ECONOMIC EMERGENCY POWERS ACT.—(1) Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(2) Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1541 OF TITLE 18.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(c) CHAPTER 75 OF TITLE 18.—Sections 1542, 1543, 1544, and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(d) SECTION 1545 OF TITLE 18.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 611. 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 3 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. 612. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, 2339A, or 2340A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

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

SEC. 613. INTERNATIONAL PARENTAL KIDNAPPING.

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

"§ 1204. International parental kidnapping

"(a) OFFENSE.—Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) DEFINITIONS.—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 legally binding agreement of the parties.

"(c) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 614. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and

educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

SEC. 615. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 141(a), is amended by adding at the end the following new section:

"§ 1120. Foreign murder of United States nationals

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

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

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

"(d) ASSISTANCE FROM OTHER AGENCIES.—In the course of the enforcement of this section and notwithstanding any other law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

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

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1120".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 141(b), is amended by adding at the end the following new item:

"1120. Foreign murder of United States nationals.".

SEC. 616. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The provisions of this chapter"; and

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

"(b) SURRENDER WITHOUT REGARD TO EXISTENCE OF EXTRADITION TREATY.—This chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies in writing that—

"(1) evidence has been presented by the foreign government that indicates that, if the offenses had been committed in the United States, they would constitute crimes of violence (as defined under section 16); and

"(2) the offenses charged are not of a political nature.

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

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 617. GAMBLING DEVICES ON UNITED STATES SHIPS.

Section 5 of the Act of January 2, 1951 (commonly known as the "Johnson Act") (15 U.S.C. 1175), is amended—

(1) by inserting "(a) IN GENERAL.—" before "It shall be unlawful"; and

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

"(b) APPLICATION OF SUBSECTION (a).—

"(1) EXCEPTION.—Except as provided in paragraph (2), subsection (a) does not apply to the repair, transportation, use, or possession of a gambling device on a vessel documented under chapter 121 of title 46, United States Code, when the vessel is on a voyage—

"(A) on the high seas; or

"(B) on waters that are within the admiralty and maritime jurisdiction of the United States but out of the jurisdiction of any State.

"(2) VOYAGES AND SEGMENTS BEGINNING AND ENDING IN THE SAME STATE OR POSSESSION.—The exception stated in paragraph (1) does not apply to the repair, transportation, possession, or use of a gambling device on a vessel that is on a voyage or segment of a voyage—

"(A) that begins and ends in the same State or possession of the United States,

"(B) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country,

if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute that prohibits such repair, transportation, possession, or use.".

SEC. 618. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—

"(1) NAME, ADDRESS, AND LENGTH OF SERVICE ONLY.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, and length of service of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of the provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section) under circumstances giving reason to believe that the communication concerned international terrorism (as defined in that section) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

"(2) NAME, ADDRESS, LENGTH OF SERVICE, AND TOLL BILLING RECORDS.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, length of service, and toll billing records of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section).".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

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

Subtitle A—Sexual Violence and Child Abuse

SEC. 701. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Section 2246(2) of title 18, United States Code, as redesignated by section 137(a)(1), is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

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

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or to arouse or gratify the sexual desire of, any person;".

SEC. 702. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) PENALTY.—Chapter 109A of title 18, United States Code, as amended by section 137(a), is amended—

(1) by redesignating section 2246 as section 2247; and

(2) by inserting after section 2245 the following new section:

"§ 2246. Penalties for subsequent offenses

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

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 137(b), is amended by striking the item relating to section 2246 and inserting the following:

"2246. Penalties for subsequent offenses.
"2247. Definitions for chapter.".

SEC. 703. RESTITUTION FOR VICTIMS OF SEX OFFENSES.

Section 3663(b)(2) of title 18, United States Code, is amended by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim".

SEC. 704. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, as amended by section 702(a), is amended—

(1) by redesignating section 2247 as section 2248; and

(2) by inserting after section 2246 the following new section:

"§ 2247. 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) 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 6 months and 12 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 is 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 6 months and 12 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 the sentencing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that the offender 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) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 702(b), is amended by striking the item relating to section 2247 and inserting the following:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.
"2248. Definitions for chapter.".

SEC. 705. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by inserting before the period at the end "and the cost of up to 2 tests of the victim for the human immunodeficiency virus during the 12 months following the assault".

Subtitle B—Victims' Rights

SEC. 711. RESTITUTION AMENDMENTS.

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

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for 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".

(b) 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 by 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. 712. 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. 713. 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. 714. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

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

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (h), and (i), as redesignated by section 711(b)(1);

(6) by redesignating subsection (g), as added by section 711(b)(2), as subsection (d); and

(7) by adding at the end the following new subsections:

"(e)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(f) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(g) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(h)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(i) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; 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.

"(j) 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.

"(k) 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.

"(l) 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; or

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

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

"(m) 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 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.".

Subtitle C—Crime Victims Fund

SEC. 721. CRIME VICTIMS FUND.

(a) ELIMINATION OF FUND CEILINGS AND SUNSET PROVISION.—Section 1402 (c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is repealed.

(b) ALLOCATIONS.—

(1) GENERALLY.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the total deposited in the Fund during a particular fiscal year—

"(i) the first $10,000,000 shall be available for grants under section 1404A;

"(ii) the next sums deposited, up to the reserved portion (as described in subparagraph (C)), shall be made available to the judicial branch for administrative costs to carry out the functions of that branch under sections 3611 and 3612 of title 18, United States Code; and

"(iii) of the sums remaining after the allocations under clauses (i) and (ii)—

"(I) 4 percent shall be available for grants under section 1404(c)(1); and

"(II) 96 percent shall be available in equal amounts for grants under sections 1403 and 1404(a).

"(B) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.

"(C) The reserved portion referred to in subparagraph (A) is $6,200,000 in each of fiscal years 1992 through 1995 and $3,000,000 in each fiscal year thereafter.".

(2) CONFORMING CROSS-REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(iv)" and inserting "(i)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Except as provided in paragraph (2), any" and inserting "Any";

(B) by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years";

(C) by striking "which year" and inserting "which period"; and

(D) by striking "the general fund of the Treasury" and inserting "the Fund"; and

(2) by striking paragraph (2).

SEC. 722. PERCENTAGE CHANGE IN CRIME VICTIM COMPENSATION FORMULA.

Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "40 percent" and inserting "45 percent".

SEC. 723. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The last sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting

"Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) The Director may permit not more than 5 percent of a grant made under this section to be used for the administration of the crime victim compensation program receiving the grant.".

SEC. 724. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 725. USE OF UNSPENT SECTION 1403 MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose,"; and

(2) by adding at the end the following: "The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 726. UNDERSERVED VICTIMS.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following new paragraph:

"(6) In making the certification required by paragraph (2)(B), the chief executive shall give particular attention to children who are victims of violent street crime.".

SEC. 727. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 728. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(A)), as amended by section 726, is amended—

(1) in paragraph (1) by inserting ", except as provided in paragraph (7)" after "programs"; and

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

"(7) The Director may permit not more than 5 percent of sums provided under this subsection to be used by the chief executive of each State for the administration of such sums.".

SEC. 729. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended—

(1) by striking "December 31, 1990" and inserting "May 31, 1993"; and

(2) by striking "December 31" the second place it appears and inserting "May 31".

SEC. 730. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 731. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

Sections 721(b), 722, 723, and 728, and the amendments made by those sections, shall take effect with respect to the first fiscal year that begins after the date of enactment of this Act for which the Director certifies that there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such Funds.

Subtitle D—National Child Protection Act

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1992".

SEC. 742. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) more than 2,500,000 reports of suspected child abuse and neglect are made each year, and increases have occurred in recent years in the abuse of children by persons who have previously committed crimes of child abuse or other serious crimes;

(2) although the great majority of child care providers are caring and dedicated professionals, child abusers and others who harm or prey on children frequently seek employment in or volunteer for positions that give them access to children;

(3) nearly 6,000,000 children received day care in 1990, and this total is growing rapidly to an estimated 8,000,000 children by 1995;

(4) exposure to child abusers and others who harm or prey on children is harmful to the physical and emotional well-being of children;

(5) there is no reliable, centralized national source through which child care organizations may obtain the benefit of a nationwide criminal background check on persons who provide or seek to provide child care;

(6) some States maintain automated criminal background files and provide criminal history information to child care organizations on persons who provide or seek to provide child care; and

(7) because State and national criminal justice databases are inadequate to permit effective national background checks, persons convicted of crimes of child abuse or other serious crimes may gain employment at a child care organization.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 743. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, legal residence address, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system of information and identification relating to

convicted and accused child abuse offenders that is maintained by the Attorney General under this subtitle;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) 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. 744. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized agency of a State shall report child abuse crime information to the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS TO THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis to the national criminal background check system;

(B) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this subtitle; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of child abuse crime case dispositions in computerized criminal history files for all child abuse crime cases in which there has been an entry of activity within the last 5 years; and

(B) continue to maintain such a system.

(c) EXCHANGE OF INFORMATION.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 743, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 745. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice recordkeeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) at a minimum, state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this subtitle;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care, on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any

person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this subtitle, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this subtitle and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) REGULATIONS.—(1) The Attorney General shall by regulation prescribe such other measures as may be required to carry out the purposes of this subtitle, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 746. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—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) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 744 of the National Child Protection Act of 1992 with the Attorney General for the purpose of implementing the National Child Protection Act of 1992.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history records in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 744 of this Act.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 752. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months' imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 753. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this subtitle.

(b) INELIGIBILITY FOR FUNDS.—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) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

Subtitle F—Domestic Violence

SEC. 761. DOMESTIC VIOLENCE 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 523(a), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

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

"Part Q—Domestic Violence Intervention

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence.

"SEC. 1702. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to encourage increased prosecutions for domestic violence crimes;

"(2) to report more accurately the incidences of domestic violence;

"(3) to facilitate arrests and aggressive prosecution policies;

"(4) to provide legal advocacy services for victims of domestic violence; and

"(5) to improve the knowledge of health professionals regarding domestic violence and facilitate cooperation between health professionals, social service providers, and law enforcement personnel to better assist victims of domestic violence.".

"SEC. 1703. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1702;

"(2) a description of the programs already in place to combat domestic violence;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information, if available, in such form and containing such information that the Director may require regarding domestic violence within that State.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the domestic violence problem within the State targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the State 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 will be used to fill those gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce domestic violence.

"SEC. 1704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) STATE MAXIMUM.—No State shall receive more than $2,500,000 under this part for any fiscal year.

"(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 and technical assistance.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1703(c).

"SEC. 1705. AWARD OF GRANTS.

"The Director shall consider the following factors in awarding grants to States and shall give preference to States that have—

"(1) a law or policy that requires the arrest of a person who police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated a civil protection order;

"(2) a law or policy that discourages dual arrests;

"(3) laws or statewide prosecution policies that authorize and encourage prosecutors to pursue domestic violence cases in which a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only 1 spouse has sought a restraining or protective order;

"(B) require any history of abuse against a child or against a parent to be considered when making child custody determinations; and

"(C) require judicial training on domestic violence and related civil and criminal court issues;

"(5) policies that provide for the coordination of court and legal victim advocacy services; and

"(6) policies that make existing remedies to domestic violence easily available to victims of domestic violence, including elimination of court fees and the provision of simple court forms.

"SEC. 1706. REPORTS.

"(a) REPORT TO DIRECTOR.—Each State that receives funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1703(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part containing—

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

"(2) a compilation of statistical information submitted by applicants under section 1703(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 1707. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'domestic violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

"(A) results or threatens to result in physical injury; and

"(B) is committed by an individual against another individual (including an elderly individual) to whom the individual is or was related by blood or marriage or otherwise legally related or with whom the individual is or was lawfully residing.".

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

"PART Q—DOMESTIC VIOLENCE INTERVENTION

"Sec. 1701. Grant authorization.
"Sec. 1702. Use of funds.
"Sec. 1703. Applications.
"Sec. 1704. Allocation of funds; limitations on grants.
"Sec. 1705. Award of grants.
"Sec. 1706. Reports.
"Sec. 1707. Definitions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 523(d), is amended by adding at the end the following new paragraph:

"(11) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out projects under part Q.".

SEC. 762. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of battered women's syndrome and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

Subtitle G—Other Provisions

SEC. 771. INDUCEMENT OF MINOR TO COMMIT AN OFFENSE.

(a) FINDINGS.—The Congress finds that—

(1) children are our most important and yet most fragile human resource;

(2) too many young people are induced or forced into performing criminal acts by adults;

(3) the greatest effort must be taken to eliminate crime in our neighborhoods and our schools;

(4) an equal resolve must be taken to punish individuals who attempt to use America's youth as pawns in their criminal enterprises; and

(5) adequate penalties can be implemented to eradicate the exploitation of minors to commit offenses.

(b) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 21. Inducement of minor to commit an offense

"(a) IN GENERAL.—Except to the extent that a greater minimum sentence is provided by other law, a person 18 years of age or older who, in any voluntary manner, solicits,

counsels, encourages, commands, intimidates, or procures any minor with the intent that the minor shall commit an offense against the United States shall be imprisoned not less than 3 and not more than 10 years, to be served consecutively with any other sentences that are imposed.

"(b) LIMITATION.—In the case of an offense under subsection (a) involving a minor who is 16 years of age or older at the time of the offense, subsection (a) shall apply only when the offender is at least 5 years older than the minor at the time the offense is committed.

"(c) SENTENCING.—In imposing a sentence under subsection (a), the court shall consider as a circumstance in aggravation the severity of the offense sought by the adult.

"(d) DEFINITION.—For the purposes of this section the term 'minor' means a person less than 18 years of age.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Inducement of minor to commit an offense.".

SEC. 772. DISCLOSURE OF RECORDS OF ARRESTS BY CAMPUS POLICE.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 773. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Education, shall, by contract with an appropriate entity with expertise in college campus security, provide for a national baseline study to research the effectiveness of campus sexual assault policies for institutions of postsecondary education.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of sexual assault occurring on college and university campuses, and to whom the allegations are reported (including campus authorities, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to campus authorities which are reported to criminal authorities;

(3) the percentage of campus sexual assault allegations compared to noncampus sexual assault allegations which result in eventual criminal prosecution;

(4) State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of campus policies and practices in protecting the legal rights and interests of sexual assault victims and the accused, including consideration of—

(A) practices that might discourage the reporting of sexual assaults to local criminal authorities, or result in any form of obstruction of justice, and thus undermine the public interest in prosecuting perpetrators of sexual assault; and

(B) the ability of campus disciplinary hearings to properly address allegations of sexual assault;

(6) whether colleges and universities take adequate measures to ensure that victims are free of unwanted contact with alleged assailants;

(7) the grounds on which colleges and universities are sued in civil court regarding sexual assaults, the resolution of these cases, and measures that can be taken to prevent future lawsuits;

(8) the ways in which colleges and universities respond to allegations of sexual assault, including an assessment of which programs work the best;

(9) recommendations to redress concerns raised in the report; and

(10) any other issues or questions the Attorney General, with the concurrence of the Secretary of Education, deems to be appropriate to the study.

(c) REPORT.—The Secretary of Education shall review the results of the research required by this section and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by September 1, 1995, coordinating that report with the report and dissemination required under section 485(f)(4) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(4)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 for the contract required by subsection (a).

SEC. 774. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE VIII—EQUAL JUSTICE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 802. 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 title—

(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 513 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. 803. 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. 804. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—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. 805. 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 "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in", and by striking "such inhabitant" and inserting "such person".

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1992".

SEC. 902. GRANTS TO STATE AND LOCAL AGENCIES.

Section 1001(a)(5) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 903. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1991" and inserting "1992".

SEC. 904. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by striking "No" and inserting "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 911. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in subsection (a) by inserting "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency" after "line of duty";

(2) in subsection (b) by inserting "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency" after "line of duty"; and

(3) in subsections (c), (i), and (j) by inserting "or a retired public safety officer" after "public safety officer" each place it appears.

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a–1) is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by striking "and" after paragraph (6);

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

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

"(8) 'retired public safety officer' means a former public safety officer who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of enactment of this Act.

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by inserting before section 1201 the following new section:

"NAME OF PROGRAM

"SEC. 1200. The program established under this part shall be known as the 'Irwin Rutman Retired Safety Officer's Benefit Program'.".

Subtitle C—Study on Police Officers' Rights

SEC. 921. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;
(2) conduct of questioning;
(3) counsel;
(4) hearings;
(5) appeal; and
(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

SEC. 931. SHORT TITLE.

This chapter may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 932. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 933. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subchapter A and the Law Enforcement Scholarship program established in subchapter B and shall have authority to promulgate regulations to implement this subtitle.

SEC. 934. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subchapter A or the Law Enforcement Scholarship program under subchapter B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subchapter A, meet the requirements of section 940; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subchapter B, meet the requirements of section 948.

Subchapter A—Police Corps Program

SEC. 935. DEFINITIONS.

For the purposes of this subchapter—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 937;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 940.

SEC. 936. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the

amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to pay educational expenses incurred while in attendance at an institution of higher education—

(1) in a course of education leading to the award of a baccalaureate degree, including attendance at such an institution that does not itself award such a degree if the courses taken there are acceptable for credit toward a degree at an institution that does award such a degree, and including, in the discretion of the Director, such expenses incurred prior to enrollment in the Police Corps program; and

(2) for graduate and professional study.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 938, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 938; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (C) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 938.

(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(h) DEFINITION.—For the purposes of this section, the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 937. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to the State Police Corps plan, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 939, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 939, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subchapter that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program leading to the award of a baccalaureate degree; or

(B) for purposes of taking a graduate or professional course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 938. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subchapter.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 940 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 939. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 938 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

SEC. 940. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 937;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since July 10, 1991; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 941. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

Subchapter B—Law Enforcement Scholarship Program

SEC. 942. SHORT TITLE.

This subchapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 943. DEFINITIONS.

As used in this subchapter—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first

sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 944. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 951, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this chapter in the State compared to the shortage of law enforcement personnel and the need for assistance under this subchapter in all States.

SEC. 945. PROGRAM ESTABLISHED.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—Each State receiving an allotment pursuant to section 944 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) EMPLOYMENT.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State receiving an allotment under section 944 the Federal share of the cost of the activities described in the application submitted pursuant to section 948.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subchapter shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 944 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subchapter.

(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subchapter and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subchapter.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 944 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 944 shall ensure that each scholarship recipient under this subchapter be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subchapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 946. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subchapter may use such scholarship for educational expenses at any institution of higher education.

SEC. 947. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subchapter if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subchapter.

SEC. 948. STATE APPLICATION.

Each State desiring an allotment under section 944 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subchapter is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subchapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subchapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subchapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subchapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 949. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subchapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subchapter, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 950. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subchapter shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this chapter in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this chapter may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subchapter.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for

not less than 6 months nor more than 2 years.

SEC. 951. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subchapter.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 945(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 945(a)(1)(B) and (2).

Subchapter C—Reports

SEC. 952. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subchapter A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subchapter B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subchapter B; and

(5) describe the progress of the programs authorized by this chapter and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subchapter B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

SEC. 961. SHORT TITLE.

This chapter may be cited as "The Cop-on-the-Beat Act of 1992".

SEC. 962. COP-ON-THE-BEAT 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 761(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—COP-ON-THE-BEAT 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 for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, 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.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term '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 761(b), is amended by striking the matter relating to part R and inserting the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"Sec. 1801. Grant authorization.
"Sec. 1802. Application.
"Sec. 1803. Allocation of funds; limitation 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 761(c), is amended by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated $150,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out projects under part R.".

Subtitle E—Rural Crime Prevention Strategy

SEC. 971. FINDINGS.

The Congress makes the following findings:

(1) The traditional supportive roles of the family, church, school, and community have declined in importance as a positive social factor influencing the prevention and control of crime in rural areas. As a result in recent years rural areas have experienced a marked increase in crime rates. This increase is taking its toll on rural law enforcement practitioners who are already encumbered by numerous characteristics that are unique to their rural circumstances.

(2) Compounding the increase in crime rates, rural police unlike their urban counterparts, are likely to encounter a multitude of nontraditional police tasks such as fire and railroad emergencies, search and rescue missions, animal control problems, livestock theft, wildlife enforcement, illegal distilleries, illegal crop farming and drug manufacturing, rural drug trafficking, and toxic dumping.

(3) These problems are further exacerbated by the rural officer's distinct disadvantage with respect to the lack of adequate training to manage these varied assignments, the low degree of specialization of job tasks, unique job stress factors, and inadequate data resources. Inadequate rural crime statistics and data analysis capabilities further frustrate the rural police organization's ability to cope with the nature, extent, and trends of rural crime.

(4) Rural law enforcement agencies are at a critical juncture, and strategic planning and action are imperative. The Domestic Chemical Action Group convened by the National Institute of Justice in October 1990 has recommended that rural police receive training in various safety issues related to the identification, investigation, and seizure of illicit drug and chemical laboratories located in rural areas. Without such specialized training officials will face a high probability of explosions endangering police personnel and the community. National Institute of Justice sponsored research of environmental crime in major urban areas, including Los Angeles, has revealed the lack of police training in the identification, investigation, and clean-up of toxic and hazardous waste areas. It can be said with certainty that this recognized need for hazardous materials training is equally critical for rural police organizations.

SEC. 972. STRATEGY TO ADDRESS RURAL CRIME.

The purpose of this subtitle is to address the growing problems of rural crime in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in rural areas throughout the country in implementing specific programs and strategies which offer a high probability of improving the functioning of their criminal justice systems.

SEC. 973. NATIONAL INSTITUTE OF JUSTICE NATIONAL ASSESSMENT.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to in this subtitle as the "Director") shall conduct a national assessment of the nature and extent of rural crime in the United States, the needs of law enforcement and criminal justice professionals in rural States and communities, and promising strategies to respond effectively to those challenges, including—

(1) the problem of clandestine drug laboratories; changing patterns in their location and operation; safety and liability issues for both law enforcement officers and the community in the identification, investigation, seizure, and clean-up of clandestine laboratories;

(2) other environmental crimes, such as the dumping of hazardous and toxic wastes; the pollution of streams, rivers, and ground water; and access of rural communities to the expertise necessary to successfully identify, investigate, and prosecute such crimes;

(3) the cultivation of illegal crops, such as marijuana, including changing patterns in location and techniques for identification, investigation, and destruction;

(4) the problems of drug and alcohol abuse in rural communities, including law enforcement and criminal justice response and access to treatment services;

(5) the problems of family violence and child abuse, including law enforcement and criminal justice response and access to services for victims of such crimes;

(6) the problems of juvenile delinquency and vandalism as they affect rural communities;

(7) the access of law enforcement and criminal justice professionals in rural communities to the services of crime laboratories, the Automated Fingerprint Identification System, and other technological support;

(8) the access of law enforcement and criminal justice professionals in rural communities to professional training and development and the identification of models for the delivery of such training; and

(9) the special problems of drug abuse in jurisdictions with populations of 50,000 or less.

(b) FINAL REPORT.—The Director shall submit the national assessment to the President and Congress not later than 12 months after the date of enactment of this Act.

(c) DISSEMINATION OF REPORT.—Based on the results of the national assessment and analysis of successful and promising strategies in these areas, the Director shall disseminate the results not only through reports, publications, and clearinghouse services, but also through programs of training and technical assistance, designed to address the realities and challenges of rural law enforcement.

SEC. 974. PILOT PROGRAMS.

(a) IN GENERAL.—The Director may make grants to local law enforcement agencies for pilot programs and field tests of particularly promising strategies and models, which could then serve as the basis for demonstration and education programs under the Bureau of Justice Assistance Discretionary Grant Program.

(b) TYPES OF PROGRAMS.—Pilot programs funded under this section may include—

(1) programs to develop and demonstrate new or improved approaches or techniques for rural criminal justice systems;

(2) programs of training and technical assistance to meet the needs of rural law enforcement and criminal justice professionals including safety;

(3) a rural initiative to study and improve the response to traffic safety problems and drug interdiction;

(4) an ongoing program to assist law enforcement professionals in dealing with the hazards of clandestine drug laboratories;

(5) victim assistance information to assist departments in beginning and maintaining strong programs to assist victims and witnesses of crime;

(6) emergency preparedness information for community groups concerned about disaster preparedness on the family and community level; and

(7) a program targeted at communities of less than 50,000 stressing the need for production of public safety through extensive partnership efforts between law enforcement, other local government agencies, businesses, schools, community and social organizations, and citizens.

SEC. 975. FUNDING.

There are authorized to be appropriated $5,000,000 to carry out the national assessment and pilot programs required by this subtitle.

Subtitle F—National Commission to Support Law Enforcement

SEC. 981. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act.".

SEC. 982. FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 983. ESTABLISHMENT OF COMMISSION.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 984. DUTIES.

(a) IN GENERAL.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 985. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from among national law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) One shall be appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the Minority Leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the Majority Leader and the Minority Leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 986. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 987. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this subtitle, hold hearings, sit and act at the time and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subtitle. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 988. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 989. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 988.

SEC. 989A. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (42 U.S.C. 3721 note) and section 211(B) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (42 U.S.C. 3721 note; 104 Stat. 2122) are repealed.

Subtitle G—Other Provisions

SEC. 991. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, aggressive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 992. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF JUSTICE ASSISTANCE DISCRETIONARY GRANTS.

Section 1001(a)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)), as amended by section 1054, is amended to read as follows:

"(7) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 993. LAW ENFORCEMENT FAMILY SUPPORT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

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

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement

agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency that receives a grant under this part shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) A report under paragraph (1) shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) a statement of the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(b), is amended by striking the matter relating to part S and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 962(c), is amended by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out part S, of which not more than 20 percent may be used to accomplish the duties of the Director under section 1901, including administrative costs, research, and training programs.".

SEC. 994. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration or systemwide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General may make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 995. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

(a) AMENDMENT OF PUBLIC HEALTH SERVICE ACT.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) CONSULTATION.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

(b) TECHNICAL AMENDMENTS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

SEC. 996. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State; and

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 997. NOTICE OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime (as defined in section 924(c)(2)); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

(b) APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.—In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1001. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2) by striking "and";

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by inserting after paragraph (3) the following new paragraph:

"(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), 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).".

(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), 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).".

(c) 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. 1002. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) is amended by adding at the end the following new section:

"DRUG TESTING PROGRAMS

"SEC. 523. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons confined in, or subject to supervision in, the criminal justice systems of the State. Such a program must meet criteria specified in regulations promulgated by the Attorney General under subsection (b). Notwithstanding the preceding sentence, no State shall be required to expend an amount for drug testing pursuant to this section in excess of 10 percent of the minimum amount that the State is eligible to receive under subpart 1.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impracticable or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but not earlier than the promulgation of the regulations required under subsection (b).".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following new item:

"Sec. 523. Drug testing programs.".

Subtitle B—Precursor Chemicals

SEC. 1011. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1992".

SEC. 1012. DEFINITION AMENDMENTS.

(a) REFERENCES TO LISTED CHEMICALS IN SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and inserting "list I chemical" and by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting "list II chemical" and by striking "that is used as a solvent, reagent or catalyst" and inserting ", which is not a list I chemical, that is used"; and

(4) in paragraph (40) by striking the phrase "listed precursor chemical or a listed essential chemical" and inserting "list I chemical or a list II chemical" both places it appears.

(b) REFERENCES TO LISTED CHEMICALS IN SECTION 310.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting "a list II chemical"; and

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

(c) OTHER AMENDMENTS TO SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine";

(3) in paragraph (39)(A) by striking "or exportation" and inserting ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semicolon and inserting "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

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

"(42) The terms 'broker' and 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing together a buyer and a seller, or a buyer or seller and a transporter.".

SEC. 1013. REGISTRATION REQUIREMENT.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemicals" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS IN CONTROLLED SUBSTANCES ACT.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that the registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels.

"(2) Compliance with applicable Federal, State and local law.

"(3) Prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law.

"(4) Past experience in the manufacture and distribution of chemicals.

"(5) Such other factors as may be relevant to and consistent with the public health and safety.".

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) REGISTRATION REQUIREMENTS IN CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by striking "(c) The" and inserting "(c)(1) The"; and

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

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in section 303(h) shall be considered.";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting ", 827, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

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

"(9) in the case of a person who is a regulated person, to distribute, import, or export a list I chemical without the registration required by this title.".

SEC. 1014. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each regulated person" and inserting "(b)(1) Each regulated person";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

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

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person.".

SEC. 1015. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, REPORTING, RECORDKEEPING, AND OTHER REQUIREMENTS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and by title II.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) PENALTY FOR IMPORTATION OR EXPORTATION.—Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 10 years, or both.".

SEC. 1016. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) ADVANCE NOTICE.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1015(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day advance notice requirement of subsection (a) apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as regular customers if the Attorney General finds that the action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day advance notice requirement for exports of specific listed chemicals to specified countries if the Attorney General determines that the advance notice is not required for effective chemical control. If the advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic re-

ports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day advance notice requirement for the importation of specific listed chemicals if the Attorney General determines that the requirement is not necessary for effective chemical control. If the advance notice requirement is waived, importers of such listed chemicals shall be required to submit either reports of individual importations or periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 1015(b), is amended by—

(1) striking "or" at the end of paragraph (3);

(2) striking the comma at the end of paragraph (4) and inserting "; or"; and

(3) by adding after paragraph (4) the following new paragraph:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d) (1) or (2) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported,".

SEC. 1017. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P), (Q), (R), (S), (T), (V), (X), and (Y) as subparagraphs (O), (P), (Q), (R), (S), (T), (U), and (X), respectively;

(3) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane."; and

(4) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)".

SEC. 1018. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer";

(2) in subsection (b)(2)—

(A) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(B) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1019. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where a person registered under section 303 (or exempt from such registration under section 302(d) or by regulation of the Attorney General) or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such an activity are maintained.".

SEC. 1020. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 1012, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1021. MANAGEMENT OF LISTED CHEMICALS.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, or less than 10 years in the case of a willful violation.

"(4) The court may order that all or a portion of the earnings from work performed by a convicted offender in prison be withheld for payment of costs assessed under paragraph (2).

"(c) SHARING OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) AMENDMENT OF TITLE 11, UNITED STATES CODE.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

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

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1022. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

"SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r-2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).".

SEC. 1023. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the enactment of this Act, issue regulations necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—The amendments made by this subtitle shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—Interdiction

SEC. 1031. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO.

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

"§ 2237. Order to land or bring to

"(a) DEFINITIONS.—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, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation where the nation of registry has consented or waived objection to the enforcement of United States law by the United States;

"(2) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state;

"(3) the term 'Federal law enforcement officer' has the meaning stated in section 115; and

"(4) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings stated in the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

"(b) FAILURE TO LAND AIRCRAFT.—(1) It is unlawful for the pilot, operator, or person in charge of an aircraft that has crossed the border of the United States or an aircraft subject to the jurisdiction of the United States that is being operated outside the United States to refuse to obey the order to land made by an authorized Federal law enforcement officer who is enforcing—

"(A) the laws of the United States relating to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) chapter 27 or section 1956 or 1957 of this title.

"(2) The Administrator of the Federal Aviation Administration and the Commissioner of Customs, after consultation with the Attorney General, shall prescribe regulations governing the means by which an order to land may be communicated by Federal law enforcement officers to the pilot, operator, or person in charge of an aircraft.

"(c) FAILURE TO BRING VESSEL TO.—It is unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States to fail to bring the vessel to on being ordered to do so by a Federal law enforcement officer authorized to issue such an order.

"(d) RULE OF CONSTRUCTION.—This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other law that the Customs Service enforces or administers or the authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(e) CONSENT OR WAIVER OF OBJECTION.—Consent or waiver of objection by a foreign nation to the enforcement by the United States of its laws under this section may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(f) PENALTY.—A person who intentionally violates this section shall be fined under this title, imprisoned not more than 3 years, or both.

"(g) FORFEITURE.—Any vessel or aircraft that is used in a violation of this section may be seized and forfeited. The law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred or alleged to have been incurred under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. Any vessel or aircraft that is used in a violation of this section is also liable in rem for any fine or civil penalty imposed under this section.

"(h) DELEGATION OF AUTHORITY.—The Secretary of the Treasury and the Secretary of Transportation may delegate Federal law enforcement officer seizure and forfeiture responsibilities under this section to other law enforcement officers.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land or to bring to.".

SEC. 1032. FAA REVOCATION AUTHORITY.

(a) IMMEDIATE REVOCATION OF REGISTRATION.—Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by adding at the end the following new paragraph:

"(3)(A) The registration of the aircraft shall be immediately revoked upon the failure of the operator of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft as provided in section 2237 of title 18, United States Code. The Administrator shall notify forthwith the owner of the aircraft that the owner of the aircraft no longer holds United States registration for the aircraft.

"(B) The Administrator shall establish procedures for the owner of the aircraft to show cause—

"(i) why the registration was not revoked, as a matter of law, by operation of subparagraph (A); or

"(ii) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subparagraph (A), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subparagraph (A).".

(b) REVOCATION OF AIRMAN CERTIFICATE.—Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(e)) is amended by adding at the end the following new subsection:

"(d)(1) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

"(A) the person, while acting as the operator of an aircraft, failed to follow the order of a law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code; and

"(B) the person knew or had reason to know that the person had been ordered to land the aircraft.

"(2) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, paragraph (1) shall not apply.

"(3) Subsection (c)(3) shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.".

SEC. 1033. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) AIR INTERDICTION AUTHORITY.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States over the high seas and waters over which the United States has jurisdiction. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority.".

SEC. 1034. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) CIVIL PENALTY.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 667. Civil penalty for failure to comply with a lawful boarding or order to land

"(a) INTENTIONAL FAILURE TO COMPLY.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who intentionally fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(b) NEGLIGENT FAILURE TO COMPLY.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who negligently fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(c) LIABILITY IN REM.—A vessel or aircraft used in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable in rem for a civil penalty assessed under this section.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"667. Civil penalty for failure to comply with a lawful boarding or order to land.".

SEC. 1035. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act or regulations issued thereunder or section 2237 of title 18, United States Code, any location outside the United States, including a foreign country location at which United States Customs Officers are permitted to conduct inspections, examinations, or searches.".

SEC. 1036. CUSTOMS CIVIL PENALTY PROVISIONS.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by inserting after section 590 the following new section:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND OR TO BRING TO.

"(a) INTENTIONAL FAILURE TO COMPLY.—The pilot or operator of an aircraft who intentionally fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $25,000, which may be assessed by the appropriate customs officer.

"(b) NEGLIGENT FAILURE TO COMPLY.—The pilot or operator of an aircraft who negligently fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $5,000, which may be assessed by the appropriate customs officer.".

SEC. 1037. INFORMATION EXCHANGE AND ASSISTANCE.

Section 142 of title 14, United States Code, is amended—

(1) by inserting "(a) EXCHANGE OF INFORMATION.—" before "The";

(2) in subsection (a), as designated by paragraph (1)—

(A) by inserting "and international organizations" after "with foreign governments"; and

(B) by inserting "maritime law enforcement, maritime environmental protection, and" after "matters dealing with"; and

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

"(b) USE OF PERSONNEL AND FACILITIES.—The Coast Guard may, when so requested by the Secretary of State, use its personnel and facilities to assist any foreign government or international organization to perform any activity for which such personnel and facilities are especially qualified.".

SEC. 1038. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 149 of title 14, United States Code is amended to read as follows:

"§ 149. Assistance to foreign governments and international organizations

"(a) IN GENERAL.—The President may, upon application from the foreign governments or international organizations concerned, and whenever in the President's discretion the public interest renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance.

"(b) DETAIL OF PERSONNEL.—(1) Utilization of members may include the detail of such members.

"(2) Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

"(3) While detailed under this subsection, officers and enlisted members of the Coast Guard shall receive the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for all service while so detailed, as if serving with the Coast Guard.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by amending the item relating to section 149 to read as follows:

"149. Assistance to foreign governments and international organizations.".

SEC. 1039. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

Subtitle D—Rural Drug Crime

SEC. 1051. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1052. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1051(b)(5) with jurisdiction to enforce the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this subtitle.

SEC. 1053. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 in each of the fiscal years 1992, 1993, and 1994 to carry out subsection (a).

SEC. 1054. AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) 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)) is amended—

(1) by redesignating paragraph (6), relating to part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as paragraph (8) and removing it to follow paragraph (7), relating to part M of that title I; and

(2) by redesignating paragraph (7), relating to part O of that title, as paragraph (9) and amending the paragraph to read as follows:

"(9) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O.".

(b) AMENDMENT OF BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(a)(2)(A)) is amended by striking "$100,000" and inserting "$250,000".

SEC. 1055. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

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

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

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

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

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

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

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

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

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

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1056. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

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

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle E—Grant Programs

SEC. 1061. DRUG EMERGENCY AREAS.

Section 1005(c) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(c)) is amended by striking subsection (c) and inserting the following new subsection:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) If a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare the State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or by any other law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, to protect property and public health, and to promote safety.

"(2) PROCEDURE FOR DECLARATION.—(A) A request for a declaration by the President designating an area to be a drug emergency area shall be made in writing by the Governor of a State or the chief executive officer of a local government and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) A request under subparagraph (A) shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that Federal assistance is necessary for an effective response to save lives, protect property and public health, and promote safety.

"(C) The President shall not limit declarations under this subsection to highly populated centers of drug trafficking, drug use or drug-related violence, but shall consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor or chief executive officer shall—

"(i) take appropriate responsive action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (quantitative goals, where possible) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review a request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving the application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President may make grants to State or local governments of up to $50,000,000 in the aggregate for any single major drug-related emergency.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year, except that the President, on application of a Governor of a State or chief executive officer of a local government, and, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) A State or local government that receives Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as are necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of the assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, 1994, 1995, and 1996 $300,000,000 to carry out this subsection.".

SEC. 1062. DEPARTMENT OF JUSTICE COMMUNITY SUBSTANCE ABUSE PREVENTION.

(a) COMMUNITY PARTNERSHIPS.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that includes—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such an application shall—

"(1) describe and, to the extent possible, document the nature and extent of the sub-

stance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan described in subsection (b)(5) and to report on the plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—(1) Each coalition that receives Federal funds under this section shall submit an annual report to the Attorney General and the appropriate State agency that evaluates the effectiveness of the plan described in subsection (b)(5) and contains such additional information as the Attorney General or the appropriate State agency may prescribe.

"(2)(A) The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(B) The review described in subparagraph (A) shall—

"(i) evaluate the grant program established in this section to determine its effectiveness;

"(ii) implement necessary changes to the program that can be done by the Attorney General; and

"(iii) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new item:

"Subpart 4—Community Coalition on Substance Abuse".

SEC. 1063. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

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

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 2002; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 2001 to carry out the projects described in the application submitted under section 2002 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2002 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(b), is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. 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)), as amended by section 523(c), is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

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

"(25) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between

9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 993(c), is amended by adding at the end the following new paragraph:

"(14) There are authorized to be appropriated $100,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1064. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

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

"PART U—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 2101. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2102. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(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. 2103. 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 2102(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested in the application.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in the State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in the State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award the funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102 for the fiscal year for which the projects receive assistance under this part.

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

"SEC. 2105. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year in which funds are received under this part regarding the effectiveness of the drug testing project.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—DRUG TESTING FOR INDIVIDUALS ARRESTED

"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Local applications.
"Sec. 2104. Allocation and distribution of funds.
"Sec. 2105. Report.

"PART V—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1063(d), is amended by adding at the end the following new paragraph:

"(15) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out projects under part U.".

Subtitle F—Other Provisions

SEC. 1071. STRENGTHENED FEDERAL PENALTIES RELATING TO CRYSTALLINE METHAMPHETAMINE.

(a) LARGE AMOUNT.—The first sentence of section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 25 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

(b) SMALLER AMOUNT.—The first sentence of section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended as follows:

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

SEC. 1072. ADVERTISEMENTS OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

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

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

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, but does not include material that—

"(1) merely advocates the use of a similar material or advocates a position or practice; and

"(2) does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1073. INCREASED PENALTIES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES AT TRUCK STOPS AND REST AREAS.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 1 year.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of—

"(A) a term of imprisonment of not less than 3 years and not more than life imprisonment; or

"(B) a term of imprisonment of up to 3 times that authorized by section 401(b) for a first offense, or a fine up to 3 times that authorized by section 401(b) for a first offense, or both; and

"(2) at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) Probation shall not be granted in the case of a sentence imposed under subsection (b).

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning stated in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(6))) operating in commerce (as defined in section 12019(3) of that Act (49 U.S.C. App. 2716(3)) and located adjacent to or within 2,500 feet of a highway on the National System of Interstate and Defense Highways or the Federal-aid primary system.".

(b) TECHNICAL AMENDMENTS.—(1) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(2) The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by inserting after the item relating to section 408 the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING COMMISSION GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (a), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) 2 levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(d) IMPLEMENTATION OF SUBSECTION (c).—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

(e) OFFENSES THAT COULD BE SUBJECT TO MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (d), as promulgated or amended under that subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to that subsection is subject to not more than 1 such enhancement.

SEC. 1074. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791(c) 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 "or a controlled substance in Schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C)" after "a firearm or destructive device";

(3) in subsection (d)(1)(B) by inserting "marijuana or a controlled substance in Schedule III, other than a controlled substance referred to in subparagraph (C)," before "ammunition,";

(4) in subsection (d)(1)(C) by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,"; and

(5) in subsection (d)(1)(D) by inserting "(A), (B), or" before "(C)".

SEC. 1075. SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS.

(a) HEADING FOR SECTION 3.—The Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended by inserting the following new heading for section 3:

"SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND OTHER CONVEYANCES".

(b) AMENDMENT OF SECTION 3.—Section 3 of the Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended—

(1) by striking "(a) Whenever" and inserting "(a) VESSELS, VEHICLES, AND OTHER CONVEYANCES SUBJECT TO SEIZURE AND FORFEITURE.—Whenever";

(2) by striking "(b) Every" and inserting "(b) VESSELS, VEHICLES AND OTHER CONVEYANCES, DEFINED.—Every";

(3) in subsections (a) and (b) by inserting ", vehicle, or other conveyance" after "vessel" each place it appears; and

(4) by amending subsection (c) to read as follows:

"(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, has been, or is being attempting to be employed in smuggling or to be employed to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, that a vessel has become subject to pursuit under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or is a hovering vessel, or that a vessel fails at any place within the customs waters of the United States or within a customs-enforcement area to display lights as required by law; and

"(2) in the case of a vehicle or other conveyance, that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling.".

SEC. 1076. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1077. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (26 U.S.C. 7608 note) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 1078. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

"(g) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1079. CONFORMING AMENDMENTS CONCERNING MARIJUANA.

(a) LESS THAN 50 KILOGRAMS.—(1) Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking "less than 50 kilograms of marihuana" and inserting "less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana".

(2) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "with respect to less than 50 kilograms of marihuana" and inserting "with respect to less than 50 kilograms of a mixture or substance containing a detectable amount of marihuana".

(b) 100 OR MORE PLANTS.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marihuana plants" and inserting "except in the case of 50 or more marihuana plants".

SEC. 1080. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Subsections (d) and (f) of section 5038 of title 18, United States Code, are amended by striking "or an offense described in section 841, 952(a), 955, or 959, of title 21," and inserting "or 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, or 960(b)(1), (2), and (3)).".

SEC. 1081. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

SEC. 1082. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) SECTION 401(b)(1) (B), (C), AND (D) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (B), (C), and (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) SECTION 1010(b) (1), (2), AND (3) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1), (2), and (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(c) SECTION 1012(b) OF THE CONTROLLED IMPORT AND EXPORT ACT.—Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony drug offense have become final".

(d) SECTION 401(b)(1)(A) OF THE CONTROLLED SUBSTANCES ACT.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For the purposes of this subparagraph, the term 'felony drug offense' means".

(e) SECTION 102 OF THE CONTROLLED SUBSTANCES ACT.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by section 1012(c)(7), is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than 1 year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1083. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) SECTION 401(b)(1) OF THE CONTROLLED SUBSTANCES ACT.—Subparagraphs (A) and (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.".

(b) SECTION 1010(b) OF THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Paragraphs (1) and (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) are amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.".

(c) SECTION 419(d) OF THE CONTROLLED SUBSTANCES ACT.—Section 419(d) of the Controlled Substances Act (21 U.S.C. 860(c)), as redesignated by section 501(1), is amended by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.".

(d) SECTION 420(e) OF THE CONTROLLED SUBSTANCES ACT.—Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 1084. CONFORMING AMENDMENT TO PROVISION PUNISHING A SECOND OFFENSE OF DISTRIBUTING DRUGS TO A MINOR.

Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking "one year" and inserting "3 years".

SEC. 1085. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 1086. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

SEC. 1087. DRUG PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended to read as follows:

"(d) The term 'drug paraphernalia' means any equipment, product, or material of any kind that is intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, containing, planting, propagating, cultivating, growing, harvesting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this title, including—

"(1) kits designed for use or intended for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

"(2) kits designed for use or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

"(3) isomerization devices designed or intended for use in increasing the potency of any species of plant that is a controlled substance;

"(4) testing equipment designed or intended for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances;

"(5) scales and balances designed for use in weighing or measuring controlled substances;

"(6) containers and other objects designed or intended for use in storing or concealing controlled substances;

"(7) hypodermic syringes, needles, and other objects designed or intended for use in parenterally injecting controlled substances into the human body; and

"(8) objects intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, crack cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

"(A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

"(B) water pipes;

"(C) carburetion tubes and devices;

"(D) smoking and carburetion masks;

"(E) roach clips (that is, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand);

"(F) miniature spoons with level capacities of one-tenth cubic centimeter or less;

"(G) champer pipes;

"(H) carburetor pipes;

"(I) electric pipes;

"(J) air-driven pipes;

"(K) chillums;

"(L) bongs;

"(M) ice pipes or chillers;

"(N) wired or extra-width cigarette papers; and

"(O) cocaine freebase kits.".

SEC. 1088. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph.

SEC. 1089. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Subsections (a) and (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859 (a) and (b)) are amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age".

SEC. 1090. DRUGGED OR DRUNK DRIVING CHILD PROTECTION.

(a) APPLICATION OF STATE LAW IN AREAS WITHIN FEDERAL JURISDICTION.—Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

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

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, commonwealth, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

(b) COMMON CARRIERS.—Section 342 of title 18, United States Code, is amended—

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

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

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 1091. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1092. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1093. INCREASED PENALTIES FOR DRUG DEALING IN "DRUG-FREE" ZONES.

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. 1094. ANABOLIC STEROIDS PENALTIES.

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. 1095. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISIONS OF LAW THAT CONDITION PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516 (104 Stat. 2184) and section 104(a)(3) of title 23, United States Code, which shall notify the Governors and State Representatives of the requirements of those sections.

SEC. 1096. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Section 5122(c) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(c)) is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

SEC. 1097. MISUSE OF THE WORDS "DRUG ENFORCEMENT ADMINISTRATION" OR THE INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following new paragraph before the paragraph beginning "Shall be punished":

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration,".

TITLE XI—PUBLIC CORRUPTION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 1102. PUBLIC CORRUPTION.

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

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the in-

habitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

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

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 1103. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 1104. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

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

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

SEC. 1201. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1202. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title, imprisoned not more than 1 year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "10"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "6".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," each place it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 1203. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

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

(3) by striking "three" and inserting "6".

SEC. 1204. VIOLENT FELONIES AGAINST THE ELDERLY.

(a) OFFENSE.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3587. Mandatory sentence for felony against individual of age 65 or over

"(a) PENALTY.—Upon any plea of guilty or nolo contendere or verdict or finding of guilty of a defendant of a crime of violence under this title, if any victim of the crime is an individual who had attained age 65 on or before the date that the offense was committed, the court shall sentence the defendant to imprisonment—

"(1) for a term of not less than one-half of the maximum term of imprisonment provided for the crime under this title, in the case of a first offense to which this section applies; and

"(2) for a term of not less than three-fourths of the maximum term of imprisonment provided for the crime under this title, in the case of a second or subsequent offense to which this section applies.

"(b) TERMS OF PUNISHMENT.—Notwithstanding any other law, with respect to a sentence imposed under subsection (a)—

"(1) the court shall not give the defendant a probationary sentence;

"(2) the sentence shall be served consecutively to any other sentence imposed under this title; and

"(3) the court shall reject any plea agreement that would result in the imposition of a term of imprisonment less than that which would have been imposed under subsection (a) in connection with any charged offense.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'crime of violence' means—

"(A) a felony that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) a felony that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

"(2) the term 'victim' means an individual against whom an offense has been or is being committed.".

(b) TECHNICAL AMENDMENTS.—(1) The subchapter analysis for subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3587. Mandatory sentence for felony against individual of age 65 or over.".

(2)(A) Rule 32(c) of the Federal Rules of Criminal Procedure is amended—

(i) by adding at the end of the first paragraph in paragraph (1) (after "record.") the following new sentence: "Neither the defendant nor the court may waive a presentence investigation and report unless there is in the record information sufficient for the court to determine whether a mandatory sentence must be imposed pursuant to title 18, United States Code, section 3581."; and

(ii) in paragraph (2)(D) by inserting "and information relating to whether any victim of the offense had attained age 65 on the date that the offense was committed" after "offense".

(B) Rule 11(e)(1) of the Federal Rules of Criminal Procedure is amended by striking "*In General.*—The" and inserting "*In General.*—Except as provided in title 18, United States Code, section 3581, the".

SEC. 1205. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 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.".

SEC. 1206. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

Subtitle B—Civil Rights Offenses

SEC. 1211. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results"; and

(3) by inserting "and may be fined under this title, or both" before the period.

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

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

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(4) by inserting "and may be fined under this title, or both" before the period.

(c) FEDERALLY PROTECTED ACTIVITIES.—The first sentence of section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

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

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(5) by inserting "and may be fined under this title, or both" before the period.

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) by striking "not more than $1,000," and inserting "under title 18, United States Code,";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than $10,000," and inserting "under title 18, United States Code,";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under title 18, United States Code, or imprisoned"; and

(6) by inserting ", or both" after "life".

Subtitle C—White Collar and Property Crimes

SEC. 1221. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) ROBBERY.—Whoever"; and

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

"(b) RECEIPT OF PROCEEDS.—Whoever receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 1222. RECEIPT OF PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receipt of proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property that was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the chapter analysis, by adding at the end the following new item:

"880. Receipt of proceeds of extortion.".

(b) KIDNAPPING.—Section 1202 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) VIOLATION OF SECTION 1201.—Whoever"; and

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

"(b) VIOLATION OF STATE LAW.—Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning stated in section 245(d).".

SEC. 1223. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code, or" before "the Antitrust Civil Process Act".

SEC. 1224. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 1225. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) any Federal saving association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 1226. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

SEC. 1227. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A);

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4));

"(3) the term 'person' has the meaning given that term in section 1 of title 1;

"(4) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which 1 or more professional athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A); and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It is unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact; or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on 1 or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on 1 or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of the violation.

"§ 3704. Applicability

"(a) EXCEPTIONS.—Section 3702 does not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity if—

"(A) the scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of the State or other governmental entity; or

"(3) parimutuel animal racing or jai alai.

"(b) INDIAN LANDS.—Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) TECHNICAL AMENDMENTS.—The part analysis for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure ..... 3001";

and

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

"178. Professional and Amateur Sports Protection ..... 3701".

SEC. 1228. CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT.

(a) CRIMINAL INFRINGEMENT.—Section 2319(b)(1) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D);

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

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); or"; and

(4) in subparagraph (D), as redesignated by paragraph (2)—

(A) by striking "or" after "recording,"; and

(B) by inserting ", or a computer program" before the semicolon.

(b) PENALTIES.—Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A) by striking "or" after the semicolon;

(2) in subparagraph (B) by striking "and" at the end and inserting "or"; and

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

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 49 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) DEFINITIONS.—Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'computer program' has the meaning stated in section 101 of title 17, United States Code.".

SEC. 1229. FINANCIAL INSTITUTIONS FRAUD.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking "or 1956" and inserting "1517, 1956, or 1957".

(b) FEDERAL CREDIT UNION ACT.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

(c) CRIME CONTROL ACT OF 1990.—Section 2546 of the Crime Control Act of 1990 (28 U.S.C. 522 note; 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

SEC. 1230. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

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

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

(3) by inserting after paragraph (d) the following new paragraph:

"(e) intentionally uses, discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511 (b) and (c), 2511(e), 2516, and 2518, knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, having obtained or received the information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 1231. THEFTS OF MAJOR ART WORKS.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 668. Theft of a major art work

"(a) THEFT FROM MUSEUM.—Whoever steals or obtains by fraud any object of cultural heritage held in a museum commits a class C felony.

"(b) EXHIBITION OR STORAGE BY MUSEUM.—A museum that exhibits to the public or holds in storage any stolen object of cultural heritage knowing that such object is stolen commits a class C felony.

"(c) LIMITATIONS.—Notwithstanding section 3282, the statute of limitations for an offense under this section is 20 years.

"(d) FORFEITURE.—The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'museum' means an organized and permanent institution, essentially educational or aesthetic in purpose with professional staff, that owns and utilizes tangible objects, cares for them, and exhibits them to the public during a regularly scheduled period; and

"(2) the term 'stolen object of cultural heritage' means a stolen object that is—

"(A) registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry; and

"(B) reported to law enforcement authorities as having been stolen.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of a major art work.".

SEC. 1232. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "not more than $250" and inserting "under this title"; and

(2) by adding at the end "For the purposes of this section, the term 'sells' includes trades, barters, or exchanges for anything of value.".

SEC. 1233. MOTOR VEHICLE THEFT PREVENTION ACT.

(a) SHORT TITLE.—This section may be cited as the "Motor Vehicle Theft Prevention Act".

(b) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 160. Motor vehicle theft prevention program

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with States and localities, a national voluntary motor vehicle theft prevention program (in this section referred to as the 'program') under which—

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to—

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State or locality to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions;

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner; and

"(3) Federal law enforcement officials are authorized to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

"(b) UNIFORM DECAL OR DEVICE DESIGNS.—

"(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

"(2) TYPE OF DESIGN.—The uniform design shall—

"(A) be highly visible; and

"(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

"(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

"(1) clearly state that participation in the program is voluntary;

"(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

"(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

"(4) include any additional information that the Attorney General may reasonably require.

"(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may include—

"(A) the operation of the vehicle during certain hours of the day; or

"(B) the operation of the vehicle under other circumstances or by such a person that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner or with the consent of the owner.

"(2) MORE THAN 1 SET OF CONDITIONS.—The Attorney General may establish more than 1 set of conditions under which participating motor vehicles may be stopped. If more than 1 set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

"(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

"(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

"(e) MOTOR VEHICLES FOR HIRE.—

"(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

"(2) TYPE OF NOTICE.—The notice required by this subsection shall—

"(A) be in writing;

"(B) be in a prominent format to be determined by the Attorney General; and

"(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

"(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

"(f) PARTICIPATING STATE OR LOCALITY.—A State or locality may participate in the program by filing an agreement to comply with the terms and conditions of the program with the Attorney General.

"(g) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality shall agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program and with the conditions under which motor vehicles may be stopped under the program.

"(h) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"160. Motor vehicle theft prevention program.".

(c) ALTERATION OR REMOVAL OF MOTOR VEHICLE IDENTIFICATION NUMBERS.—

(1) BASIC OFFENSE.—Section 511(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

(2) EXCEPTED PERSONS.—Section 511(b)(2) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

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

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 if that person is the owner of the motor vehicle or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or the owner's authorized agent;

"(ii) State or local law; or

"(iii) regulations promulgated by the Attorney General to implement section 160 of title 23.".

(3) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of subsection (a), the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to section 160 of title 23 for the purpose of obstructing its visibility.".

(4) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(A) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, without authorization under section 160 of title 23 shall be fined not more than $5,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to section 160 of title 23.".

(B) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item for section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

SEC. 1234. KNOWLEDGE REQUIREMENT FOR STOLEN OR COUNTERFEIT PROPERTY.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 771(b), is amended by adding at the end the following new section:

"§ 22. Stolen or counterfeit nature of property for certain crimes defined

"(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—Wherever in this title it is an element of an offense that any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew that the property was of such character, the element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) DEFINITION.—For purposes of this section, the term 'official representation' means a representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 771(c), is amended by adding at the end thereof the following new item:

"22. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1235. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1236. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with 1 or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any 1-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1237. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) OFFENSES.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a) FALSE STATEMENT OR REPORT.—(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully overvalues any land, property or security—

"(A) in connection with reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person; and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b) MISUSE OF MONEY.—(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 1 year, or both.

"(c) FALSE ENTRY OF FACT.—(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business; or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, insurance regulatory official or agency, or agent or examiner appointed by such official or agency to examine the affairs of such person,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years.

"(d) INFLUENCING, OBSTRUCTING, OR IMPEDING ADMINISTRATION OF LAW.—Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined under this title, imprisoned not more than 10 years, or both.

"(e) ENGAGING IN INSURANCE BUSINESS AFTER CONVICTION.—(1)(A) A person who has been convicted of an offense under this section, or of a felony involving dishonesty or a

breach of trust, who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if the person has the written consent of an insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance; or

"(B) the reinsuring of risks underwritten by insurance companies,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who are or who act as officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia or any territory or possession of the United States;

"(B) commerce between any point in a State and any point outside the State;

"(C) commerce between points within a State through any place outside the State; and

"(D) all other commerce over which the United States has jurisdiction;

"(3) the term 'insurer' means—

"(A) a business that is organized as an insurance company under the laws of a State, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the insurance official or agency of a State; or

"(B) a receiver or similar official or any liquidating agent for such a company, in his or her capacity as such,

and includes any person who is or acts as an officer, director, agent, or employee of that business; and

"(4) the term 'State' includes a State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) CIVIL PENALTY.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation that the person received or offered for the prohibited conduct, whichever amount is greater. If the offense contributed to the insolvency of an insurer that has been placed under the control of a State insurance regulatory agency or official, such penalty shall be remitted to the regulatory official of the insurer's State of domicile for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person.

"(b) INJUNCTION.—If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy that is available by law to the United States or any other person.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

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

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293(1) of title 18, United States Code, is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person of the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033.".

SEC. 1238. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000, imprisoned not more than 10 years"; and

(B) by striking "not more than $1,000,000" and inserting "not more than $5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000, imprisoned not more than 20 years"; and

(B) by striking "not more than $5,000,000" and inserting "not more than $15,000,000".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services).".

SEC. 1239. COMPUTER ABUSE AMENDMENTS ACT OF 1992.

(a) SHORT TITLE.—This section may be cited as the "Computer Abuse Amendments Act of 1992".

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of or in a manner affecting a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of or in a manner affecting a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end and inserting "; and"; and

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

"(4) a fine under this title, imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) A person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless the action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, as amended by subsection (d), is amended by adding at the end the following new subsection:

"(h) The Attorney General shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning prosecutions under subsection (a)(5).".

(f) DEFINITION.—Section 1030(e)(1) of title 18 United States Code, is amended by striking ", but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device".

(g) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

SEC. 1239A. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE AMOUNTS OF CASH IN WEAPONS SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations requiring employees and agents described in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers—

"(1) a controlled substance the possession of which may be a violation of Federal or State law; or

"(2) an amount of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

Subtitle D—Sentencing and Procedure

SEC. 1241. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 1242. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 1243. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 1244. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place it appears and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

SEC. 1245. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) PETTY OFFENSES.—Subsection (a)(3) does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 1246. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403.".

SEC. 1247. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

SEC. 1248. AVAILABILITY OF SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in the second sentence by striking "place him on probation, or commit him to official detention" and inserting "place the juvenile on probation, or commit the juvenile to official detention (including the possibility of a term of supervised release)";

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

"(A) the date on which the juvenile becomes 21 years old; or

"(B) the maximum term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between 18 and 21 years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years; or

"(B) in any other case beyond the lesser of—

"(i) 3 years; or

"(ii) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult.".

SEC. 1249. IMMUNITY.

Section 6003(b) of title 18, United States Code, is amended—

(1) by striking "or" before "Deputy Assistant Attorney General" and inserting a comma; and

(2) by inserting "or one other officer or employee of the Criminal Division designated by the Attorney General" after "Deputy Assistant Attorney General,".

SEC. 1250. EXTENDED SERVICE OF MEMBERS OF THE SENTENCING COMMISSION.

Section 992(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Subject to paragraph (2)—

"(A) no voting member of the Commission may serve more than 2 full terms; and

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of that term.

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.".

Subtitle E—Immigration-Related Offenses

SEC. 1251. EXPLOITATION OF ALIENS.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 1234(a), is amended by adding at the end the following new section:

"§ 23. Exploitation of aliens

"(a) INDUCEMENT OF ALIENS.—A person who is 18 years of age or older who voluntarily solicits, counsels, encourages, commands, intimidates, or procures any alien with the intent that the alien commit an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(b) COMMISSION OF CRIME BY ALIEN.—An alien who is induced by another person to commit and subsequently commits an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(c) CONSIDERATIONS.—In imposing a fine under subsection (a) or (b), the court shall consider the severity of the offense sought or committed by the offender as a circumstance in aggravation.

"(d) ENFORCEMENT.—(1) A proceeding for assessment of a civil fine under subsection (a) or (b) may be brought by the Attorney General in a civil action before a United States district court.

"(2) A person affected by a final order under this subsection may, not later than 45 days after the date on which the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 1234(b), is amended by adding at the end the following new item:

"23. Exploitation of aliens.".

SEC. 1252. CRIMINAL ALIEN IDENTIFICATION AND REMOVAL FUND.

(a) ESTABLISHMENT.—(1) There is established in the Treasury of the United States the Criminal Alien Identification and Removal Fund (referred to as the "Fund").

(2) All fines collected pursuant to section 1251 shall be covered into the Fund and shall be used for the purposes of this section.

(b) DISTRIBUTION OF MONIES IN THE FUND.—(1) Ninety percent of the monies covered into the Fund in any fiscal year may be used by the Attorney General—

(A) to assist the Immigration and Naturalization Service to identify, investigate, apprehend, detain, and deport aliens who have committed an aggravated felony; and

(B) to fund any of the 20 additional immigration judge positions authorized by section 512 of the Immigration Act of 1990 (104 Stat. 5052) that have not been funded.

(2) Ten percent of the monies covered into the Fund in any fiscal year may be distributed in the form of grants to the States by the Attorney General for the purposes of—

(A) assisting the States in implementing section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)); and

(B) modifying a plan described in section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)) to identify aliens—

(i) as they are processed for admission into State prisons; and

(ii) when they enter probation programs.

(c) TECHNICAL AMENDMENT.—Section 280(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1330) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 1253. ALIENS CONVICTED OF FELONY DRUNK DRIVING.

Section 241(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) by inserting after clause (iii) the following new clause:

"(iv) DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An alien who is convicted of operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance arising in connection with a fatal traffic accident or traffic accident resulting in serious bodily injury to an innocent party is deportable."; and

(3) in clause (v), as redesignated by paragraph (1), by striking "and (iii)" and inserting "(iii), and (iv)".

Subtitle F—United States Marshals

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "United States Marshals Association Establishment Act".

SEC. 1262. ESTABLISHMENT AND PURPOSE OF ASSOCIATION.

(a) ESTABLISHMENT.—There is established the United States Marshals Association (referred to in this subtitle as the "Association"). The Association is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Association are—

(1) to elevate and strengthen public knowledge of law enforcement in general, and the United States Marshals Service in particular;

(2) to promote the exchange of information among private and public institutions and individuals about law enforcement and justice systems issues;

(3) to organize symposia, studies, and research in carrying out paragraphs (1) and (2);

(4) to study the history of law enforcement;

(5) to produce, sell, and distribute educational materials on law enforcement and justice systems issues;

(6) to accept and administer private gifts or property for the benefit of, or in connection with, the activities and services of the United States Marshals Service; and

(7) to promote law enforcement.

SEC. 1263. BOARD OF DIRECTORS OF THE ASSOCIATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Association shall have a governing Board of Directors (referred to in this subtitle as the "Board"), which shall consist of not less than 3 nor more than 20 members, each of whom shall be a United States citizen and be knowledgeable or experienced in law enforcement matters. The Director of the United States Marshals Service shall be a nonvoting member of the Board, ex officio. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) APPOINTMENT AND TERMS.—

(1) INITIAL APPOINTMENT.—The members of the Board first appointed shall be appointed by the United States Marshals Association, a nonprofit corporation in existence before the enactment of this Act, which is organized under the laws of the State of Virginia.

(2) SUBSEQUENT APPOINTMENT.—The members of the Board appointed after the appointment of Directors under paragraph (1) shall be appointed in the manner provided in the bylaws of the Association.

(3) ADVICE OF DIRECTOR.—A member of the Board may be appointed with the advice of the Director of the United States Marshals Service (referred to in this subtitle as the "Director").

(4) TERMS.—The members of the Board shall be appointed for terms of 4 years. A vacancy on the Board shall be filled in the manner in which the original appointment was made. No person may serve for more than 2 consecutive terms as a member of the Board.

(c) CHAIR.—The chair of the Board shall be elected by the Board from its members to a 2-year term.

(d) QUORUM.—A majority of the membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the chair at least twice each year. If a member of the Board misses 3 consecutive regularly scheduled meetings, the member may be removed from the Board as provided in the bylaws of the Association, and that vacancy may be filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Association.

(g) GENERAL POWERS.—(1) The Board may complete the organization of the Association by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Association and the provisions of this subtitle; and

(C) carrying out such other actions as may be necessary to carry out this subtitle.

(2) The following limitations apply with respect to the appointment of officers and employees of the Association:

(A) Officers and employees may not be appointed until the Association has sufficient funds to pay them for their services. Officers and employees of the Association shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the maximum rate of pay payable under section 5376 of title 5, United States Code, for a position classified above grade GS–15 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board, who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to law enforcement.

(h) ADVISORY COUNCIL.—The chair of the Board may appoint an Advisory Council of up to 15 members to advise the Association on its activities under this subtitle. Members of the advisory council have no vote in matters before the Association.

SEC. 1264. MEMBERSHIP.

(a) ELIGIBILITY.—Eligibility for membership in the Association shall be limited to persons and organizations demonstrating support of the stated purpose, goals, and functions of the Association. Categories of membership shall be as follows:

(1) Regular member, which shall be limited to individuals actively or formerly employed in the United States Marshals Service.

(2) Associate member, which shall be limited to individuals who are qualified by training or experience in Federal, State, local, or foreign law enforcement.

(3) Honorary member, which shall be limited to individuals who have an outstanding record of service in the public or private sector.

(4) Corporate member, which shall be limited to nongovernmental public, private, or nonprofit organizations which support the purposes of the United States Marshals Association.

(5) Sponsoring member, which shall be limited to Federal or State government entities.

(b) APPLICATION.—Persons may apply or be nominated for membership in the Association. Any such application shall be made in writing on the form provided by the Association.

(c) SPONSORSHIP.—Applicants or nominees for membership in any category except that of sponsoring member must be proposed by a regular member. Acceptance of applicants or nominees for membership shall be determined by a majority vote of the Board.

(d) DUES FOR MEMBERS.—Membership dues shall be established by the Board. Dues must accompany a prospective member's application. No dues shall be required in the case of honorary members or sponsoring members.

(e) VOTING.—A member may vote in matters for which the vote of the Association is required, and may serve on the Board.

(f) SUSPENSION OR EXPULSION OF MEMBERS.—A member of the Association may be suspended or expelled for nonpayment of dues in arrears for at least 60 days, for good cause, or for other reasons by a vote of two-thirds of the Board in accordance with procedures prescribed in Robert's Rules of Order. No member who has been suspended or expelled from the Association may be readmitted to membership for a period of 1 year, and readmission thereafter shall require the consent of two-thirds of the Board.

SEC. 1265. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION.

(a) IN GENERAL.—The Association—

(1) shall have perpetual existence;

(2) may conduct business throughout the States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Virginia or such other place as may be determined by the Board; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Association.

(b) SERVICE OF PROCESS.—Service of process on the agent required under subsection (a)(4) or the mailing of process to the business address of the agent shall constitute service on the Association.

(c) SEAL.—The Association may use the seal, insignia, or badge of the United States Marshals Service, and other materials unique to the United States Marshals Service, only with the express written permission of the Director.

(d) POWERS.—To carry out its purposes under section 1262, the Association shall have, in addition to the powers otherwise given it under this subtitle, the usual powers of a corporation acting as a trustee in the State of Virginia or wherever else the Association is incorporated. The Association shall have the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Association.

(e) ACCEPTANCE OF GIFTS.—A gift, devise, or bequest may be accepted by the Association even though it is encumbered, restricted, or subject to the beneficial interests of private persons if any current or future interest therein is for the benefit of the Association.

SEC. 1266. ADMINISTRATIVE SERVICES AND SUPPORT.

The Director may provide personnel, facilities, and other administrative services to the Association, including reimbursement of expenses under section 1262, not to exceed the then current Federal Government per diem rates, until the date that is 5 years after the date of the enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 1267. VOLUNTEER STATUS.

The Director may, notwithstanding section 1342 of title 31, United States Code, accept voluntary services of the Association in the performance of the functions of the Association under this subtitle.

SEC. 1268. RESTRICTIONS.

(a) FINANCIAL INTERESTS.—No part of the income or assets of the Association shall inure to any member or officer of the Association or member of the Board or be distributed to any such person. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers or the Association or reimbursement for actual necessary expenses in amounts approved by the Board.

(b) PROHIBITION ON LOANS.—The Association shall not make any loan to any member of the Board or to any officer or employee of the Association.

(c) PROHIBITION ON STOCK.—The Association shall have no power to issue any shares of stock or to declare or pay any dividends.

SEC. 1269. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Association shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Association shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during the year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN ASSOCIATION ACTS OR FAILURES TO ACT.—If the Association—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 1262(b); or

(2) refuses, fails, or neglects to discharge its obligations under this subtitle, or threatens to do so,

the Attorney General of the United States may petition the appropriate court for such equitable relief as may be necessary or appropriate.

SEC. 1270. LIABILITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Association, nor shall the full faith and credit of the United States extend to any obligation of the Association.

SEC. 1271. NONDISCRIMINATION.

(a) EMPLOYMENT PRACTICES.—Notwithstanding section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) or section 101(5)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(5)(B)), the Association and any agent of the Association shall be considered to be an employer for purposes of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 if the Association is engaged in an industry affecting commerce and meets the minimum employee requirements set forth in those Acts.

(b) MEMBERSHIP PRACTICES.—

(1) PROHIBITED PRACTICES.—It shall be unlawful for the Association, on the basis of the race, color, religion, sex, national origin, age, or disability of an individual, to—

(A) fail or refuse to accept the individual into membership;

(B) expel the individual from membership;

(C) suspend the membership of the individual; or

(D) discriminate against the individual with respect to any of the benefits or obligations of membership.

(2) ENFORCEMENT.—

(A) RIGHT OF ACTION.—Any person may bring a civil action to enforce paragraph (1) in any appropriate United States district court. Any such action may be dismissed for just cause.

(B) INJUNCTIVE RELIEF.—In any civil action brought under this paragraph, the court may grant as relief any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

SEC. 1272. ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING ASSOCIATION.

The Association may acquire the assets of the United States Marshals Association, a nonprofit organization organized under the laws of the State of Virginia before the enactment of this Act.

SEC. 1273. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this subtitle at any time.

Subtitle G—Other Provisions

SEC. 1281. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4 (b) or (c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) and (c)),

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 211 of title 18, United States Code, is amended by inserting after the item relating to section 3238 the following new item:

"3239. Optional venue for espionage and related offense.".

SEC. 1282. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, and the carcasses thereof;".

SEC. 1283. COURT TO BE HELD AT LANCASTER.

Section 118(a) of title 28, United States Code, is amended by inserting "Lancaster," before "Reading".

SEC. 1284. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEY'S OFFICE IN PHILADELPHIA, PENNSYLVANIA.

(a) AUTHORIZATION.—There is authorized to be appropriated $35,000,000, to remain available until expended, to plan, acquire a site for, design, construct, build out, equip, and prepare for use an office building to house the United States Attorney's Office in Philadelphia, Pennsylvania, notwithstanding any other law.

(b) SITE SELECTION.—The site of the office building constructed pursuant to subsection (a) shall be at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center and shall be approved by the Attorney General after notification submitted to the Congress as required by law.

SEC. 1285. AWARD OF ATTORNEY'S FEES FOR EMPLOYEES OF DEPARTMENT OF JUSTICE.

Section 519 of title 28, United States Code, is amended—

(1) by striking "Except" and inserting "(a) IN GENERAL.—Except"; and

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

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such an inquiry, the Attorney General shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 1286. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of this section—

(1) the term "criminal offense" means—

(A) any Federal criminal offense involving a controlled substance;

(B) racketeering;

(C) money laundering; and

(D) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs;

(2) the term "money laundering" means an offense under section 1956 or 1957 of title 18, United States Code; and

(3) the term "racketeering" means an offense under section 1951, 1952, or 1955 of title 18, United States Code.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to implement this section within 90 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective on the date that is 60 days after the date of the promulgation of regulations under subsection (d).

SEC. 1287. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS AND REPORT TO CONGRESS ON ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) REPORT TO CONGRESS.—Section 524(c)(6) of title 28, United States Code, is amended—

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

(2) by striking the period at the end of subparagraph (C) and inserting ", which report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under paragraph (7)(B)."; and

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

"(D) a report for the fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1288. DNA IDENTIFICATION.

(a) FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)), as amended by section 531, is amended—

(A) by striking "and" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; and"; and

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

"(23) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992.".

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

(b) QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—

(1) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) CONTENTS.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992; and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) FAILURE TO MEET REQUIREMENTS.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) FEDERAL BUREAU OF INVESTIGATION.—

(1) PROFICIENCY TESTING REQUIREMENTS.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) PRIVACY PROTECTION STANDARDS.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsections (b), (c), and (d).

SEC. 1289. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

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

"PART V—SAFE SCHOOLS ASSISTANCE

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2202. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2203. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2202;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 2204. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

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

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2203(c).

"SEC. 2205. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2203(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2203(c).

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

"SEC. 2206. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2203(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part, which report shall contain—

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

"(2) a compilation of statistical information submitted by applicants under section 2203(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 2207. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—SAFE SCHOOLS ASSISTANCE

"Sec. 2201. Grant authorization.
"Sec. 2202. Use of funds.
"Sec. 2203. Applications.
"Sec. 2204. Allocation of funds; limitations on grants.
"Sec. 2205. Award of grants.
"Sec. 2206. Reports.
"Sec. 2207. Definitions.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1064(c), is amended by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part V.".

TITLE XIII—TECHNICAL CORRECTIONS

SEC. 1301. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING OF CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "subsection (a) (1) and (2)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "section 515(a) (1) or (3)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)), as amended by section 902, is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Crime Control and Safe Streets Act

of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(3)) is amended by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) (42 U.S.C. 3796b(3)) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) (42 U.S.C. 3722(c)(2)(E)) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) (42 U.S.C. 3732(c)) by striking the period at the end and inserting a semicolon;

(3) in section 602(a)(1) (42 U.S.C. 3769a(a)(1)) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) (42 U.S.C. 3769b(a)(6)) by striking "605" and inserting "606";

(5) in section 605 (42 U.S.C. 3769c) by striking "this section" and inserting "this part";

(6) in section 606(b) (42 U.S.C. 3769d(b)) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b) (42 U.S.C. 3782(b))—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) (42 U.S.C. 3783(b)) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) (42 U.S.C. 3785(b)) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 (42 U.S.C. 3789) by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) (42 U.S.C. 3789d(c)(2)(H)) by striking "805" and inserting "804";

(12) in section 811(e) (42 U.S.C. 3789f(e)) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) (42 U.S.C. 3791(a)(3)) by striking "and," and inserting ", and"; and

(14) in section 1001(c) (42 U.S.C. 3793(c)) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 1302. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031 of title 18, United States Code, is amended—

(1) by redesignating subsection (g), as added by Public Law 101–123, as subsection (h) and removing it to the end of the section; and

(2) in subsection (h), as redesignated by paragraph (1), by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293(1) of title 18, United States Code, is amended by striking "1008,".

(f) PART I PART ANALYSIS.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 1303. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) CONTRABAND IN PRISON.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) PROGRAMS RECEIVING FEDERAL FUNDS.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) OFFENDERS WITH MENTAL DISEASE OR DEFECT.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "section 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),".

(f) CONTINUING CRIMINAL ENTERPRISES.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) SENTENCING COMMISSION.—Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) FIREARMS.—Section 924(e)(2)(A)(i) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(i) ERRONEOUS CITATION IN CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 (104 Stat. 4908) is amended, effective as of the date of enactment of that Act, by striking "951(c)(1)" and inserting "951(c)(2)".

SEC. 1304. OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analyses for chapters 105 and 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking subsections (f) and (g) that were enacted by Public Law 100–690 (102 Stat. 4488);

(15) in section 3113 by striking the third paragraph; and

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 1305. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)(3)) is amended by striking "issuer" and inserting "domestic concern".

SEC. 1306. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 1307. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking the quotation marks; and

(B) in subsection (d) by striking "provider for" and inserting "provider of"; and

(4) in section 3731, in the second undesignated paragraph, by striking "order of a district courts" and inserting "order of a district court".

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1992".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated $345,500,000 for fiscal year 1992 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include—

(A) not to exceed $45,000,000 to hire, equip, and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of State and local overtime, equipment, and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip, and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations.

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent Border Patrol officer positions.

(B) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses.

(5) For the United States Marshals Service, $10,000,000.

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip, and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs.

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel, and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title.

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

TITLE XV—FEDERAL PRISONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS FOR NEW PRISON CONSTRUCTION.

There is authorized to be appropriated for fiscal year 1993 to the buildings and facilities account, Federal Prison System, Department of Justice, $500,000,000 for the planning of, acquisition of sites for, and the construction of new penal and correctional facilities, such appropriations to be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for that fiscal year.

BIDEN AMENDMENT NO. 1796

Mr. KOHL (for Mr. BIDEN) proposed an amendment to amendment No. 1795 proposed by Mr. GRAMM (and others) to the bill S. 652, supra, as follows:

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1991".

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—DEATH PENALTY
TITLE II—HABEAS CORPUS REFORM
TITLE III—EXCLUSIONARY RULE
TITLE IV—COERCED CONFESSIONS
TITLE V—FIREARMS
TITLE VI—OBSTRUCTION OF JUSTICE
TITLE VII—YOUTH VIOLENCE
TITLE VIII—TERRORISM
TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE
TITLE X—CRIME VICTIMS
TITLE XI—STATE AND LOCAL LAW ENFORCEMENT
TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS
TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES
TITLE XIV—PRISONS
TITLE XV—RURAL CRIME
TITLE XVI—DRUG CONTROL
TITLE XVII—DRUNK DRIVING PROVISIONS
TITLE XVIII—COMMISSIONS
TITLE XIX—BAIL POSTING REPORTING
TITLE XX—MOTOR VEHICLE THEFT PREVENTION
TITLE XXI—PROTECTIONS FOR THE ELDERLY
TITLE XXII—CONSUMER PROTECTION
TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS
TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE
TITLE XXV—SENTENCING PROVISIONS
TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENT
TITLE XXVII—COMPUTER CRIME
TITLE XXVIII—PARENTAL KIDNAPPING
TITLE XXIX—SAFE SCHOOLS
TITLE XXX—MISCELLANEOUS
TITLE XXXI—TECHNICALS

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 102. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

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

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"A 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 the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

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

"(A) intentionally killed the victim;

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

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

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

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

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

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

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

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

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORSEEABILITY.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

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

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

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

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

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

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

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

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

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

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

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

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, 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 of 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 a sentence of 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, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

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

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

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

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

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

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

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

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

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

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

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

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

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

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

A jury impaneled pursuant to paragraph (2) shall consist of 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.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant

to a mitigating factor. The government may present any information relevant to an aggravating factor. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

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

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

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

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than a lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence.

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

"§3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise, the court shall impose any sentence other than death that is 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 parole.

"§3595. Review of a sentence of death

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

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

"(1) the evidence submitted during the trial;

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

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

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

"(c) DECISION AND DISPOSITION.—

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

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

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

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

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

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

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

"§3596. Implementation of a sentence of death

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

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

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

"§3597. Use of State facilities

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

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§3598. Special provisions for Indian country.

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

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

"228. Death sentence ..... 3591".

SEC. 103. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

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

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

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

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

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

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

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

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

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

(7) 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".

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

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

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, 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.".

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

(11) 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".

(12) 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".

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

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

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

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

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

SEC. 104. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

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

SEC. 105. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

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

"§1118. Murder by a Federal prisoner

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

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term '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

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The table of sections at the beginnng of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

SEC. 106. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

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

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

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

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

SEC. 107. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

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

SEC. 108. DEATH PENALTY FOR DRUG KINGPINS.

(a) SHORT TITLE. This section may be cited as the "Death Penalty for Drug Kingpins Act of 1991".

(b) IN GENERAL.—Title 18, chapter 228, section 3591 of the United States Code (as created by this Act), is further amended by—

(1) striking the "(3)" before the words "any other offense for which" and inserting a "(6)";

(2) inserting after the words "death of the President; or", the following:

"(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 member 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.), 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, acting with a state of mind described in subsection (6), 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"; and

(3) at the end of section 3592, title 18, United States Code, add the following:

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591(3)-(6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist—

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

SEC. 109. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1991".

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

"§ 36. Drive-by shooting

"(a) OFFENSE AND PENALTIES.—

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

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

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

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

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

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

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

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

(c) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by shooting.".

SEC. 110. FOREIGN MURDER OF UNITED STATES NATIONALS.

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

"§1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

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

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

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

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

(c) 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 new item:

"1118. Foreign Murder of United States Nationals.".

SEC. 111. 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 analysis for 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. 112. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 113. MURDER BY ESCAPED PRISONERS.

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

"§1120. Murder by escaped prisoners

"(a) IN GENERAL.—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) DEFINITION.—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.".

(b) 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:

"1120. Murder by escaped prisoners.".

SEC. 114. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by subtitle B of title V of this Act the following:

"(o) 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.".

SEC. 115. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

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

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

(b) in subsection (a), striking "(c)" and inserting "(d)"; and

(c) 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.".

TITLE II—HABEAS CORPUS REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 202. STATUTE OF LIMITATIONS.

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court not later than one year after—

"(A) the date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the Supreme Court;

"(B) the date of issuance of the mandate of the highest court of the State on direct appeal or unitary review of the conviction and sentence, if a petition for a writ of certiorari is not filed, within the time limits established by law, in the Supreme Court; or

"(C) the date of issuance of the mandate of the Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ, and disposes of the case in a manner that leaves the capital sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the State has failed to provide counsel as required in section 2257 of this chapter;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts, if all filing deadlines are met; and

"(C) during an additional period not to exceed 90 days, if counsel moves for an extension in the

district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.".

SEC. 203. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this chapter;

"(2) upon completion of district court and court of appeals review under section 2254 of this chapter, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this chapter and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 204. LAW APPLICABLE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2256. Law applicable

"In an action filed under this chapter, the court shall not apply a new rule. For purposes of this section, the term 'new rule' means a clear break from precedent, announced by the Supreme Court of the United States, that could not reasonably have been anticipated at the time the claimant's sentence became final in State court.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable.".

SEC. 205. COUNSEL IN CAPITAL CASES; STATE COURT.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2257. Counsel in capital cases; State court

"(a) A State in which capital punishment may be imposed shall provide legal services to—

"(1) indigents charged with offenses for which capital punishment is sought;

"(2) indigents who have been sentenced to death and who seek appellate, collateral, or unitary review in State court; and

"(3) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(b) The State shall establish an appointing authority, which shall be—

"(1) a statewide defender organization;

"(2) a resource center; or

"(3) a committee appointed by the highest State court, comprised of members of the bar with substantial experience in, or commitment to, criminal justice.

"(c) The appointing authority shall—

"(1) publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing qualifications and performance of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) in the case of counsel appointed for the trial or sentencing stages, 5 years of experience as a prosecutor or defense counsel in criminal felony cases; and

"(D) in the case of counsel appointed for the appellate, postconviction, or unitary review stages, 3 years of experience as a prosecutor or defense counsel in criminal felony cases;

"(2) monitor the performance of attorneys appointed and delete from the roster any attorney who fails to meet qualification and performance standards; and

"(3) appoint a defense team, which shall include at least 2 attorneys, to represent a client at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court.

"(d) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with quality legal representation.

"(e) No counsel appointed pursuant to this section to represent a prisoner in State postconviction proceedings 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.

"(f) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal postconviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal postconviction proceedings.

"(g) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

"(h) Attorneys appointed from the private bar shall be compensated on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases and shall be reimbursed for expenses reasonably incurred in representing the client, including the costs of law clerks, paralegals, investigators, experts, or other support services.

"(i) Support services for staff attorneys of a defender organization or resource center shall be equal to the services listed in subsection (h).

"(j) If a State fails to provide counsel in a proceeding specified in subsection (a), or counsel appointed for such a proceeding fails substantially to meet the qualification standards specified in subsections (c)(1) or (d), or the performance standards established by the appointing authority, the court, in an action under this chapter, shall neither presume findings of fact made in such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2257. Counsel in capital cases; State court.".

SEC 206. SUCCESSIVE FEDERAL PETITIONS.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting ", in the case of an applicant not under sentence of death," after "When"; and

(3) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a claim presented in a second or successive application, that was not presented in a prior application under this chapter, shall be dismissed unless—

"(A) the applicant shows that—

"(i) the basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; or

"(ii) the failure to raise the claim in the prior application was due to action by State officials in violation of the Constitution of the United States; and

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed, or in the validity of that sentence under Federal law.".

SEC. 207. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"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, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certification of probable cause, except after denial of a second or successive application.".

SEC. 208. 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 III—EXCLUSIONARY RULE

SEC. 301. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

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

"§2237. Evidence obtained by invalid warrant

"Evidence which is obtained as a result of 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 reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following:

"2237. Evidence obtained by invalid warrant."

TITLE IV—COERCED CONFESSIONS

SEC. 401. COERCED CONFESSIONS.

The admission into evidence of a coerced confession shall not be considered harmless error. For the purposes of this section, a confession is coerced if it is elicited in violation of the fifth or fourteenth articles of amendment to the Constitution of the United States.

TITLE V—FIREARMS

Subtitle A—Brady Handgun Violence Prevention Act

SEC. 501. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

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

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 512(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

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

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 502(d) of the Violent Crime Control and Law Enforcement Act of 1991, is not in compliance with the timetable established pursuant to section 502(c) of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

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

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

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

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

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

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

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

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 502(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 503 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

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

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (u)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other 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) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 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 $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—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 violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 502. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system;

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of 5 years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is 30 months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the

error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922(g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) OTHER TERMS.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 503. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) IMPROVEMENTS IN STATE RECORDS.—

(1) USE OF FORMULA GRANTS.—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—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 502 of the Violent Crime Control and Law Enforcement Act of 1991, for the purpose of implementing such Act.".

(2) ADDITIONAL FUNDING.—

(A) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1992 and all fiscal years thereafter.

(b) WITHHOLDING STATE FUNDS.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section 502(c) of this Act.

(c) WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 502(d)(1) by—

(1) 30 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 30 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 42 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 42 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

Subtitle B—Gun Crime Penalties

SEC. 511. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by striking "and if the firearm is a short-barreled rifle, short-barreled shotgun" and inserting "if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,".

(b) SEMIAUTOMATIC FIREARM.—Section 921(a) of such title is amended by adding after the paragraph added by section 501(a)(2) of this Act the following:

"(30) 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. 512. 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. 513. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

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

"(i) 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),

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. 514. THEFT OF FIREARMS AND EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsection added by section 513 of this Act the following:

"(j) 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 2 nor more than 10 years, and may be fined under this title, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) Whoever steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not less than 2 or more than 10 years, or fined under this title, or both.".

SEC. 515. CONFORMING AMENDMENT PROVIDING MANDATORY REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM.

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 that term is defined in section 921 of this title, 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 the limitations of paragraph (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 postrelease supervision.".

SEC. 516. REVOCATION OF PROBATION.

(a) Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3); or

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm,

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 517. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

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

(1) in paragraph (a)(1)(B), by striking out "(a)(6),"; and

(2) in subsection (a)(2), by inserting "(a)(6)," after "subsections".

SEC. 518. 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. 519. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended by redesignating subsection (c) as subsection (c)(1) and by adding paragraphs (2) and (3) as follows:

"(2) Notwithstanding the provisions of 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. 520. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 924(e)(1) of title 18, United States Code, is amended by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

(b) Section 924(c)(1) of title 18, United States Code, is amended by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 521. 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. 522. USING A FIREARM IN THE COMMISSION OF 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 (relating to counterfeiting and forgery) of this title" after "for which he may be prosecuted in a court of the United States,".

SEC. 523. 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 or a serious drug offense (as defined in subsections (e)(2) (A) and (B) 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 is amended by adding after the subsections added by sections 513 and 514(a) of this Act 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 as provided in 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, such person with respect to the conviction under section 922(g).".

SEC. 524. 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. 525. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), and 523(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in 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 title 18, United States Code, is amended by adding after the subsection added by section 514(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in 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. 526. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

SEC. 527. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), and 525(a) of this Act the following:

"(m) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer or licensed collector shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding after the subsections added by sections 514(b) and 525(b) of this Act the following:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer or licensed dealer, or from any permittee shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

SEC. 528. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 529. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.

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

(1) in subparagraph (B)(ii), by striking "and " at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 530. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), 525(a), and 527(a) of this Act 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.".

TITLE VI—OBSTRUCTION OF JUSTICE

SEC. 601. 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 so designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

SEC. 602. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

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

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

(2) by inserting after the section heading 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.".

SEC. 603. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 205 of this Act, is amended by adding at the end the following:

"§ 1119. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111 of title 18, United States Code, including by sentence of death or by imprisonment for life.".

(b) 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. Killing persons aiding Federal investigations.".

SEC. 604. 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 VII—YOUTH VIOLENCE

SEC. 701. STRENGTHENING FEDERAL PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS.

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

(1) at the end of subsection (b) by adding the following:

"(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to violate any provision of this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b) of this title.";

(2) in subsection (c) by—

(A) striking "(c)" and inserting in lieu thereof "(d)";

(B) inserting "or (c)" after "imposed under subsection (b)"; and

(C) inserting "or (c)" after "convicted under subsection (b)";

(3) in subsection (d) by striking "(d)" and inserting in lieu thereof "(e)".

SEC. 702. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both" and inserting "and thereafter performs or attempts to perform (A) any of the acts specified in subparagraphs (1) and (3) shall be fined under this title or imprisoned for not more than 5 years, or both or (B) any of the acts specified in subparagraph (2) shall be fined under this title or imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

SEC. 703. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§521. Criminal street gangs

"(a) Whoever, under the circumstances described in subsection (c) of this section, commits an offense described in subsection (b) of this section, shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such sentence of imprisonment shall run consecutively to any other sentence imposed.

"(b) The offenses referred to in subsection (a) of this section are—

"(1) any Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than five years;

"(2) any Federal felony crime of violence;

"(3) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(c) The circumstances referred to in subsection (a) of this section are that the offense described in subsection (b) was committed as a member of, or on behalf of, a criminal street gang and that person has been convicted, within the past 5 years for—

"(1) any offense listed in subsection (b) of this section;

"(2) any State offense—

"(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than one year after imprisonment; or

"(B) that is a crime of violence; for which the maximum penalty is more than 1 year's imprisonment; or

"(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(d) For purposes of this section—

"(1) the term 'criminal street gang' means any group, club, organization, or association of 5 or more persons—

"(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

"26. Criminal street gangs ..... 521".

TITLE VIII—TERRORISM

Subtitle A—Terrorism: Civil Remedy

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "Antiterrorism Act of 1991".

SEC. 802. TERRORISM.

(a) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (d) of this section, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332, and striking the heading for section 2332 as so redesignated and inserting the following:

"§2332. Criminal penalties";

(3) by inserting before section 2332 as so redesignated the following:

"§2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.";

(4) by adding immediately after section 2332 as redesignated the following new sections:

"§2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPED UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

"§2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§2337. Suits against Government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

"§2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections at the beginning of the chapter to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(b) TABLE OF CONTENTS.—The table of chapters at the beginning of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals ..... 2331"

and inserting in lieu thereof:

"113A. Terrorism ..... 2331".

(c) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

Subtitle B—Maritime Navigation and Fixed Platforms

SEC. 803. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2280. Violence against maritime navigation

"(a) Whoever 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) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

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

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

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

"(A) such activity is committed—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

"(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

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

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

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

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

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but 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) the term '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) the term '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) the term '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) the term '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 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) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (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 do anything prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States, if—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

"(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

"(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.".

SEC. 804. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

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

SEC. 805. EFFECTIVE DATES.

This subtitle and the amendments made by this subtitle shall take effect on the later of—

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

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

Subtitle C—General Provisions

SEC. 819. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction, as defined in the statute enacted by subsection (b) of this section, gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as added by the preceding section, is amended by inserting after section 2332 the following new section:

"§2332a. 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.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 804. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "five years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "ten years".

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "ten years".

SEC. 821. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress hereby declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 822. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended by—

(1) inserting after "title" in subsection (a) the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) inserting at the end thereof the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 823. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 824. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) '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) '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.

"(3) '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 commits or attempts to commit torture 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) There is jurisdiction over the prohibited activity in subsection (a) if: (1) the alleged offender is a national of the United States; or (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) 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.".

(c) EFFECTIVE DATE.—This section 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.

SEC. 825. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following:

"§3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.".

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

"3285. Criminal contempt."

the following:

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

SEC. 826. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

SEC. 827. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

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

"§36. Violence at international airports

"(a) Whoever 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 bodily 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 twenty 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) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States and—

"(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

"(B) the activity violates subsection (a)(1) and the person against whom the violence is directed is engaged in international air travel;

"(C) the activity violates subsection (a)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

"(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

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

"(c) For the purposes of this section, the terms 'terrorism' and 'terrorist group' have, respectively, the meanings given those terms in section 140 of Public Law 100–204 (22 U.S.C. 2656f).".

(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. 828. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

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

"§ 37. Violations of Federal aviation security regulations

"Whoever willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 1356 and 1357 of title 49, United States Code, shall be fined under this title or imprisoned for not more than one year, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"37. Violation of Federal aviation security regulations.

SEC. 829. COUNTERFEITING UNITED STATES CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States

"Whoever, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 of this title if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following:

"471. Counterfeit acts committed outside the United States.".

(c) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item for chapter 25 and inserting the following:

"25. Counterfeiting and forgery ..... 470".

SEC. 830. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or his designee, and consist of the following members:

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

SEC. 831. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18 of the United States Code is amended to read as follows:

"(1)(A) 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;".

SEC. 832. 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. 833. ALIEN WITNESS COOPERATION.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

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

"(S) subject to section 214(j), an alien—

"(i) who the Attorney General determines (I) is in possession of critical reliable information concerning a criminal organization or enterprise, and (II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

"(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien.".

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of such Act (8 U.S.C. 1182(d)) is amended by inserting at the beginning the following new paragraph:

"(1) The Attorney General may, in his discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A).".

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC..—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant (A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require, (B) may not be convicted of any criminal offense in the United States after the date of such admission, and (C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

"(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (A) the number of such nonimmigrants admitted, (B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens, (C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and (D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.".

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of such Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of such Act (8 U.S.C. 1255), as amended by section 2(c) of the Armed Forces Immigration Adjustment Act of 1991, is amended by adding at the end the following new subsection:

"(h)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of such section, and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of such section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under section 201(d) and 203(b)(4) for the fiscal year then current.".

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))" after "five years".

SEC. 834. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

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

"§ 2339A. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title, or section 902(i) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both. For purposes of this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.".

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

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

TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A—Sexual Abuse

SEC. 901. SEXUAL ABUSE AMENDMENTS.

(a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting in lieu thereof "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

Subtitle B—Child Protection

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1991".

SEC. 912. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 913. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the child abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) 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. 914. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 915. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background

check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 916. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child Protection Act of 1991 with the Attorney General for the purpose of implementing the National Child Protection Act of 1991.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

Subtitle C—Crimes Against Children

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 922. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the convic-

tion data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 923. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE X—CRIME VICTIMS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Victims' Rights and Restitution Act of 1991".

SEC. 1002. AVAILABILITY OF FUNDS.

Section 1402 of the Victims of Crime Act of 1984, as amended, is amended—

(a) by striking subsection (c) and redesignating (d), (e), (f) and (g) as subsections (c), (d), (e), and (f), respective; and

(b) by adding a new subsection (c) to read as follows:

"(c) Availability of funds for expenditure; grant program percentages

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

"(2) The Fund shall be available as follows:

"(A) The first $6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first $3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code.

"(B) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 10602 of this title;

"(ii) 45 percent shall be available for grants under section 10603(a) of this title;

"(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

"(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

"(C) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

"(D) The next $4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title.

"(E) Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under subparagraphs (A) through (D) shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 10602 of this title;

"(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

"(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.".

SEC. 1003. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 1004. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

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

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE XI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Safer Streets and Neighborhoods

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1991".

SEC. 1102. GRANTS TO STATE AND LOCAL AGENCIES.

Paragraph (5) of section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 1103. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 211 of the Department of Justice Appropriations Act, 1990 (Public Law 101–162) and section 601 of the Crime Control Act of 1990 (Public Law 101–647), is amended by striking "1991" and inserting "1992".

SEC. 1104. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)), is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

SEC. 1105. FEDERAL SHARE.

Section 504(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)) is amended by striking "not—" and all that follows through "per centum;" the last place it appears, and inserting the following: "not for any fiscal year be expended for more than 75 percent".

SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) as redesignated by section 1153 of this Act and inserting the following:

"(7) There are authorized to be appropriated such sums as may be necessary for fiscal year 1991 and $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 1107. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

Subtitle B—DNA Identification

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1991".

SEC. 1122. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991.".

(c) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 1992 through 1996, there are authorized to be appropriated $10 million for grants to the states for DNA analysis.

SEC. 1123. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1124. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1125. FEDERAL BUREAU OF INVESTIGATION

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123(b). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1126. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992 through 1996 to carry out sections 1123, 1124, and 1125 of this Act.

Subtitle C—Department of Justice Community Substance Abuse Prevention

SEC. 1131. SHORT TITLE.

This section may be cited as the "Department of Justice Community Substance Abuse Prevention Act of 1991".

SEC. 1132. COMMUNITY PARTNERSHIPS.

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 thereof the following:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that shall include—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

"(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(c) AMENDMENT TO TABLE OF SECTIONS.—The table of sections 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 thereof the following:

"SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse.".

Subtitle D—Bindover System for Certain Violent Juveniles

SEC. 1141. BINDOVER SYSTEM.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 1002, is amended—

(1) in paragraph (21) by striking "and" at the end;

(2) in paragraph (22) by striking the period at the end and inserting "; and"; and

(3) inserting after paragraph (22) the following:

"(23) programs which address the need for effective bindover systems for the prosecution of violent 16- and 17-year olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code." effective April 10, 1991.

Subtitle E—Community Policing; Cop on the Beat

SEC. 1151. SHORT TITLE.

This title may be cited as "The Community Policing; Cop on the Beat Act of 1991".

SEC. 1152. COMMUNITY POLICING; COP ON THE BEAT.

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

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"SEC. 1601. 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 which 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 such community.

"SEC. 1602. 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 such application, one 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 1601;

"(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 which 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 col-

lect to measure progress toward meeting project goals.

"SEC. 1603. 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 for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, 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 1602(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 1602 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1604. 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 1602(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 the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1605. 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 1602(c).

"(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. 1606. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) 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 P and inserting the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"Sec. 1601. Grant authorization.
"Sec. 1602. Application.
"Sec. 1603. Allocation of funds; limitation on grants.
"Sec. 1604. Award of grants.
"Sec. 1605. Reports.
"Sec. 1606. Definitions.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

SEC. 1153. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by redesignating the last 3 paragraphs as paragraphs (7), (8), and (9); and

(2) by adding after paragraph (9) the following:

"(10) There are authorized to be appropriated $150,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part P.".

Subtitle F—Drug Testing of Arrested Individuals

SEC. 1161. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1151 of this Act, 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—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 1701. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 1702. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(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. 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 1702(c).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 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 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State 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 criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice 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 in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 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) 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 for the fiscal year for which the projects receive assistance under this part.

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

"SEC. 1705. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project.".

(b) 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.), as amended by section 1152 of this Act, is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DRUG TESTING FOR INDIVIDUALS ARRESTED

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Local applications.
"Sec. 1704. Allocation and distribution of funds.
"Sec. 1705. Report.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

SEC. 1162. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1153 of this Act, is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out the projects under part Q.".

Subtitle G—Racial and Ethnic Bias Study Grants

SEC. 1171. STUDY GRANTS.

(a) FINDINGS.—The Congress finds that—

(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, is authorized to make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of this section.

Subtitle H—Midnight Basketball

SEC. 1181. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Attorney General of the United States, in consultation with the Secretary of Housing and Urban Development, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (m) to—

(1) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of subsection (d); and

(2) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to paragraph (2), grants under subsection (a)(1) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a)(1) may not be made to an eligible entity if the entity has previously received a grant under such subsection, except that the Attorney General may exempt an eligible advisory entity from the prohibition under this paragraph in extraordinary circumstances.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a)(1) may use such amounts only—

(1) to establish or carry out a midnight basketball league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d)(9).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a)(1) shall establish a midnight basketball league program as follows:

(1) The program shall establish a basketball league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school drop-outs.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Attorney General in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor, and with the Advisory Committee.

(6) Basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

(7) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(8) The program shall comply with any criteria established by the Attorney General in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee established under subsection (i).

(9) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under subsection (h).

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Attorney General and the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (4)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)(1)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under subsection (a)(1) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Amounts provided under a grant under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a)(1), an eligible entity shall submit to the Attorney General an application in the form and manner required by the Attorney General (after consultation the Secretary of Housing and Urban Development and with the Advisory Committee), which shall include—

(1) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for basketball games and counseling, training,

and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall select eligible entities that have submitted applications under subsection (f) to receive grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

(h) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under subsection (a)(2) shall be made as follows:

(1) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

(A) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under subsection (d); and

(B) have provided technical assistance to other entities regarding establishment and operation of such programs.

(2) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under subsection (a)(1) of this section and section 520(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(a)) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection.

(3) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under subsection (m)(2) in each fiscal year, the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make technical assistance grants under subsection (a)(2). In each fiscal year that such amounts are available the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make 2 such grants, as follows:

(A) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in public housing projects.

(B) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $50,000.

(i) ADVISORY COMMITTEE.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall appoint an Advisory Committee to assist in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

(1) Not fewer than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under subsection (a)(2).

(2) A representative of the Office for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

(3) A representative of the Department of Education, who shall be selected by the Secretary of Education.

(4) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

(5) A representative of the Department of Labor, who shall be selected by the Secretary of Labor.

(j) REPORTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require each eligible entity receiving a grant under subsection (a)(1) and each eligible advisory entity receiving a grant under subsection (a)(2) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(k) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (m)(3), the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant amounts to carry out a study of the effectiveness of midnight basketball league programs at reducing crime and increasing employability under subsection (d) of eligible entities receiving grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Attorney General and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Advisory Committee" means the Advisory Committee established under subsection (i).

(2) The term "eligible advisory entity" means an entity meeting the requirements under subsection (h)(1).

(3) The term "eligible entity" means an entity described under subsection (b)(1).

(4) The term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a)(1), $2,500,000 in each of fiscal years 1992 and 1993;

(2) for technical assistance grants under subsection (a)(2), $100,000 in each of fiscal years 1992 and 1993; and

(3) for a study grant under subsection (k), $250,000 in fiscal year 1992.

SEC. 1191. GRANT PROGRAM.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B by—

(1) inserting after the heading for such part the following:

"Subpart I—General Grant Programs";

and

(2) adding at the end thereof a new subpart II, as follows:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug and gang-related activity in public housing projects;

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong;

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities;

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers; and

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(c) Of the funds made available to each State under this section (Formula Grants) 50 per centum of the funds made available to each State in any fiscal year shall be used for juvenile drug supply reduction programs and 50 per centum shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) The purpose of this section is to provide additional Federal assistance and support to identify promising new juvenile drug de-

mand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs. In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this subchapter.

"(c) Of the total amount appropriated for this subchapter, 20 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) The purpose of this section is—

"(1) to provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime and drug and alcohol related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(2) to replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles living at or near International Port of Entry or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) Of the total amount appropriated for this subchapter, 5 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 233(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs.

"AUTHORIZATION

"SEC. 234. There is authorized to be appropriated $100,000,000 in fiscal year 1992 and such sums as may be necessary in fiscal year 1993 to carry out the purposes of this subpart.

"ALLOCATION OF FUND

"SEC. 235. Of the total amounts appropriated under this subpart in any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 (Discretionary Grants) shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States;

"(2) Of the total funds remaining after the allocation under paragraph (a), 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 population of juveniles of such State bears to the population of juveniles of all the participating States.

"APPLICATION

"SEC. 236. (a) Each State applying for grants under section 231 (Formula Grants) and each public or private entity applying for grants under section 232 (Discretionary Grants) shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) To the extent practical, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I (general juvenile justice formula grant) and part C (special emphasis prevention and treatment grants), including the procedures relating to competition.

"(c) In addition to the requirements prescribed in subsection (b), each State application submitted under section 231 shall include a detailed description of how the funds made available shall be coordinated with Federal assistance provided in parts B and C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

Subtitle I—Trauma Centers

SEC. 1195. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) CONSULTATION.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 1196. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

Subtitle J—Certainty of Punishment for Young Offenders

SEC. 1198. SHORT TITLE.

This subtitle may be cited as the "Certainty of Punishment for Young Offenders Act of 1991".

SEC. 1199. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1161 of this Act, 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:

"PART R—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1801. 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 electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

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

"(8) innovative methods that address the problems of young 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. 1802. 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 title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 1802; 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. 1803. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1801(a) to carry out the projects described in the application submitted by such applicant under section 1802 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1802 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1801(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1804. 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 1802(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 1801 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 Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1805. 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 1801 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 criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice 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 1801.

"(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 1801, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1806. 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 subsection (a) 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.), as amended by section 1162 of this Act, is amended by striking the matter relating to part R and inserting the following:

"PART R—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1801. Grant authorization.
"Sec. 1802. State applications.
"Sec. 1803. Review of State applications.
"Sec. 1804. Local applications.
"Sec. 1805. Allocation and distribution of funds.
"Sec. 1806. Evaluation.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. 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)), as amended by section 1421 of this Act, is amended by adding after paragraph (24) the following:

"(25) The term 'young offender' means an individual 28 years of age or younger.".

(d) AUTHORIZATION OF APPROPRIATIONS.—

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part R.".

TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Law Enforcement Family Support

SEC. 1201. LAW ENFORCEMENT FAMILY SUPPORT.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency that receives funds under this Act shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency that receives funds under this Act may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this Act.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this Act shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) Such report shall contain—

"(A) a description of the types of projects developed or improved through funds received under this Act;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) 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.), as amended by section 1199 of this Act, is amended by striking the matter relating to part V and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act, is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under section 1901 in part S of this Act, including administrative costs, research, and training programs.".

Subtitle B—Police Pattern or Practice

SEC. 1211. PATTERN OR PRACTICE CASES; CAUSE OF ACTION.

Chapter 21 of title 42, United States Code, is amended by adding the following new section:

"SECTION 1998. PATTERN OR PRACTICE CASES.

"(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities, secured or protected by the Constitution or laws of the United States.

"(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.".

SEC. 1212. DATA ON USE OF EXCESSIVE FORCE.

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney general shall publish an annual summary of the data acquired under this section.

Subtitle C—Police Corps and Law Enforcement Officers Training and Education

SEC. 1221. SHORT TITLE.

This title may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 1222. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 1223. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subtitle A and the Law Enforcement Scholarship program established in subtitle B and shall have authority to promulgate regulations to implement this title.

SEC. 1224. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subtitle A or the Law Enforcement Scholarship program under subtitle B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this title;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subtitle A, meet the requirements of section 1236; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subtitle B, meet the requirements of section 826.

CHAPTER 1—POLICE CORPS PROGRAM

SEC. 1231. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 1233;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 1236.

SEC. 1232. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(4) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(5)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study, and

(2) where a participant has enrolled in the program upon or after transfer to a four-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 1234, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1234; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (B) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(g) DEFINITION.—For the purposes of this section the term "institution of higher education" has the meaning given that term in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1233. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1235(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1235, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 1235, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this Act that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 1234. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 1236 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 1235. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 1234 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

(d) LAY-OFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

SEC. 1236. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1233;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10

percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 1237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 1242. DEFINITIONS.

As used in this subtitle—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 1243. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 11, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 1244. PROGRAM ESTABLISHED.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—Each State receiving an allotment pursuant to section 823 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) EMPLOYMENT.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an accredited institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State receiving an allotment under section 823 the Federal share of the cost of the activities described in the application submitted pursuant to section 827.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 823 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subtitle.

(d) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 823 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 823 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 1245. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 1246. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subtitle if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 1247. STATE APPLICATION.

Each State desiring an allotment under section 823 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 1248. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such

information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 1249. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this subtitle in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this subtitle may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subtitle.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 1250. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subtitle.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 824(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 1244(a)(1)(B) and 1244(a)(2).

CHAPTER 3—REPORTS

SEC. 1261. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subtitle A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subtitle B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subtitle B; and

(5) describe the progress of the programs authorized by this title and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subtitle B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

Subtitle D—Study Rights of Police Officers

SEC. 1271. STUDY ON OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;
(2) conduct of questioning;
(3) counsel;
(4) hearings;
(5) appeal; and
(6) sanctions.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1991".

SEC. 1302. AUTHORIZATION FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated for fiscal year 1992, $345,500,000 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include:

(A) not to exceed $45,000,000 to hire, equip and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of state and local overtime, equipment and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations;

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train and equip no fewer than 500 full-time equivalent Border Patrol officer positions;

(B) $20,000,000 to hire, train and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses;

(5) For the United States Marshals Service, $10,000,000;

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs;

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title; and

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

SEC. 1303. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEYS' OFFICE IN PHILADELPHIA, PENNSYLVANIA.

There is hereby authorized to be appropriated $35,000,000 to remain available until expended, to plan, acquire a site, design, construct, buildout, equip, and prepare for use an office building to house the United States Attorneys Office in Philadelphia, Pennsylvania, notwithstanding any other provision of law: Provided, That the site is at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center: Provided further, That the site selected for the Philadelphia United States Attorneys Office shall be approved by the Attorney General and notification submitted to the Congress as required by law.

TITLE XIV—PRISONS

Subtitle A—Federal Prisons

SEC. 1401. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: "However, the bureau may not consider the social or economic status of the prisoner in designating the place of the prisoner's imprisonment.".

SEC. 1402. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defend-

ants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 1403. FEDERAL PRISONER DRUG TESTING.

(a) SHORT TITLE.—This title may be cited as the "Federal Prisoner Drug Testing Act of 1991".

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.".

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release.".

(c) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

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

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4).".

(d) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

(e) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

SEC. 1404. DRUG TREATMENT IN FEDERAL PRISONS.

(a) SHORT TITLE.—This section may be cited as the "Drug Treatment in Federal Prisons Act of 1991".

(b) DEFINITIONS.—

As used in this section—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1993;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1994; and

(C) for all eligible prisoners by the end of fiscal year 1995 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(d) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(1) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

"(2) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.".

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1991 and each fiscal year thereafter such sums as may be necessary to carry out this title.

SEC. 1405. PRISON FOR VIOLENT DRUG OFFENDERS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The total population of Federal, State, and local prisons and jails increased by 84 percent

between 1980 and 1988 and currently numbers more than 900,000 people.

(2) More than 60 percent of all prisoners have a history of drug abuse or are regularly using drugs while in prison, but only 11 percent of State prison inmates and 7 percent of Federal prisoners are enrolled in drug treatment programs. Hundreds of thousands of prisoners are not receiving needed drug treatment while incarcerated, and the number of such persons is increasing rapidly.

(3) Drug-abusing prisoners are highly likely to return to crime upon release, but the recidivism rate is much lower for those who successfully complete treatment programs. Providing drug treatment to prisoners during incarceration therefore provides an opportunity to break the cycle of recidivism, reducing the crime rate and future prison overcrowding.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the fiscal year ending September 30, 1992, the following amounts:

(1) $600,000,000 for the construction of 10 regional prisons; and

(2) $100,000,000 for the operation of such regional prisons for one year.

Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

(c) LOCATION AND POPULATION.—The regional prisons authorized by this section shall be located in places chosen by the Director of the Bureau of Prisons, after consulting with the Director of National Drug Control Policy, not less than 6 months after the effective date of this section. Each such facility shall be used to accommodate a population consisting of State and Federal prisoners in proportions of 20 percent Federal and 80 percent State.

(d) ELIGIBILITY OF PRISONERS.—The regional prisons authorized by this section shall be used to incarcerate State and Federal prisoners who have release dates of not more than 2 years from the date of assignment to the prison and who have been found to have substance abuse problems requiring long-term treatment.

(e) STATE RESPONSIBILITIES.—(1) The States shall select prisoners for assignment to the regional prisons who, in addition to satisfying eligibility criteria otherwise specified in this section, have long-term drug abuse problems and serious criminal histories. Selection of such persons is necessary for the regional prison program to have the maximum impact on the crime rate and future prison overcrowding, since such persons are the ones most likely to commit new crimes following release. Prisoners selected for assignment to a regional prison must agree to the assignment.

(2) Any State seeking to refer a State prisoner to a regional prison shall submit to the Director of the Bureau of Prisons (referred to as the "Director") an aftercare plan setting forth the provisions that the State will make for the continued treatment of the prisoner in a therapeutic community following release. The aftercare plan shall also contain provisions for vocational job training where appropriate.

(3) The State referring the prisoner to the regional prison (referred to as the "sending State") shall reimburse the Bureau of Prisons for the full cost of the incarceration and treatment of the prisoner, except that if the prisoner successfully completes the treatment program, the Director shall return to the sending State 25 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare treatment required by paragraph (2).

(f) POWERS OF THE DIRECTOR.—(1) The Director shall have the exclusive right to determine whether or not a State or Federal prisoner satisfies the eligibility requirements of this section, and whether the prisoner is to be accepted into the regional prison program. The Director shall have the right to make this determination after the staff of the regional prison has had an opportunity to interview the prisoner in person.

(2) The Director shall have the exclusive right to determine if a prisoner in the regional treatment program is complying with all of the conditions and requirements of the program. The Director shall have the authority to return any prisoner not complying with the conditions and requirements of the program to the sending State at any time. The Director shall notify the sending State whenever such prisoner is returned that the prisoner has not successfully completed the treatment program.

SEC. 1406. BOOT CAMPS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this section as "boot camps"). The boot camps will be located on closed military installations on sites to be chosen by the Director of the Bureau of Prisons, after consultation with the Director of National Drug Control Policy, and will provide a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training as well as remedial education and treatment for substance abuse.

(b) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (d).

(c) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) has no prior conviction for which he or she has served more than 10 days incarceration; and

"(iii) has been convicted of an offense involving a controlled substance punishable under the Controlled Substances Act or the Controlled Substances Export and Import Act, or any other offense if the defendant, at the time of arrest or at any time thereafter, tested positive for the presence of a controlled substance in his or her blood or urine; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 15 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(d) STATE PRISONERS.—(1) The head of a State corrections department or the head's designee may apply for boot camp placement for any person who has been convicted of a criminal offense in that State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by the head of the State corrections department or the head's designee that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 30 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has been convicted of an offense involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or any other offense if the defendant is eligible for assignment to a boot camp under State law.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) Any State referring a prisoner to a boot camp shall reimburse the Bureau of Prisons for the full cost of the incarceration of the prisoner, except that if the prisoner successfully completes the boot camp program, the Bureau of Prisons shall return to the State 20 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare supervision and services required by paragraph (e).

(e) POST-RELEASE SUPERVISION.—(1) Any State seeking to refer a State prisoner to a boot camp prison shall submit to the Director of the Bureau of Prisons an aftercare plan setting forth the provisions that the State will make for the continued supervision of the prisoner following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(2) The Bureau of Prisons shall develop an aftercare plan setting forth the provisions that will be made for the continued supervision of Federal prisoners following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000,000 for fiscal year 1992, available until expended, of which not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison and not more than $2,500,000 shall be used to operate each boot

camp for one fiscal year. Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

Subtitle B—State Prisons

SEC. 1421. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.

This section may be cited as the "Substance Abuse Treatment in State Prisons Act of 1991".

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1201 of this Act, is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following:

"PART U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 1902; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) 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.), as amended by section 1201 of this Act, is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (25) the following:

"(26) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202 of this Act, is amended by adding after paragraph (10) the following:

"(14) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1422. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration, or statewide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as re-

quired by subsection (b), and if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General is authorized to make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" shall include, but not be limited to, self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 1423. NATIONAL INSTITUTE OF JUSTICE STUDY.

(a) FEASIBILITY STUDY.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) REPORT TO CONGRESS.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 1424. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 1425. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

SEC. 1426. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE XV—RURAL CRIME

Subtitle A—Fighting Drug Trafficking in Rural Areas

SEC. 1501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—The second paragraph (7) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "(7)" and inserting "(8)"; and

(2) by striking "and such" and all that follows through "part O" and inserting "$50,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O of this title".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1502. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1992, 1993 and 1994 to carry out the purposes of subsection (a) of this section.

Subtitle B—Rural Drug Prevention and Treatment

SEC. 1511. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

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

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (hereafter referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health cen-

ters, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

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

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

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

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

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

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

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

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

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

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1512. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa–7) is amended—

(1) in paragraph (3), by striking "and" at the end thereof;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs—

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle C—Drug Free Truck Stops and Safety Rest Areas

SEC. 1521. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of (A) a term of imprisonment of not less than 3 years and not more than life imprisonment or (B) 3 times the maximum punishment authorized by section 401(b); and

"(2) by at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under chapter 311 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

"(d) For purposes of this section—

"(1) the term 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) that has the capacity to provide fuel or service, or both, to any commercial motor vehicle as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986, operating in commerce as defined in section 12019(3) of such Act and that is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.".

(2) CONFORMING AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "409," immediately before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409, the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—

(1) PROMULGATION OF GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (c), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(A) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(B) in no event less than level 26.

(2) IMPLEMENTATION BY SENTENCING COMMISSION.—If the sentencing guidelines are amended after the date of enactment of this Act, the Sentencing Commission shall implement the instruction set forth in paragraph (1) so as to achieve a comparable result.

(3) LIMITATION.—The guidelines described in paragraph (1), as promulgated or amended under this subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to this subsection is subject to not more than one such enhancement.

TITLE XVI—DRUG CONTROL

Subtitle A—Drug Emergency Areas

SEC. 1601. DRUG EMERGENCY AREAS.

Section 1005 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504) is amended by adding at the end the following:

"(e) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State or where the threat of a drug-related emergency exists to part of a State bordering part of a foreign country where a drug-related emergency is known to exist, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug smuggling, drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under subparagraph (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude, that Federal assistance is necessary to assure an effective response to save lives, and to protect property and public health and safety.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug smuggling, drug use or drug-related violence, but shall also

consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining that government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—Assistance under this subsection shall be subject to annual audit by the Comptroller General.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994, $300,000,000 to carry out this subsection.".

Subtitle B—Precursor Chemicals

SEC. 1611. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1991".

SEC. 1612. DEFINITION AMENDMENTS.

(a) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and by inserting in lieu thereof "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and by inserting in lieu thereof "list I chemical" and by striking "critical to the creation" and by inserting in lieu thereof "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting in lieu thereof "list II chemical" and by striking "that is used as a solvent, reagent, or catalyst" and by inserting in lieu thereof ", which is not a list I chemical, that is used";

(4) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" and by inserting in lieu thereof "list I chemical or a list II chemical" in both places it appears.

(b) Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting in lieu thereof "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting in lieu thereof "a list II chemical";

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting in lieu thereof "chemical control".

(c) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting in lieu thereof "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine.";

(3) in paragraph (39)(A) by striking "or exportation" and inserting in lieu thereof ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semi-colon and inserting in lieu thereof "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semi-colon and inserting in lieu thereof "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding a new paragraph as follows:

"(42) the terms 'broker' or 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing a buyer, seller and/or transporter together.".

SEC. 1613. REGISTRATION REQUIREMENT.

(a) Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting in lieu thereof "and to the registration and control of regulated persons and of regulated transactions.".

(b) Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" in each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance with applicable Federal, State and local law;

"(3) prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) past experience in the manufacture and distribution of chemicals; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

(d) Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" in each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) by redesignating subsection (c) as subsection (c)(1);

(2) by adding at the end the following:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (5) of section 303(h) shall be considered.";

(3) in subsection (d)(3) by inserting "or list I chemical or chemicals," after "substances,";

(4) in subsection (d)(6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(5) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(6) in subsections (f), (g) and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(9) who is a regulated person to distribute, import or export a list I chemical without the registration required by this title.".

SEC. 1614. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each" and inserting "(b)(1) Each";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" each place it appears and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" each place it appears and inserting "subparagraph (C)"; and

(6) by adding at the end the following:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by him.".

SEC. 1615. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the follow new subsection:

"(e) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical which is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, record keeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this chapter;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this chapter;

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

SEC. 1616. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the following new subsection:

"(f)(1) The Attorney General may by regulation require that the 15 day advance notice requirement of subsection (a) of this section apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as "regular customers" if he finds that such action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party;

"(2) The Attorney General may by regulation waive the 15 day advance notice requirement for exports of specific listed chemicals to specified countries if he determines that such advance notice is not required for effective chemical control. If such advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15 day advance notice requirement for the importation of specific listed chemicals if he determines that such requirement is not necessary for effective chemical control. If such advance notice requirement is waived, importers of such listed chemicals shall be required to either submit reports of individual importations or to submit periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) (as amended by section 1615(b)) is amended by—

(1) inserting "or" after the semicolon at the end of paragraph (4); and

(2) adding a new paragraph (5) as follows:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or record-keeping requirements of section 1018 of this title applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d)(1) or (2) of this title by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported;".

SEC. 1617. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraph (X) as (U), respectively;

(3) by inserting after subparagraph (U), as so redesignated by paragraph (2), the following:

"(V) benzaldehyde.

"(W) nitroethane.";

(4) by redesignating subparagraph (Y) as (X); and

(5) by striking "(M) through (X)" in redesignated subparagraph (X) and inserting in lieu thereof "(M) through (U)".

SEC. 1618. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person." and inserting in lieu thereof "to an importation by a regular importer.";

(2) in subsection (b)(2) by striking "a customer or supplier of a regulated person" and inserting in lieu thereof "a customer of a regulated person or to an importer" and by striking "regular supplier" and inserting in lieu thereof "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting in lieu thereof "regular importer".

SEC. 1619. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 of this title (or exempt from such registration under section 302(d) of this title or by regulation of the Attorney General), or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such activity are maintained.".

SEC. 1620. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)) is amended by inserting "a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1621. MANAGEMENT OF LISTED CHEMICALS.

(a) Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 310 the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001 through 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921–6925).

"(b)(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property; and

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less

than 5 years, nor less than 10 years in the case of a willful violation.

"(4) The Court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding the following new paragraph at the end thereof:

"(11) for costs assessed under section 311(b) of the Controlled Substances Act.".

Subtitle C—General Provisions

SEC. 1631. CRIMINAL PENALTY FOR FAILURE TO OBEY ORDER TO LAND.

(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 laundering), shall be fined under this title, or imprisoned not more than two 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. 1632. 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)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

SEC. 1633. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting in lieu thereof "(d)".

SEC. 1634. CLOSE LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1635. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER THE RICO STATUTE.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting in lieu thereof "a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act".

SEC. 1636. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(1) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting in lieu thereof "a prior conviction for a felony drug offense has become final";

(2) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony for a felony drug offense have become final".

(3) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means";

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1637. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

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

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1638. ANABOLIC STEROIDS PENALTIES.

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

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

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

SEC. 1639. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101–516 WHICH CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THAT STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of Public Law 101–516, section 333. This program shall notify the Governors and State Representatives of the requirements of Public Law 101–516, section 333.

SEC. 1640. ADVERTISING.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by inserting after subsection (b) the following:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in ad-

dition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."; and

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively.

SEC. 1641. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

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. 1642. NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended by adding at the end the following:

"(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1991, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

SEC. 1643. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF $10,000 IN WEAPON SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.

SEC. 1644. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding the following new paragraph at the end thereof:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed under this paragraph.".

TITLE XVII—DRUNK DRIVING PROVISIONS

SEC. 1701. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 1702. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

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

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 1703. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE XVIII—COMMISSIONS

Subtitle A—Commission on Crime and Violence

SEC. 1801. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

SEC. 1802. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors lending to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

SEC. 1802. RESPONSIBILITIES OF THE COMMISSION.

The Commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(7) Review all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

SEC. 1821. SHORT TITLE.

This subtitle may be cited as the "National Commission to Study the Causes of the Demand for Drugs in the United States".

SEC. 1822. ESTABLISHMENT.

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (hereinafter in this Act referred to as the "Commission").

SEC. 1823. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) EXAMINATION.—Matters examined by the Commission under this section shall include the following:

(1) CHARACTERISTICS.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) ENVIRONMENT.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) ASSOCIATIONS AND SOCIAL RELATIONSHIPS.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(4) CULTURE.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) PHYSIOLOGICAL AND PSYCHOLOGICAL FACTORS.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) EFFORTS OF GOVERNMENTS.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

SEC. 1824. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 13 members, as follows:

(A) PRESIDENT.—Three individuals appointed by the President.

(B) SENATE.—Five individuals appointed jointly by the majority and minority leaders of the Senate. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) HOUSE OF REPRESENTATIVES.—Five individuals appointed jointly by the Speaker, majority leader, and minority leader of the House of Representatives. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology,

(ii) psychology,

(iii) law,

(iv) bio-medicine,

(v) addiction, and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1825. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1826. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1827. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1828. TERMINATION.

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

Subtitle C—National Commission to Support Law Enforcement

SEC. 1831. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act".

SEC. 1832. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of

1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 1833. ESTABLISHMENT.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this title as the "Commission").

SEC. 1834. DUTIES.

(a) IN GENERAL. —The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 1835. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) One shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Majority Leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a governor, mayor, or State attorney general, to be appointed by the President.

(b) COMPTROLLER GENERAL.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 1836. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 1837. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1838. REPORT.

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 1839. TERMINATION.

The Commission shall cease to exist upon the expiration of the sixty-day period beginning on the date on which the Commission submits its report under section 1838.

SEC. 1840. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (Public Law 101-647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Public Law 101-515; 104 Stat. 2122) are repealed.

TITLE XIX—BAIL POSTING REPORTING

SEC. 1901. SHORT TITLE.

This title may be cited as the "Illegal Drug Profits Act of 1991".

SEC. 1902. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000, and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance,

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code),

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code), or

(4) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney, and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the enactment of this title.

(e) EFFECTIVE DATE.—This section shall become effective 60 days after the date of the promulgation of regulations under subsection (c).

TITLE XX—MOTOR VEHICLE THEFT PREVENTION

SEC. 2001. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 2002. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) TYPE OF DESIGN.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) MORE THAN ONE SET OF CONDITIONS.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) MOTOR VEHICLES FOR HIRE.—

(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) TYPE OF NOTICE.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 2002. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) BASIC OFFENSE.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) Whoever, with intent to further the theft of a vehicle, knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title or imprisoned not more than five years, or both.".

(b) EXCEPTED PERSONS.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended by—

(1) striking "and" after the semicolon in subparagraph (B);

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

(3) adding at the end thereof the following:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.".

(d) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 25 of title 18, United States Code, is amended by adding immediately after the item for section 511 the following:

"511A. Unauthorized application of theft prevention decal or device.".

TITLE XXI—PROTECTIONS FOR THE ELDERLY

SEC. 2101. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 2102. CRIMES AGAINST THE ELDERLY.

(a) IN GENERAL.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) CRITERIA.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—As used in this section—

(1) the term "crime of violence" means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code; and

(2) the term "elderly victim" means a victim who is 65 years of age or older at the time of an offense.

TITLE XXII—CONSUMER PROTECTION

SEC. 2201. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business, or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

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

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the

business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

SEC. 2202. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1991.

(a) SHORT TITLE.—This section may be cited as the "Consumer Protection Against Credit Card Fraud Act of 1991".

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;".

(c) TECHNICAL AMENDMENTS.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking "or" at the end of paragraph (3);

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e) by—

(A) striking "and" at the end of paragraph (5);

(B) adding "and" at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 2203. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

SEC. 2301. SHORT TITLE.

This title may be cited as the "Financial Institutions Fraud Prosecution Act of 1991".

SEC. 2302. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking "or 1956"; and

(2) by inserting "1517, 1956, or 1957".

SEC. 2303. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 2304. CRIME CONTROL ACT AMENDMENT.

Section 2546 of the Crime Control Act of 1990 (Public Law 101-647, 104 Stat. 4885) is amended by adding at the end the following:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE

SEC. 2401. SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

TITLE XXV—SENTENCING PROVISIONS

SEC. 2501. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 2502. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 2503. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 2504. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease super-

vision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or''; and

(3) by striking subsection (g) and inserting the following:

''(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

''(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

''(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

''(3) refuses to cooperate in drug testing imposed as a condition of supervised release;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

''(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

''(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.''.

TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENTS

SEC. 2601. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: ''However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.''.

SEC. 2602. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding ''other than a petty offense'' after ''misdemeanor''; and

(2) in subsection (g) by amending the first sentence to read as follows: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.''.

SEC. 2603. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: ''A magistrate judge who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.''.

TITLE XXVII—COMPUTER CRIME

SEC. 2701. COMPUTER ABUSE AMENDMENTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the ''Computer Abuse Amendments Act of 1991''.

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

''(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

''(i) the person causing the transmission intends that such transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

''(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

''(ii) the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

''(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

''(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

''(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

''(ii) if the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of a value aggregating $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;''.

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking ''and'' after the semicolon;

(2) in paragraph (3)(A) by inserting ''(A)'' after ''(a)(5)''; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting ''; and''; and

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

''(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).''.

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.''.

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

''(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.''.

(f) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting ''adversely'' before ''affects the use of the Government's operation of such computer''.

TITLE XXVIII—PARENTAL KIDNAPPING

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the ''International Parental Kidnapping Crime Act of 1991''.

SEC. 2802. TITLE 18 AMENDMENT.

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

''§1204. International parental kidnapping

''(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title 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 legally binding agreement of the parties.

''(c) It shall be an affirmative defense under this section that—

''(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

''(2) the defendant was fleeing an incidence or pattern of domestic violence;

''(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) 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. 2803. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

TITLE XXIX—SAFE SCHOOLS

Subtitle A—Safe Schools

SEC. 2901. SHORT TITLE.

This title may be cited as the "Safe Schools Act of 1991".

SEC. 2902. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1421 of this Act, is amended—

(1) by redesignating part U as part Y;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"SEC. 2101. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in Spanish in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2102. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2103. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2002;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filed with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps;

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

"(6) a description of educational materials to be developed in Spanish.

"SEC. 2104. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

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

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2003(c).

"SEC. 2105. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2003(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2003(c).

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

"SEC. 2106. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2003(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2003(b)(4), and an evaluation of programs established under this part.

"SEC. 2107. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) 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.), as amended by section 1421 of this Act, is amended by striking the matter relating to part U and inserting the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"Sec. 2101. Grant authorization.
"Sec. 2102. Use of funds.
"Sec. 2103. Applications.
"Sec. 2104. Allocation of funds; limitations on grants.
"Sec. 2105. Award of grants.
"Sec. 2106. Reports.
"Sec. 2107. Definitions.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1421 of this Act, is amended by adding after paragraph (14) the following:

"(15) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part U.".

Subtitle B—Miscellaneous Provisions

SEC. 2912. RECORDS.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 2913. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Subsection (c) of section 5122 of the Drug-Free Schools and Communities Act of 1986, as amended by section 1504(3) of Public Law 101–647, is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

TITLE XXX—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 3001. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall";

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "ten"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "six".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved in the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 3002. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

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

(3) by striking "three" and inserting "six".

SEC. 3003. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life".

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "more more than $1,000" an inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

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

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life".

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death;";

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

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than $10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life".

Subtitle B—Extension of Protection of Civil Rights Statutes

SEC. 3011. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

Subtitle C—Audit and Report

SEC. 3021. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).".

SEC. 3022. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

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

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

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

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

Subtitle D—Counterfeit Goods Traffic

SEC. 3031. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence by striking "imprisoned not more than five years" and inserting "imprisoned not more than 10 years"; and

(2) in the second sentence by striking "imprisoned not more than fifteen years" and inserting "imprisoned not more than 20 years".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),".

Subtitle E—Gambling

SEC. 3041. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization (including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))) that has governmental authority within the territorial boundaries of the United States (including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4))),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographic references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery in operation in a State or subdivision of a State, to the extent that such a lottery actually was conducted by that State or subdivision at any time during the period beginning January 1, 1976 and ending August 31, 1990;

"(2) a betting, gambling, or wagering scheme in operation in a State or subdivision of a State, other than a lottery described in paragraph (1), where both—

"(A) such scheme was authorized by a statute as in effect on August 31, 1990; and

"(B) any scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or subdivision at any time during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of that State or subdivision;

"(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

"(A) such scheme or a similar scheme was in operation in that municipality not later than one year after the effective date of this chapter; and

"(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

"(4) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure ..... 3001";

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection ..... 3701".

SEC. 3042. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

SEC. 3043. CLARIFYING AMENDMENTS REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

(a) DEFINITION OF GAMBLING SHIP IN TITLE 18.—The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986).".

(b) CLARIFICATIONS OF, AND LIMITATIONS ON, GAMBLING DEVICES PROHIBITIONS.—

(1) TRANSPORT TO A PLACE IN A STATE, ETC..—Section 2 of the Act of January 2, 1951 (15 U.S.C. 1172; commonly referred to as the "Johnson Act"), is amended—

(A) by inserting before the first paragraph the following: "(a) GENERAL RULE.—";

(B) in subsection (a) (as so designated) by striking ", District of Columbia,";

(C) by inserting before the second paragraph the following: "(b) AUTHORITY OF FEDERAL TRADE COMMISSION.—"; and

(D) by adding at the end the following:

"(c) EXCEPTION.—This section does not prohibit the transport of a gambling device to a place in a State or a possession of the United States on a vessel on a voyage, if—

"(1) use of the gambling device on a portion of that voyage is, by reason of subsection (b) of section 5, not a violation of that section; and

"(2) the gambling device remains on board that vessel while in that State.".

(2) REPAIR, OTHER TRANSPORT, ETC.—Section 5 of that Act (15 U.S.C. 1175) is amended—

(A) by inserting before "It shall be unlawful" the following: "(a) GENERAL RULE.—";

(B) by inserting before the period at the end the following: ", including on a vessel documented under chapter 121 of title 46, United States Code, or documented under the laws of a foreign country"; and

(C) by adding at the end the following:

"(d) EXCEPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section does not prohibit—

"(A) the repair, transport, possession, or use of a gambling device on a vessel that is on waters that are not within the boundaries of any State or possession of the United States; or

"(B) the transport or possession, on a voyage, of a gambling device on a vessel in waters that are within the boundaries of any State or possession of the United States, if—

"(i) use of the gambling device on a portion of that voyage is, by reason of subparagraph (A), not a violation of this section; and

"(ii) the gambling device remains on board that vessel while within the boundaries of that State or possession.

"(2) APPLICATION TO CERTAIN VOYAGES.—

"(A) GENERAL RULE.—Paragraph (1)(A) does not apply to the repair or use of a gambling device on a vessel that is on a voyage or segment of a voyage described in subparagraph (B) of this paragraph if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute the terms of which prohibit that repair or use on that voyage or segment.

"(B) VOYAGE AND SEGMENT DESCRIBED.—A voyage or segment of a voyage referred to in subparagraph (A) is a voyage or segment, respectively—

"(i) that begins and ends in the same State or possession of the United States, and

"(ii) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country.".

(3) BOUNDARIES DEFINED.—The first section of that Act (15 U.S.C. 1171) is amended by adding at the end the following:

"(f) The term 'boundaries' has the same meaning given that term in section 2 of the Submerged Lands Act (43 U.S.C. 1301).".

Subtitle F—White Collar Crime Amendments

SEC. 3051. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receiving the proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than one year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than three years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion.".

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than one year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 3052. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

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

"(b) Whoever receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.".

SEC. 3053. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code or" before "the Antitrust Civil Process Act".

SEC. 3054. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 3055. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.".

SEC. 3056. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666 of this title.".

Subtitle G—Other Provisions

SEC. 3061. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 3062. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense.".

SEC. 3063. UNDERCOVER OPERATIONS.

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

"§21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

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

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 3064. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 3065. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 3066. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

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

(2) by inserting "or" at the end of paragraph (d); and

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

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 3067. THEFTS OF MAJOR ART WORKS.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"§668. Theft of a major art work

"(a) Whoever steals or obtains by fraud any object of cultural heritage held in a museum, or knowing the same to have been stolen, converted, or taken by fraud receives, conceals, stores, sells, exhibits, or disposes of such goods, shall be fined under this title, imprisoned for not more than the maximum term of imprisonment for a class C felony, or both.

"(b) Notwithstanding section 3282 of this title, the statute of limitations for an offense under this section shall be 20 years.

"(c) The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982 of this title.

"(d) For purposes of this section—

"(1) The term 'museum' means an organized and permanent institution, situated in the United States, essentially educational or aesthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public on some regularly scheduled period.

"(2) The term 'stolen object of cultural heritage' means an object stolen from a museum after the effective date of this title reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, or any equivalent registry.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"668. Theft of a major art work.".

SEC. 3068. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States, and

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation, and

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990, and

(4) only one of these vacancies has been filled, and

(5) during the current administration, it has taken an average of 502 days from the time a judgeship becomes vacant until such vacancy is filled, and

(6) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases, and

(7) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone, and

(8) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary, and

(9) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships, and

(10) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(11) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in crimi-

nal caseload adds to the delay in meeting the needs of the Judiciary.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

SEC. 3069. AWARD OF ATTORNEY'S FEES.

Section 519 of title 28, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

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

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such inquiry the Attorney General shall consider:

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 3070. 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. 3071. MISUSE OF INITIALS "DEA".

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

SEC. 3072. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 3073. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof;".

TITLE XXXI—TECHNICAL CORRECTIONS

SEC. 3101. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of",

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)",

(3) in subsection (e) by striking "or (e)" and inserting "or (f)",

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but", and

(ii) by striking "this subsection," and inserting "this subsection", and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)", and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section", and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) 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)) is amended in paragraph (3) by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)",

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection", and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(g) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant",

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications", and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,",

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319",

(4) in section 603(a)(6) by striking "605" and inserting "606",

(5) in section 605 by striking "this section" and inserting "this part",

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics",

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts",

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E",

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503",

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part",

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or",

(10) in section 808 by striking "408, 1308," and inserting "507",

(11) in section 809(c)(2)(H) by striking "805" and inserting "804",

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance",

(13) in section 901(a)(3) by striking "and," and inserting ", and",

(14) in section 1001(c) by striking "parts" and inserting "part".

(j) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 3102. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) AMENDMENT TO SECTION 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

(j) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102–27, but subsequently repealed.

(k) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) TABLE OF CONTENTS CORRECTION.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(m) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 3103. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 1956 OF TITLE 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(f) SECTION 408 OF THE CONTROLLED SUBSTANCE.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(i) SECTION 3143 OF TITLE 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

SEC. 3104. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation,", and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443, by striking "or (3) five years after 12 o'clock noon of December 31, 1946,"; and

(18) in sections 542, 544, and 545, by striking "the Philippine Islands,".

SEC. 3105. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

SEC. 3106. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 3107. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

SEC. 3108. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Evironmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d);

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph; and

(5) in section 151, by striking "mean" and inserting "means".

(6) in section 208(b), by inserting "if" after "(4)";

(7) in section 209(d), by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014, by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291, by striking "the afore-mentioned" and inserting "such".

SEC. 3109. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Sub-

stances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 3110. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION

Title 18, United States Code, is amended—

(1) in section 212, by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§ 1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out "subdivision" each place it appears and inserting "subsection"; and

(B) by striking out "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B), by striking "materails" and inserting "materials";

(9) in section 14, by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b), by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c), by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

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

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204, by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3), by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176, by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii), by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

SEC. 3111. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) INCORRECT REFERENCE AND PUNCTUATION CORRECTION.—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101–647 is amended, effective the date such section took effect, by striking "The chapter heading for" and inserting "The table of sections at the beginning of".

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of Public Law 99–646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–674 is amended, effective on the date such section took effect, by striking "new rule".

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective the date such section took effect, by inserting "at the end" after "adding".

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective the date such section took effect, by striking "10" and inserting "ten".

(i) CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective the date such sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective the date such section took effect, by striking "4th" and inserting "5th".

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101–647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A), by inserting "each place it appears" after the quotation mark following "subchapter".

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101–647 is amended, effective the date such section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101–647 is repealed, effective the date of the enactment of such Public Law.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101–647 is amended, effective the date such section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101–647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101–647 is repealed, effective the date such section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101–647 is amended, effective the date such section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101–647 is amended, effective the date such section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101–647 is amended, effective the date such section took effect, by striking "108(3)" and inserting "2508(3)".

SEC. 3115. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),";

(2) in subsection (a)(2) and in subsection (b), by striking "transportation" each place it appears and inserting "transportation, transmission, or transfer";

(3) in subsection (a)(3), by striking "represented by a law enforcement officer" and inserting "represented"; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 3116. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

HELMS AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 652, supra, as follows:

At the appropriate place, add the following:

SEC.—. CRIMINAL TEXTILE TRADE PRACTICES BY COMMUNIST CHINA.—It is the sense of the Senate that the President should immediately suspend nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") for the People's Republic of China until the President determines and certifies to Congress that no senior-level official of the Government of the People's Republic of China, nor any senior-level official of a provincial government of the People's Republic of China are under indictment in the United States for criminal activities in connection with the export of textiles to the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 2656, the Petroleum Marketing Practices Act Amendments of 1992.

The hearing will take place on Wednesday, May 13, 1992, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at (202) 224–4820.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 21, 1992, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes;

S. 2101, to amend the Wild and Scenic Rivers Act by designating the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 2572, to authorize an exchange of lands in the States of Arkansas and Idaho; and

H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224–7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 9:30 a.m., to hold a hearing. The committee will receive testimony on Senate Joint Resolution 221 and Senate Joint Resolution 275, providing for the appointments of Hanna H. Gray and Wesley S. Williams, Jr., respectively, as citizen regents of the Smithsonian Institution.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commit tee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, at 2 p.m., to conduct a hearing on "Treaty Between the United States and the Republic of Panama on Mutual Assistance in Criminal Matters."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 10 a.m., for a hearing on S. 1622, "Comprehensive OSHA Reform."

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee. on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 6, at 10 a.m., to conduct a hearing on the role of children's educational television in the transformation of the former Soviet Union.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 6, 1992, at 10 a.m., to hold a hearing on "Comprehensive Reform of Health Care Costs."

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 10:30 a.m., to hold a hearing on "Retail Gasoline Marketing."

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, May 6, 1992, at 2 p.m., in open and closed sessions, to receive testimony on Department of Energy national security programs in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 9:30 a.m., May 6, 1992, to receive testimony on the science concerning global climate change.

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

COMMITTEE ON LABOR AND HUNGER RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 2 p.m. for a hearing on "Live Performing Arts Labor Relations Amendments."

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

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services be authorized to meet on Wednesday, May 6, 1992, at 10 a.m., in open session, to receive testimony on logistics programs in review of the amended Defense authorization request for fiscal year 1993.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 6, beginning at 12:15 p.m., to conduct a hearing to receive testimony from Kenneth C. Rogers, nominated by the President to be a member of the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 6, 1992, at 9:30 a.m. on S. 2297 and the Land Remote Sensing Program.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 6, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations Subcommittee on Foreign Operations be allowed to meet during the session of the Senate on Wednesday, May 6, 1992, at 10 a.m. in SD–628, to hold a joint hearing on aid to the former Soviet Union.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 6, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the implementation of the Indian Gaming Regulatory Act.

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

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 6, beginning at 10 a.m., to conduct a hearing on nuclear waste and nuclear powerplant safety in Russia.

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

ADDITIONAL STATEMENTS

NATIONAL TEACHER APPRECIATION WEEK

• Mr. AKAKA. Mr. President, I rise today to recognize National Teacher Appreciation Week. During this week, May 3 through 9, students, parents, and communities across the country will be taking the opportunity to acknowledge the dedication and commitment of our country's teachers to this most noble of professions.

Being a good teacher requires one to possess a multitude of attributes—among them an infinite degree of patience and perseverance. As a teacher, one is not merely expected to impart facts and figures to youngsters. Especially in these very troubled times, the critical responsibilities of a teacher include providing insight, much-needed counsel, and all too often, solace.

For those faced with classes of 20-plus students and course loads well beyond that in which one has been versed, it can sometimes be an almost impossible task to call up the reserves of energy, find the 25th hour in the day, and summon the inner wisdom to do what must be done.

Yet, the vast majority of teachers in our public school system do just that and more. They make that time, and they extend that effort. They are available to their students before and after school. They give up their own extracurricular activities to volunteer to help out with those of their charges. They spend their own money when proper resources are lacking—or when they just feel that it is needed to do a better job.

Mr. President, today we have the opportunity to honor these keystones of our society. They toil day after day to ensure the very future of the United States—a truth that too many fail to realize in their blind criticism and lack of support. The awesome duty of seeing that our leaders and citizens of tomorrow are fully prepared, in both their minds and hearts, is one that we have all placed on our Nation's teachers.

Today, I am here to applaud each and every one of them, especially those in my home State of Hawaii, for their unselfish, unparalleled devotion to the most honored of professions. I ask my colleagues to join me in paying our highest tribute to the efforts of our Nation's teachers during National Teacher Appreciation Week.•

NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 425

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the National Association of Letter Carriers Branch 425. On May 13, the NALC Branch 425 will be presented the National Association of Letter Carriers' Branch Service Award in recognition of its outstanding community services.

The men and women of NALC Branch 425 are well deserving of this honor. Despite long hours at work, NALC Branch 425 has consistently devoted considerable effort to meet the needs of the less fortunate individuals and families of the Hackensack community.

Branch 425 is dedicated to aiding those who need clothes and food. Using different community resources to collect and distribute these items, they were successful in providing community wide access to individuals and families in need. For example, the men and women of branch 425 collected food for a local church's area food bank and distributed supermarket vouchers.

In addition, the letter carriers have recognized the need for AIDS research and have been supportive in this cause. They are committed to women's rights and are working on establishing a women's forum for women to discuss their problems within community.

During the Persian Gulf war, the letter carriers of branch 425 took over the Marines' shorthanded Toys for Tots Program, assuring holiday toys for the needy children of Hackensack. In addition, they collected toys for distribution by the Salvation Army, a local YMCA day care center for lower income children and to individual needy postal patrons.

Mr. President, the National Association of Letter Carriers Branch 425 has committed much of their time and effort to the betterment of the Hackensack community and to providing the less fortunate with food, clothes, and toys. I commend the men and women of branch 425 for their outstanding contributions to their community.•

VETERANS' COMMITTEE HEARING ON HOMELESS VETERANS

• Mr. ROCKEFELLER. Mr. President, the Senate Veterans' Affairs Committee held a hearing on homeless veterans on April 9, 1992. I was proud to have the opportunity to cochair part of this hearing, and gather testimony from formerly homeless veterans. These men had compelling stories to tell, and I wanted to take this opportunity to share their testimony with my colleagues.

It is a tragedy that so many men and women who bravely served our country in the Armed Forces are homeless—between 200,000 and 330,000 veterans are homeless. An evaluation of one of the VA's residential treatment programs a few years ago revealed that demand for treatment exceeded availability at every one of the 45 program sites.

The VA and other Federal organizations have programs for homeless veterans, but the needs are overwhelming. We must find better ways to coordinate Federal resources and reach out to homeless veterans. During the hearing, we gathered testimony on Senator CRANSTON's bill, S. 2512, that will con-

tinue and expand the successful Homeless Veterans Reintegration Program, and modify the VA Acquired Properties Program to make it easier for nonprofits and veterans' service organizations to obtain VA property and convert it into transitional housing for homeless veterans. I am proud to be an original cosponsor of this legislation.

At the hearing, leaders from veterans' service organizations testified about private efforts to help the homeless, and some projects were exceptional and deserve our support and admiration. But the most important words at the hearing came from the veterans themselves who had been homeless and are struggling to rebuild their lives with assistance from Federal programs. These men are finally getting the help they deserve, but countless others remain on the streets, unaware of assistance programs or unable to access help.

Mr. President, in conclusion, I believe that our country owes tremendous gratitude to the men and women who have served in our Armed Forces. It is tragic that over a quarter of a million veterans may be homeless. We need to find ways to reach out to them and offer our support, health care, and opportunities they need to get back on their feet.

It took a great deal of courage for these veterans to testify before the committee. But thanks to them, we have new insights into the needs and concerns of homeless veterans.

Mr. President, I ask that the following statements be printed in the RECORD at this time:

STATEMENT OF STANLEY JORDAN

None of us sets out to be homeless. I don't think no vet wants to be in the predicament that I was put in. I didn't ask to be homeless, it was an unfortunate incident that I thought I was being a good citizen. I came to the aid of a person that was murdered here in the city where I was born and raised and paid taxes, went and served my country and I was diagnosed with Delayed Stress Syndrome. I worked here in this very same building. I had a home, had a family that I was taking care of.

This one particular night, that was the beginning of my fall into this black hole of homelessness. I figured that by me being a good citizen, had served on juries, foreman of two juries, that somebody would come to my aid or would understand what I was dealing with. I had no idea what I was dealing with my own self, this Delayed Stress Syndrome. I had carried it around in me for twenty years. This one particular incident set it off.

Everywhere I turned, there was no help. The District Government, I'm sorry but—our Police Chief gets on and says, well, come forward and be a good citizen, and I did this, served the country, I did my time in Vietnam, but when it came time for me to get help, there was no help.

I remember when I was inducted into the military, within eight hours, I was tested mentally, physically, head to toe examination, on a bus from Washington, D.C. to Fort Bragg, North Carolina in eight hours. I was in the military from a civilian to a soldier in eight hours. I expected this same kind of expediency when I went to VA, but it was the total opposite. It was ridiculously slow service and not knowing, nobody would seem to know what your needs were. It was just like, well, you wait.

Fortunately, by me being persistent, I continued to march, I kept on, I persisted, and now I'm currently no longer homeless, but I'm still living below the poverty level, I'm still unemployed. I worked in this very building. These very chairs and tables you're sitting in, apparently I carried them into this room.

Once this disease or illness—it was like another stigma or door shut—came back and I wanted to return to work. I don't want handouts. All my life I've earned what I had or accumulated and I watched my accumulation, my life-long work and struggles disintegrate. I wanted somebody to help me to hold my life together, my sanity together.

Nobody told me that I would be affected the way I was from my career in the military or in Vietnam. We are all sitting here today with bills in front of us and there are thousands and thousands of other veterans that are in more precarious situations than I am. They don't know what the hell is going on. These people that sleep on grates, push carts, sleep under bridges, in cars, the guy that has a crack habit, alcohol problem, mental, somebody has to reach these people.

I was the fortunate one. I had a very nice man from the VA by the name of Mr. Jim Fisher. He took an interest and in this way he showed me what was available to me but for years and years, nothing was available to me—no plan or Stanley, you need this and this is available for you, no housing or so forth. It's no map for veterans. All of us have our own unique problems and we can all talk in a broad sense, but something has to be done in some kind of way to reach each individual.

All of us can't be saved but the ones that want to be saved, the ones that want to work, who want a home, I think regardless of what it costs. Everybody says it's a recession, the [Department of Defense] wants to close military bases. Take these veterans and let these veterans rehabilitate these military bases or installations. They say teachers are out of work, doctors are out of work, put these people there. Teach the veterans. Everybody is into the recycling thing, plastic, glass and newspaper. What about the human? Are we expendable? Throw us away? There's still a lot of good left in us. I just wanted people to recognize that we can be recyclable, too. Thank you.

STATEMENT OF MR. WILLIAM SHERMAN

I'm thankful for this program which I didn't know existed. I was homeless. I'm recovering from being homeless, a substance abuser. I stayed in a shelter for six months and the VA paid for that. If it wasn't for that, I don't know where I'd be.

I have an appointment next month on the 20th for vocational rehabilitation and like I said, I didn't know a program like this existed. It's nice to know that a program like this exists. It makes it worthwhile being a veteran* * *.

I'm just grateful that I have a chance now to start my life over and be productive to society and to myself as a veteran. I'm looking forward to this vocational rehabilitation and maybe possibly get on my feet one day and some young guy might ask me about the military and I can tell him, man, it's a nice try to go in there and you come out and you can have some benefits. Like I said, I have benefits I don't even know about. I'm glad I have this one. It's given me another chance to start my life over again. It makes it worthwhile to be a veteran of the United States.

STATEMENT OF MR. RAYMOND TRACEY

When I came to Project PLASE with Mary, I had two what I call tragedies. I'd just lost my wife last year of nineteen years and had to deal with that, and helped me get through that. And I was chemically addicted. I didn't go to Vietnam, but I was in the Vietnam era through 1966 to 1968 and I was stationed out in California during the time of the hippie generation of sex, drugs, and rock and roll. So I've been addicted for quite a while. I kind of killed the marriage.

A week before my wife passed, I called Fort Howard to see what I could do to stop using the chemicals I was using, and through Fort Howard I found out a lot about the VA that I didn't know about, a lot things that they offered.

After my wife passed [away] and I started to get myself together. During my addiction time, I had killed a lot of places where I could stay, so I was basically homeless. I went to another house called Fayette House which they offer bed and rooms to veterans but the house there, our personalities clashed, but I had to back to 1C to help deal with my wife's issue.

After I left there I was taken to Project PLASE, and there I've been receiving open arms, the helpful hand that a fellow would need if he's homeless and in need of just support to help him back in his life. I just got there. I've only been there about three weeks, but they have been encouraging me to keep up with the federal building aftercare program, the 12-step program, and they have really been helpful.

I think there are some other vets that I do know that's out there in the street that really don't know the advantages that they have now or what may come out of this committee. Hopefully, there will be more, but right now I have a brighter future than I had, say, a month ago.●

SENATE CONCURRENT RESOLUTION 110—ADDITIONAL COSPONSORS

● Mr. SYMMS. Mr. President, I rise today in appreciation for the support of two more of our colleagues who support Senate Concurrent Resolution 110, my legislation to allow the private sector to honor the great patriot Thomas Paine at the intersection of Pennsylvania and Constitution Avenues.

I ask unanimous consent that the Senator from Massachusetts [Mr. KERRY] and the Senator from New Jersey [Mr. LAUTENBERG] be added as cosponsors to Senate Concurrent Resolution 110.

Incidentally, Thomas Paine wrote one of his most famous works "The American Crisis I," while in New Jersey.

It is an honor to add my friends from New Jersey and Massachusetts to the 71 original cosponsors, bringing the total to 73 cosponsors.●

CASA

● Mr. ROCKEFELLER. Mr. President, today I rise to speak in support of

CASA, Court Appointed Special Advocates for Children. These trained community volunteers are appointed by a judge to speak for the best interests of abused, neglected, and dependent children in court.

Tragically, each year there is a growing number of children displaced from their homes who are trapped within the system. In order to enhance family preservation efforts and fully protect children, it is crucial to fully examine each case to determine what is best for the child. At a time when the average caseworker has 40 to 60 cases concurrently, it is difficult to give each individual child special consideration. This is where the CASA volunteers play a very significant role. They only work with one or two children at a time so that they can concentrate on the best interests of that child and serve as a special advocate as the judge decides the future of the child.

The CASA Program was created in 1977 by Judge David W. Soukup during his tenure as a superior court judge in the State of Washington. He saw the need for a children's advocate who could devote the time necessary to investigate and make an independent recommendation to the judge on the well-being of the child. Thus, CASA was created with the commitment that "every child has the right to a safe, permanent home." Since its founding, CASA has built a membership of over 19,000 volunteers, affecting the lives of thousands of children in need and struggling in the court system.

As Chairman of the National Commission on Children, I had the opportunity to observe court proceedings in Los Angeles where I was witness to judges having 5 to 10 minutes to decide whether a child was better off remaining in a distressed family, or being placed in foster care. It's a traumatic experience, but it emphasizes the necessity of such an organization as CASA.

The National Commission on Children is committed to promoting the well-being of children and the best way to do so is to support families. Our child protection system must be strengthened dramatically, with greater emphasis on prevention and family preservation. But for those children at risk, we need an efficient court system and a compassionate network for foster care.

Mr. President, I am proud to say that West Virginia has recently become the 48th State to participate in this wonderful program. Last fall, Judge L.D. Egnor appointed the first West Virginia volunteers in Cabell County after the intensive 6-week, 40-hour training period. These first 8 volunteers are currently involved in 12 child abuse cases, and extensive screening for 10 new volunteers is now being conducted. The project is presently coordinated by Laurie McKeown, of the Cabell County Child Protection Team, who has set a good example for future CASA's in West Virginia. She has found the CASA volunteers to be very successful in filling the gaps in our established legal system concerning children.

West Virginia has joined the total of 49 States in attempting to reach the CASA goal: by the year 2000, having a CASA volunteer available for every child needing one. Now, only about a quarter of children are served. I applaud the CASA volunteers and the program for providing compassionate support for children facing intimidating circumstances. The help of a CASA volunteer is invaluable to judges, caseworkers, and others struggling to meet the needs of children at risk. But most important, a CASA volunteer serves as the advocate for the child. CASA deserves our deep admiration and support.•

STUDENTS AT YSLETA HIGH SCHOOL, EL PASO, TX

• Mr. DOMENICI. Mr. President, we spend a lot of time down here on the floor talking about education. We ask ourselves over and over what in the world is wrong with our schools. We worry that we're not paying our teachers well enough, and wring our hands wondering where our kids have gone so wrong.

Frankly, Mr. President, while I will acknowledge that we certainly have some problems we need to resolve, I'm not quite as pessimistic about the education of our children and the kind of job our teachers are doing as some of us are. I think it's important to remember that many of our children are succeeding marvelously. Resourceful and innovative students working together with dedicated and innovative educators can accomplish some wonderful things.

With that in mind, I would like to call to your attention the accomplishments of five students at Ysleta High School in New Mexico's close neighbor to the south, El Paso, TX. This school is situated only 3 miles from the Mexican border. More than 68 percent of the school's 2,500 students live at or below the poverty line. Many could not speak English when they started school.

Some would call this combination a recipe for certain failure. However, don't tell that to Robert Parks, the principal of Ysleta. Five seniors at his school have recently been accepted to the Massachusetts Institute of Technology. These five students—Enrique E. Arzaga, Alicia Ayala, Jesus A. Martinez, Liliana Ramirez, and David Villarreal—are believed to constitute the single largest group of students ever admitted to MIT from a general public high school.

I share Principal Parks' pride in the accomplishments of Enrique, Alicia, Jesus, Liliana, and David. I know the students, teachers, and faculty at Ysleta are very proud of these five special students. They have a right to be. Having one student from a school accepted at MIT, one of our country's most prestigious institutions, is a noteworthy accomplishment in itself; but five students from a single school is unprecedented.

Even without this honor, Ysleta's academic achievements would be equally as impressive. Its students have been finalists in state and city academic competitions, and its agriculture program is one of the best in the country.

What is Ysleta's secret? I think some of us might find the answer a bit surprising. Ysleta doesn't rely on gimmicks or fancy equipment or expensive facilities to educate its students—in fact, its per pupil expenditure is only a little more than $2,500 per academic year. What Ysleta's students have is far more valuable than anything with a price tag—they have reliance on each other, their parents, and their teachers.

Let me read you a quote from an article discussing Ysleta in the Albuquerque Journal. This is a quote from David Villarreal, one of the five students admitted to MIT:

> When I walk through the halls, everyone congratulates me. I have all kinds of friends here—athletes, really smart kids, and I even get along with gang members. No one has ever offered me drugs and no one makes fun of me for being smart.

"No one makes fun of me for being smart." Mr. President, I think David's words speak volumes. Rather than wringing our hands, as I mentioned earlier, we need to encourage, not discourage, our students. We need to let them know that it's okay to be smart, that smart people get ahead, and that they're good for our communities and our country.

We too often stereotype negatively our smartest students as antisocial eggheads, when, in fact, intelligence comes in all shapes, sizes, sexes and races. It transcends financial and social barriers.

Another quote that caught my attention was a statement by Jesus regarding the school's struggling financial situation. "We don't use money as an excuse to fail like other schools," he says. "We just learn how to do things without money. We've become very resourceful."

Again, I think we could learn a thing or two from the students at Ysleta. We talk a lot about how we're not spending enough on education, but I think these students show us that money is not an ends in itself. It certainly plays a role in how well we educate our students, but it alone does not solve all of our problems. Creativity, self-discipline, and support—these are elements that don't equate with dollars, yet they are as precious in achieving

academic success. Jesus cites resourcefulness as a key element in his success, and I think the Congress should take his advice to heart. We need to start being a bit more resourceful ourselves when we look at educational reform.

It's also important to stress the role that the parents and teachers of these students have played in their academic success. Without support and encouragement at home, academic excellence is difficult. I'm certain their parents are very pleased with all that they have accomplished, and I'm equally as certain that some credit for the success of these students belongs with the parents.

Further, as teachers at Ysleta have obviously proven, dedicated and innovative teachers and educators who care about their students and their profession are priceless. I think this makes it clear that we need to continue to take the steps necessary to give teachers the freedom and flexibility they need to provide our students with a top-notch education. I commend the teachers and administrators at Ysleta High School for their work. They obviously put important time and effort into their work, and it shows.

Mr. President, I think Ysleta serves as a shining example of what is right with American schools. We don't think we stop to point this out often enough. I would once again like to commend Enrique, Alicia, Jesus, Lilian, and David for their remarkable accomplishments. The students, teachers, and administrators at Ysleta deserve our praise and warmest congratulations for making their school the very best it can be. They have taken advantage of an endowment that no one can pay for—their hearts, heads, and individual gifts.•

COMMENDING SANDRA MIMS OF THE CHICOT ELEMENTARY SCHOOL, LITTLE ROCK, AR

• Mr. PRYOR. Mr. President, recently Sandra Mims of Chocot Elementary School in Little Rock, AR, was named Teacher of the Year by the Arkansas State PTA.

This outstanding elementary teacher began her teaching career in 1967 in Louisiana. In 1983 she came to Arkansas and taught at the elementary level at Geyer Springs First Baptist Church Kindergarten. She then taught for 3 years at Wakefield Elementary in the Pulaski County Special School District until 1987 when she jointed the faculty at Chicot Elementary.

Nominated by her local PTA where she has also been an officer, Sandra was selected Teacher of the Year in a statewide competition of nominees by Parent-Teacher Associations.

A dedicated wife and mother, Sandra is also active in her church and community. She has the kind of commitment to teaching that we need more of in our schools today. She considers teaching, next to motherhood, as the noblest of professions.

I join her many students and their parents, friends, and fellow faculty members in saluting Sandra Mims as Arkansas State PTA Teacher of the Year.•

NATIONAL TAX FREEDOM DAY

• Mr. BROWN. Mr. President, yesterday marked Tax Freedom Day for American taxpayers—the latest date ever, according to the Tax Foundation. The average American must work 126 days, until May 5, to pay his Federal, State, and local tax bills. Starting today, many taxpayers finally begin to work for themselves and their families. In my own State of Colorado, Tax Freedom Day came last week, earlier than the national average. Taxpayers in 14 other States however, must wait another 18 or more days before they begin working for themselves than their families.

Based on 350 days in a work year, the 126 days translates to 36 percent, over one-third, of the year that the average taxpayer must work to meet his tax obligations. These obligations work out to be:

	Days
Personal income taxes	43
Social Security taxes	39
Sales and excise taxes	17
Property taxes	15
Corporate income taxes	9
All other taxes	3
Grand total	126

How many days will these obligations rise to next year? When will taxpayers be required to work 50 percent of their time to pay taxes?

The tax bite in an 8-hour day is that portion of the workday required to earn money to pay one's taxes. For 1992, that works out to 2 hours and 45 minutes—almost half the day. Of that, 1 hour and 46 minutes goes toward Federal taxes, and 59 minutes to work to pay State and local taxes.

The reality that people spend more of their workday to pay Federal taxes than they do to pay for anything else including housing and household expenses is sobering. State and local government taxes rank third above the amount of time required to work each day for such necessities as food, clothing, and medical expenses.

Mr. President, the problem is not that taxpayers are undertaxed. Congress overspends. Today taxpayers pay 113 percent more in taxes to the Federal Government than they did in 1980. The trouble is Federal spending has risen by 146 percent and is clearly out of control.

The trend toward taxpayers working longer and harder to support bigger, more costly government is not the direction in which this country should be headed. Doing more with less has become a way of life for many individuals and families throughout this country. Perhaps Government should learn this lesson as well.•

NATIONAL TOURISM WEEK

• Mr. McCAIN. Mr. President, the week of May 3 to May 9, 1992, is National Tourism Week. As a member of the U.S. Senate tourism caucus, and a proud Senator from one of the Nation's most dramatic and inspiring States, I am especially moved to speak today in recognition of this important occasion.

Tourism in the United States is of great importance to people all over the world. It offers people of different cultures an opportunity to see the natural beauty of our country, to experience first-hand how we live, and how we enjoy the freedoms other nations are still struggling for today. Tourism promotes global multiculturalism in a world which needs the constant reminder that people of all cultures can live peacefully side-by-side and learn from, and respect, one another.

In my State of Arizona, tourism offers the opportunity to share both the beauty of nature and that of its people with the rest of the country and the world. In 1990 alone, Arizona warmly received over 2.6 million foreign visitors. Arizona ranked 6th out of the 50 States in terms of popularity among foreign visitors.

These foreign visitors were treated to some of the many exciting sights of the State. The Grand Canyon, for example, stands regally as the crown jewel of the National Parks System, and remains a popular tourist attraction as one of the seven natural wonders of the world. Arizonans proudly point to the towering red rocks of Sedona, the haunting beauty of the Arizona desert, and the exciting white water of the Colorado River as further testimony to the State's wondrous attractions.

Arizona offers visitors a dynamic venue for combining both business and pleasure. Phoenix and Tucson are excellent examples of energetic environments for conducting and exploring business opportunities while providing a wide variety of activities for leisure time year round.

The people of Arizona offer visitors the greatest experience of all. The age-old traditions of the Native American, and the colorful excitement of the Mexican-American community are only two examples of the diverse, multicultural community that Arizona enjoys.

Tourism has had such a strong impact on my State that the industry has become a dynamic economic enterprise. Tourism is ranked first among industries providing the most jobs in the State. It is estimated that one in six Arizonans are employed in tourism-related jobs. This amounts to approximately 270,000 jobs in Arizona alone.

Tourism is also the second highest revenue-raising industry in Arizona. In 1990, the tourism industry raised over $6.8 billion in revenue for the State. The industry also raised approximately $250 million in State tax revenue in the same year.

We in the United States should recognize the importance of tourism and its impact in all areas. The economic and social impact worldwide highlights the importance of recognizing this industry, and we welcome tourists from all over the world to visit and enjoy this great Nation, and the great State of Arizona.•

TRIBUTE TO ROSALIND McCLELLAN

• Mr. WIRTH. Mr. President, I would like to take a moment to recognize a distinguished environmental leader in Colorado. Her name is Rosalind McClellan and she is leaving her post as the director of the University of Colorado's Environmental Center in Boulder, CO. I trust and hope her decision to leave the center does not signify a waning interest in environmental issues; expecting instead that she will continue to champion environmental causes and continue to be an advocate for the environment here in Colorado and beyond.

Roz, as she is affectionately called by her friends, has been an active participant in environmental matters for most of her professional life. She became director of the center in 1984. The center is the creation of the University of Colorado's [CU] student government in Boulder. It is designed to promote environmental awareness on the CU campus. It possesses one of the foremost campus recycling operations in the Nation, which is seen as a leader in organized recycling efforts by business and local governments. The center also houses an extensive environmental library complete with current environmental periodicals for use by the CU student body.

Not only does the center function as an environmental information clearinghouse, the center also hosts a number of highly professional and well-attended conferences. Since becoming director of the center, Roz has been instrumental in developing and coordinating a number of outstanding conferences on subjects ranging from the fate of the grizzly bear to the economics of wilderness preservation. She has an uncanny ability to motivate the students at the center to develop these programs, and she insists on a high standard of excellence. Under her leadership, the center has expanded to become an important contributor in addressing our pressing environmental issues.

Roz has been especially interested in protecting our forest ecosystems—particularly old growth forests. She is leaving the center so that she can contribute to the protection of old growth forests throughout the Nation, helping to survey and map old growth forests on vast stretches of our public lands. I am sure that her work will help draw attention to the plight of our old growth forests and will provide the critical information needed in developing policies that will protect this precious resource.

I have known Roz for a long time. We have worked together to help increase awareness of important environmental issues and she has been instrumental in promoting positive changes. I know she will be deeply missed at the center and the university, but that she will continue her environmental passion for our collective benefit. We wish her well.•

RECYCLED PAPER PROGRAM

• Mr. FORD. Mr. President, we are making slow but sure progress in the recycled paper program that I put in place nearly 4 years ago. In the first quarter of this calendar year the Government paid 25 percent less—$2 million less—than we did the first 3 months of last year. And we got more paper and envelopes. My second quarterly report on the Federal use of recycled printing and publishing papers shows 800,000 more pounds of paper in use, 6 million more recycled envelopes, and 600,000 more recycled cartons than were used between January 1 and March 30 of last year. These statistics argue well for the theory I began with, that if the U.S. Government becomes a significant user of recycled printing papers, the U.S. paper industry will respond. And that if the Government holds the price line and competes its needs aggressively, costs will come down. If we are to meet our stated objectives of reducing the massive and costly glut of waste paper in our landfills and further our Government's use of recycled paper, we need to have a market out there to complete the process. Mr. President, I offer this second report on the use of recycled paper as more evidence of our success. The statistics have been prepared and compiled by the Government Printing Office and submitted to me by the Public Printer.

The report follows:

FEDERAL USE OF RECYCLED PAPER

Total amount paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1992):

Paper (pounds)[1 2 3]	24,034,883
Envelopes (each)[1]	27,905,550
Cartons (each)[1]	963,154
Cost	$10,357,903

Amount of recycled paper and envelopes used by the federal government in this quarter (Jan., Feb., Mar. 1992):

Paper (pounds)[1 3]	15,247,736
Envelopes (each)[1]	27,068,384
Cartons (each)[1]	963,154
Cost	$6,546,057

FEDERAL USE OF RECYCLED PAPER 1 YEAR AGO

Total amount of paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1991):

Paper (pounds)[1 2 3]	22,660,899
Envelopes (each)[1]	21,919,400
Cartons (each)[1]	267,489
Cost	$11,191,953

Amount of recycled paper and envelopes used by the federal government in this quarter (Jan., Feb. and Mar. 1991):

Paper (pounds)[1 3]	14,407,273
Envelopes (each)[1]	21,261,818
Cartons (each)[1]	267,489
Cost	$8,567,575

QUARTERLY PAPER INVENTORY (JAN., FEB., MAR. 1992):

Amount of paper GPO currently has on hand:

Paper (pounds)	21,060,422
Envelopes (each)	20,765,350
Cartons (each)	293,467
Cost	$9,572,813

Amount of recycled paper on hand:

Paper (pounds)[3]	18,753,026
Envelopes (each)	20,142,390
Cartons (each)	293,467
Cost	$8,686,860

[1] Includes direct shipments.
[2] Includes xerographic paper.
[3] Includes recycled xerographic.

NOTE.—The amount of recycled usage does not include virgin xerographic paper or virgin newsprint. The above data does not include figures for Printing Procurement.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

The report shows that current level spending exceeds the budget resolution by $6.5 billion in budget authority and by $6.1 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.4 billion, $3.2 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 5, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through May 1, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H.Con.Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 28, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102 CONGRESS, 2d SESSION, AS OF MAY 1, 1992

[In billions of dollars]

	Budget resolution (H.Con.Res. 121)	Current level [1]	Current level +/- resolution
On budget:			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	−.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,794.2	−188.0
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS. SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 1, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation Extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			(3)
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	(3)
Total current level	1,277,199	1,270,820	853,364
Total budget resolution [5]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,486	6,119	2,863
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[5] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.•

SALUTE TO WISCONSIN'S SMALL BUSINESS PERSON OF THE YEAR

• Mr. KASTEN. Mr. President, I rise today to recognize the achievements of Otto Rusch from Washburn, WI, who has been selected as Wisconsin's 1992 Small Business Person of the Year by the U.S. Small Business Administration.

Otto has traveled a long road to become president of Washburn Iron Works, Inc. He started his foundry career in 1949 as an industrial engineer and foreman. Over the years he rose up the ranks of different foundries—along the way learning valuable knowledge which would one day pay off.

His moment came in 1976 when he was able to purchase his own foundry. Like thousands of other successful small business owners across the country, Otto saw his opportunity, risked everything he had, and seized the moment. That year he started operations with only nine employees and no standing contracts. Otto carved out his niche by doing small jobs which were ignored by the larger foundries. As business picked up, Otto made important adjustments to modernize his foundry which ensured its survival during tough times.

Otto made his business work through foresight and tenacity. Washburn Iron Works now employs over 41 people, and he has plans to expand in the near future.

As ranking member of the Senate Small Business Committee, I applaud the efforts of Otto who is a symbol of thousands of other small business owners whose stories are similar to his. I am pleased today to recognize Otto Rusch, he is very deserving of the award of Wisconsin's 1992 Small Business Person of the Year.•

THE 100TH ANNIVERSARY OF THE TUCSON SALVATION ARMY

• Mr. McCAIN. Mr. President, today marks the 100th anniversary of the Tucson Salvation Army. For one century, the citizens of Tucson, AZ, have benefited from the hard, selfless work of the Tucson Salvation Army.

The Salvation Army works to foster a love of God and to provide for the needy. It offers its services to all people, regardless of color, creed, sex, or age. These services provided by the Salvation Army are invaluable, and have served to make Tucson a better place to live.

I want to offer my personal thanks for all the tireless work of the Tucson Salvation Army. As I noted, for 100 years the Tucson Salvation Army has given the very best to the community. I wish it all the best during the next 100 years.•

NEW MEXICO MAGAZINE

• Mr. DOMENICI. Mr. President, this year, the oldest State magazine in the United States will celebrate 70 years of bringing to the world the beauty, culture and history of the State of New Mexico. In July, the New Mexico magazine will mark its 70th year of showcasing New Mexico and its people.

The great State of New Mexico is unique, and its distinctive characteristics provide the New Mexico magazine with a wealth of material to feature on its pages. New Mexico's landscapes are beautiful. Its people are distinctive. Its history is rich. And each month, New Mexico magazine displays this land of enchantment for New Mexicans, Americans, and people all over the world.

New Mexico magazine is different from other State magazines. Jon Bowman, editor of New Mexico magazine, says that if an article is fit to be in any other State magazine, then it is not right for New Mexico magazine. The magazine is more than a travel log. It is more than a topical publication. It features New Mexico's colorful people, as well as its glorious scenery. The magazine focuses on the artists, the writers, the scientists, the Native Americans, the cowboys, and the many other people who add to New Mexico's unique cultural montage.

New Mexico magazine is the oldest State magazine in the country, coming into existence as the New Mexico Highway Journal in 1923. The name was changed to New Mexico magazine in 1931 after the Highway Journal and the Conservationist, published by the State Game and Fish Department, were merged.

New Mexico magazine is the third-largest State magazine in the Nation, trailing behind only Arizona Highways, and Texas Highways. The publication currently has over 125,000 readers, spread throughout all 50 States of our country, and 74 foreign countries. The number is increasing every day.

By employing an informative and entertaining style over the past 7 decades, New Mexico magazine has increased the awareness and understanding of New Mexico's culture, history, art, architecture, and people. Its pages have brought to readers such New Mexico greats as Georgia O'Keeffe, Frank Waters, Tony Hillerman, Ernie Pyle, and potter Maria Martinez. The magazine has showcased New Mexico with a beauty, dignity and style that New Mexico is happy to claim as its own.

And so, Mr. President, I encourage my colleagues to join me in extending heartiest congratulations to New Mexico magazine as it celebrates 70 years of excellence. I commend those with the magazine now, and honor their forebears. I salute New Mexico magazine with the very best of wishes as it continues the legacy of presenting the best of New Mexico.•

SMALL BUSINESSES SUPPORT BALANCED BUDGET/TAX LIMITATION AMENDMENT

• Mr. KASTEN. Mr. President, when we begin debate on a balanced budget amendment to the U.S. Constitution next month I plan to offer Senate Joint Resolution 182, one balanced budget/tax limitation amendment. Presently, Senators BROWN, LOTT, DOLE, COATS, SYMMS, BURNS, SMITH, HELMS, D'AMATO, SPECTER, MACK, GARN, MURKOWSKI, MCCAIN, PRESSLER, ROTH, SEYMOUR, NICKLES, GRASSLEY, and GRAMM are cosponsoring this constitutional amendment. The amendment requires a three-fifths supermajority vote of both the House and Senate in order to deficit spend. However, to prevent Congress from balancing the budget on the backs of taxpayers, it also requires a three-fifths vote of both Houses of Congress in order to increase taxes above the rate of economic growth.

A strong provision is needed to limit tax increases, otherwise a balanced budget amendment could give Congress an excuse to continually raise taxes rather than reduce the growth rate of Government spending. Moreover, history shows that each $1 in higher taxes generates $1.59 in congressional spending. Today, the Federal Government will spend more than 25 percent of the Nation's annual wealth, the highest since the Second World War. Higher levels of government taxes and spending as a percentage of GNP would lead to an unbalanced economy with higher unemployment, lower productivity, and reduced private sector activity.

My balanced budget/tax limitation amendment has the support of broad-based coalition of small business, farm and taxpayer organizations including Citizens for a Sound Economy, National Tax Limitation Committee, U.S. Chamber of Commerce, U.S. Business and Industrial Council, American Legislative Exchange Council, National Federation of Independent Business, American Farm Bureau Federation, National Cattleman's Association, Council for Citizens Against Government Waste, Americans for Tax Reform, Americans for a Balanced Budget, and Consumer Alert Advocate.

In my position as ranking member of the Small Business Committee, I have heard from the small business community about the need for a balanced budget amendment with a strong tax limitation provision. I would like to call to the attention of the Senate a letter to President Bush from the National Federation of Independent Business in support of a balanced budget/tax limitation amendment. I ask that this letter be printed in the RECORD immediately following my remarks.

The letter follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, May 5, 1992.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I understand that your Administration will soon be testifying on the issue of attaching a balanced budget amendment to the Constitution. I wanted to let you know how the small business community views this issue.

In April, the National Federation of Independent Business (NFIB) conducted an informal poll of our membership on the balanced budget amendment issue. They strongly support a balanced budget amendment which includes tax limitation language. Small business owners are very concerned that without the Kasten/Barton tax limitation language, Congress will balance the budget on the backs of small businesses. It is important that your Administration take a position in strong support of the Kasten/Barton tax limitation language.

Over the last decade, NFIB members have repeatedly expressed their concern over the inability of the federal government to live within its means. Their concern over the budget deficit was made extremely clear during a poll we did in January of this year. When NFIB members were asked whether Congress should cut taxes or focus on reducing the deficit, 72% responded that Congress should focus on reducing the deficit.

The federal deficit is severely impairing our competitiveness and limiting our ability to respond to economic downturns. In prior recessions, the federal government has been able to boost its spending to soften the blow of a recession. unfortunately, it is hard to boost spending when we are already spending $400 billion more than we have.

Purely legislative attempts to curb federal spending have failed miserably. The federal deficit has continued to skyrocket. Interest payments on the national debt now exceed what we pay for national defense.

The federal deficit is not a result to too little taxation. The deficit is a result of federal spending that is out of control. Tax limitation language forces both Congress and the Administration to make the tough spending choices that have been repeatedly put off for the last decade.

I urge you to strongly support the Kasten/Barton version of the balanced budget amendment.

Sincerely,

S. JACKSON FARIS,
President and CEO.•

THE 50TH ANNIVERSARY, 14TH EVACUATION HOSPITAL

• Mr. D'AMATO. Mr. President, I rise today to commemorate the 50th anniversary of the 14th Evacuation Hospital. A reunion to observe this auspicious occasion is being held in Watertown, NY, from June 25 to 28, 1992. Veterans who served with the unit in India and Burma during World War II are expected to attend. Lt. Marion Massaro, who was a nurse at the hospital, and her husband, Lt. Col. Pat Massaro, retired, are hosting the visitors who will be coming from all over the country to observe this event.

The "14th" was activated at Camp Claiborne, LA, on August 15, 1942. Many of the medical staff came from New York's City Hospital. The draftees who had been farmers, bank tellers, artists, students, and musicians suddenly became medical technicians, orderlies, cooks, and supply clerks. After intensive training and maneuvers, the unit was assigned to the China Burma India theater of operations and left Staten Island in an overcrowded troopship on July 9, 1943, sailing around Capetown and arriving in Bombay, 35 days later. The medical personnel then traveled 11 days by railroad cars on narrow-gauge rails to the jungles of Assam, India, under orders to erect and operate an evacuation hospital. They arrived at the site to find a muddy area covered by dense undergrowth and foliage and no buildings.

With the capture of the Burma Road by the Japanese, American engineers were building the Ledo Road to establish a supply line between Burma and China, and forces were fighting in Burma. Many soldiers were desperately in need of hospital care. In record time a hospital consisting of bamboo wards, surgical operating rooms, clinics, and laboratories was built. Many hardships were overcome in constructing the hospital including working through the monsoon season and using crude equipment and primitive tools.

The hospital wards soon overflowed with American and Chinese battle casualties and victims of typhus and malaria. Many American, Chinese, and Indian lives were saved thanks to the dedication and commitment of the personel of the hospital. The 14th Evacuation Hospital deserves recognition for their exemplary contributions to the war effort. As such, I rise today to ask my colleagues to remember the "14th" during June 25 to 28 this year as the survivors, friends, and families come together to celebrate their 50th anniversary.•

PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2507.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2507) entitled "An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Waxman, Mr. Wyden, Mr. Lent, and Mr. Bliley.

As additional conferees from the Committee on Education and Labor, for consider-

ation of section 1114 of the Senate amendment, and modifications committed to conference: Mr. Ford of Michigan, Mr. Gaydos, and Mr. Ballenger.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendment and agree to the request for a conference and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer [Mr. WOFFORD] appointed Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. DURENBERGER conferees on the part of the Senate.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Thursday, May 7; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; that during morning business, the following Senators be recognized to speak for the time limits specified: That immediately following the Chair's announcement, Senator GORE be recognized for up to 20 minutes; Senator GORTON for up to 10 minutes; that there then be 1 hour under the control of the Republican leader, or his designee, with an additional 40 minutes thereafter under the control of Senator GORE, or his designee; that Senators DODD and GRAHAM be recognized for up to 20 minutes each; and that Senator SIMPSON, or his designee, be recognized for up to 15 minutes each.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:14 p.m., recessed until Thursday, May 7, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1992:

DEPARTMENT OF STATE

PETER BARRY TEELEY, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO CANADA.

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

ROBERT E. GRIBBIN III, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. DANIEL W. BECK [redacted], 1 FEB. 92
MAJ. THOMAS M. CALLAN [redacted], 24 FEB. 92
MAJ. TIMOTHY J. CARROLL [redacted], 12 FEB. 92
MAJ. EDWARD C. FAGER [redacted], 3 FEB. 92
MAJ. ROBERT J. GLITZ [redacted], 18 FEB. 92
MAJ. EARL G. JAQUES, JR. [redacted], 31 JAN. 92
MAJ. ROBERT P. JONES [redacted], 29 JAN. 92
MAJ. EDWIN W. KING JR. [redacted], 12 JAN. 92
MAJ. ALAN J. LECZNAR [redacted], 27 JAN. 92
MAJ. ROBERT S. LINNELL JR. [redacted], 8 FEB. 92
MAJ. STEVEN F. LOERAKKER [redacted], 1 FEB. 92
MAJ. ROBERT J. MURPHY [redacted], 18 FEB. 92
MAJ. HARVEY D. PERKINS [redacted], 7 JAN. 92
MAJ. KENNETH L. PULLEN [redacted], 5 FEB. 92
MAJ. ANDREW M. QUILLOFF [redacted], 12 FEB. 92
MAJ. THOMAS A. REIS [redacted], 9 FEB. 92
MAJ. RICHARD E. RENDER [redacted], 2 FEB. 92
MAJ. MICHAEL R. STANTON [redacted], 30 JAN. 92
MAJ. RICHARD L. SIMPSON [redacted], 1 FEB. 92
MAJ. THOMAS W. TOLMAN [redacted], 19 FEB. 92
MAJ. BRIAN A. TRUMAN [redacted], 19 FEB. 92
MAJ. LEWIS F. WOLF [redacted], 15 FEB. 92

BIOMEDICAL SCIENCES CORPS

MAJ. ROBERT E. HEPKER [redacted], 2 FEB. 92

MEDICAL CORPS

MAJ. VICTOR G.ONUFREY [redacted], 1 FEB. 92
MAJ. THOMAS F. PRENGER [redacted], 2 FEB. 92
MAJ. KENNETH A. ZOLLO [redacted], 2 FEB. 92

NURSE CORPS

MAJ. PATRICIA U. MEHMKEN [redacted], 8 FEB. 92
MAJ. SUE E. ROYER [redacted], 9 FEB. 92