

104TH CONGRESS
1ST SESSION

H. R. 1635

To combat domestic terrorism.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1995

Mr. GEPHARDT (by request) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Banking and Financial Services and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat domestic terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antiterrorism Amend-
5 ments Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SUBSTANTIVE INVESTIGATIVE ENHANCEMENTS

- Sec. 101. Pen registers and trap and trace devices in foreign counterintelligence and counterterrorism investigations.
- Sec. 102. Disclosure of information and consumer reports to FBI for foreign counterintelligence purposes.
- Sec. 103. Study and requirements for tagging of explosive materials, and study and recommendations for rendering explosive components inert and imposing controls on precursors of explosives.
- Sec. 104. Access to records of common carriers, public accommodation facilities, physical storage facilities and vehicle rental facilities in foreign counterintelligence and counterterrorism cases.
- Sec. 105. Limitation of statutory exclusionary rule.
- Sec. 106. Authority for wiretaps in any terrorism-related or explosives felony.
- Sec. 107. Temporary emergency wiretap authority involving terroristic crimes.
- Sec. 108. Expanded authority for roving wiretaps.
- Sec. 109. Enhanced access to telephone billing records.
- Sec. 110. Requirement to preserve evidence.
- Sec. 111. Permission to request military assistance with respect to offenses involving chemical and biological weapons.
- Sec. 112. General reward authority of the Attorney General.

TITLE II—SUBSTANTIVE PROSECUTIVE ENHANCEMENTS

- Sec. 201. Possession of stolen explosives.
- Sec. 202. Protection of Federal employees on account of the performance of their official duties.

TITLE III—CRIMINAL PENALTIES

- Sec. 301. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
- Sec. 302. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
- Sec. 303. Increase period of limitations for National Firearms Act.

TITLE IV—FUNDING

- Sec. 401. Civil monetary penalty surcharge and telecommunications carrier compliance payments.

1 **TITLE I—SUBSTANTIVE INVESTIGATIVE**
2 **ENHANCEMENTS**
3 **SEC. 101. PEN REGISTERS AND TRAP AND TRACE DEVICES**
4 **IN FOREIGN COUNTERINTELLIGENCE AND**
5 **COUNTERTERRORISM INVESTIGATIONS.**

6 (a) Chapter 206, title 18, United States Code, is
7 amended—

1 (1) by redesignating section 3127 as section
2 3128; and

3 (2) by adding the following new section 3127:

4 **§3127. Pen register or a trap and trace device in**
5 **foreign counterintelligence and counter-**
6 **terrorism investigations**

7 “(a) Notwithstanding any other law, the provisions
8 of this chapter shall be applicable to foreign counterintel-
9 ligence and international terrorism investigations con-
10 ducted by the Federal Bureau of Investigation.

11 “(b) An application under this section for an order
12 or an extension of an order under section 3123 of this
13 title shall include—

14 “(1) the identity of the attorney for the Govern-
15 ment and the fact that the investigation is being
16 conducted by the Federal Bureau of Investigation;
17 and

18 “(2) a certification by the applicant that the in-
19 formation likely to be obtained is relevant to an on-
20 going foreign counterintelligence or international ter-
21 rorism investigation being conducted by the Federal
22 Bureau of Investigation.

23 “(c) All applications and orders under this section
24 shall be maintained by the Federal Bureau of Investiga-
25 tion.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 206 is amended—

3 (1) to renumber section 3128 as redesignated;

4 and

5 (2) by adding after the item relating to section
6 3126 the following:

“3127. Pen register or a trap and trace device in foreign counterintelligence and
counterterrorism investigations.”.

7 **SEC. 102. DISCLOSURE OF INFORMATION AND CONSUMER**
8 **REPORTS TO FBI FOR FOREIGN COUNTER-**
9 **INTELLIGENCE PURPOSES.**

10 (a) IN GENERAL.—The Fair Credit Reporting Act
11 (15 U.S.C. 1681 et seq.) is amended by adding after sec-
12 tion 623 the following new section:

13 **“§ 624. Disclosures to FBI for foreign counterintel-**
14 **ligence purposes**

15 “(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Not-
16 withstanding section 604 or any other provision of this
17 title, a consumer reporting agency shall furnish to the
18 Federal Bureau of Investigation the names and addresses
19 of all financial institutions (as that term is defined in sec-
20 tion 1101 of the Right to Financial Privacy Act of 1978)
21 at which the consumer maintains or has maintained an
22 account, to the extent that information is in the files of
23 the agency, when presented with a written request for that
24 information, signed by the Director of the Federal Bureau

1 of Investigation, or the Director’s designee (who shall be
2 an individual with the rank and title of Deputy Assistant
3 Director or above), which certifies compliance with this
4 section. The Director or the Director’s designee may make
5 such a certification only if the Director or the Director’s
6 designee has determined in writing that—

7 “(1) such information is necessary for the con-
8 duct of an authorized foreign counterintelligence in-
9 vestigation; and

10 “(2) there are specific and articulable facts giv-
11 ing reason to believe that the consumer—

12 “(A) is a foreign power (as defined in sec-
13 tion 101 of the Foreign Intelligence Surveil-
14 lance Act (50 U.S.C. 1801) or a person who is
15 not a United States person (as defined in such
16 section 101) and is an official of a foreign
17 power; or

18 “(B) is an agent of a foreign power and is
19 engaging or has engaged in international terror-
20 ism (as that term is defined by 18 U.S.C.
21 2331) or clandestine intelligence activities that
22 involve a violation of criminal statutes of the
23 United States.

24 “(b) IDENTIFYING INFORMATION.—Notwithstanding
25 the provisions of section 604 or any other provision of this

1 title, a consumer reporting agency shall furnish identifying
2 information respecting a consumer, limited to name, ad-
3 dress, former addresses, places of employment, or former
4 places of employment, to the Federal Bureau of Investiga-
5 tion when presented with written request, signed by Direc-
6 tor or the Director's authorized designee, which certifies
7 compliance with this subsection. The Director or the Di-
8 rector's authorized designee may make such a certification
9 only if the Director or the Director's authorized designee
10 has determined in writing that—

11 “(1) such information is necessary for the con-
12 duct of an authorized foreign counterintelligence in-
13 vestigation; and

14 “(2) there is information giving reason to be-
15 lieve that the consumer has been, or is about to be,
16 in contact with a foreign power or an agent of a for-
17 eign power (as defined in section 101 of the Foreign
18 Intelligence Surveillance Act (50 U.S.C. 1801)).

19 “(c) COURT ORDER FOR DISCLOSURE OF CONSUMER
20 REPORTS.—Notwithstanding section 604 or any other
21 provision of this title, if requested in writing by the Direc-
22 tor of the Federal Bureau of Investigation, or authorized
23 designee of the Director, a court may issue an order ex
24 parte directing a consumer reporting agency to furnish a

1 consumer report to the Federal Bureau of Investigation,
2 upon a showing in camera that—

3 “(1) the consumer report is necessary for the
4 conduct of an authorized foreign counterintelligence
5 investigation; and

6 “(2) there are specific and articulable facts giv-
7 ing reason to believe that the consumer whose
8 consumer report is sought—

9 “(A) is an agent of a foreign power; and

10 “(B) is engaging or has engaged in inter-
11 national terrorism (as that term is defined in
12 18 U.S.C. 2331) or clandestine intelligence ac-
13 tivities that involve a violation of criminal stat-
14 utes of the United States.

15 The terms of an order issued under this subsection shall
16 not disclose that the order is issued for purposes of a for-
17 eign counterintelligence investigation.

18 “(d) CONFIDENTIALITY.—No consumer reporting
19 agency or officer, employee, or agent of a consumer report-
20 ing agency shall disclose to any person, other than those
21 officers, employees, or agents of a consumer reporting
22 agency necessary to fulfill the requirement to disclosure
23 information to the Federal Bureau of Investigation under
24 this section, that the Federal Bureau of Investigation has
25 sought or obtained the identify of financial institutions or

1 a consumer report respecting any consumer under sub-
2 section (a), (b), or (c) and no consumer reporting agency
3 or officer, employee, or agent of a consumer reporting
4 agency shall include in any consumer report any informa-
5 tion that would indicate that the Federal Bureau of Inves-
6 tigation has sought or obtained such information or a
7 consumer report.

8 “(e) PAYMENT OF FEES.—The Federal Bureau of
9 Investigation shall, subject to the availability of appropria-
10 tions, pay to a consumer reporting agency assembling or
11 providing reports or information in accordance with proce-
12 dures established under this section, a fee for reimburse-
13 ment for such costs as are reasonably necessary and which
14 have been directly incurred in searching, reproducing or
15 transporting books, papers, records, or other data required
16 or requested to be produced under this section.

17 “(f) LIMIT ON DISSEMINATION.—The Federal Bu-
18 reau of Investigation may not disseminate information ob-
19 tained pursuant to this section outside of the Federal Bu-
20 reau of Investigation, except as may be necessary for the
21 approval or conduct of a foreign counterintelligence inves-
22 tigation, or, where the information concerns a person sub-
23 ject to the Uniform Code of Military Justice to appro-
24 priate investigative authorities within the military depart-

1 ment concerned as may be necessary for the conduct of
2 a joint foreign counterintelligence investigation.

3 “(g) RULES OF CONSTRUCTION.—Nothing in this
4 section shall be construed to prohibit information from
5 being furnished by the Federal Bureau of Investigation
6 pursuant to a subpoena or court order, or in connection
7 with a judicial or administrative proceeding to enforce the
8 provisions of this Act. Nothing in this section shall be con-
9 strued to authorize or permit the withholding of informa-
10 tion from the Congress.

11 “(h) REPORTS TO CONGRESS.—On a semiannual
12 basis, the Attorney General of the United States shall fully
13 inform the Permanent Select Committee on Intelligence
14 and the Committee on Banking and Financial Services of
15 the House of Representatives, and the Select Committee
16 on Intelligence and the Committee on Banking, Housing,
17 and Urban Affairs of the Senate concerning all requests
18 made pursuant to subsections (a), (b), and (c).

19 “(i) DAMAGES.—Any agency or department of the
20 United States obtaining or disclosing any consumer re-
21 ports, records, or information contained therein in viola-
22 tion of this section is liable to the consumer to whom such
23 consumer reports, records, or information relate in an
24 amount equal to the sum of—

1 “(1) \$100, without regard to the volume of
2 consumer reports, records, or information involved;

3 “(2) any actual damages sustained by the
4 consumer as a result of the disclosure;

5 “(3) if the violation is found to have been will-
6 ful or intentional, such punitive damages as a court
7 may allow; and

8 “(4) in the case of any successful action to en-
9 force liability under this subsection, the costs of the
10 action, together with reasonable attorney fees, as de-
11 termined by the court.

12 “(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a
13 court determines that any agency or department of the
14 United States has violated any provision of this section
15 and the court finds that the circumstances surrounding
16 the violation raise questions of whether or not an officer
17 or employee of the agency or department acted willfully
18 or intentionally with respect to the violation, the agency
19 or department shall promptly initiate a proceeding to de-
20 termine whether or not disciplinary action is warranted
21 against the officer or employee who was responsible for
22 the violation.

23 “(k) GOOD FAITH EXCEPTION.—Notwithstanding
24 any other provision of this title, any consumer reporting
25 agency or agent or employee thereof making disclosure of

1 consumer reports or identifying information pursuant to
2 this subsection in good-faith reliance upon a certification
3 of the Federal Bureau of Investigation pursuant to provi-
4 sions of this section shall not be liable to any person for
5 such disclosure under this title, the constitution of any
6 State, or any law or regulation of any State or any politi-
7 cal subdivision of any State.

8 “(l) LIMITATION OF REMEDIES.—Notwithstanding
9 any other provision of this title, the remedies and sanc-
10 tions set forth in this section shall be the only judicial
11 remedies and sanctions for violation of this section.

12 “(m) INJUNCTIVE RELIEF.—In addition to any other
13 remedy contained in this section, injunctive relief shall be
14 available to require compliance with the procedures of this
15 section. In the event of any successful action under this
16 subsection, costs together with reasonable attorney fees,
17 as determined by the court, may be recovered.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of the Fair Credit Reporting Act (15
20 U.S.C. 1681a et seq.) is amended by adding after the item
21 relating to section 623 the following:

“624. Disclosures to FBI for foreign counterintelligence purposes.”.

1 **SEC. 103. STUDY AND REQUIREMENTS FOR TAGGING OF EX-**
2 **PLOSIVE MATERIALS, AND STUDY AND REC-**
3 **COMMENDATIONS FOR RENDERING EXPLO-**
4 **SIVE COMPONENTS INERT AND IMPOSING**
5 **CONTROLS OR PRECURSORS OF EXPLOSIVES.**

6 (a) The Secretary of the Treasury shall conduct a
7 study and make recommendations concerning—

8 (1) the tagging of explosive materials for pur-
9 poses of detection and identification;

10 (2) whether common chemicals used to manu-
11 facture explosive materials can be rendered inert
12 and whether it is feasible to require it; and

13 (3) whether controls can be imposed on certain
14 precursor chemicals used to manufacture explosive
15 materials and whether it is feasible to require it.

16 In conducting the study, the Secretary shall consult with
17 other Federal, State and local officials with expertise in
18 this area and such other individuals as shall be deemed
19 necessary. Such study shall be complete within 12 months
20 after the enactment of this Act and shall be submitted
21 to the Congress and made available to the public. Such
22 study may include, if appropriate, recommendations for
23 legislation.

24 (b) There are authorized to be appropriated for the
25 study and recommendations contained in paragraph (a)
26 such sums as may be necessary.

1 (c) Section 842, of title 18, United States Code, is
2 amended by inserting after subsection (k), a new sub-
3 section (l) which reads as follows:

4 “(l) It shall be unlawful for any person to manufac-
5 ture, import, ship, transport, receive, possess, transfer, or
6 distribute any explosive material that does not contain a
7 tracer element as prescribed by the Secretary pursuant to
8 regulation, knowing or having reasonable cause to believe
9 that the explosive material does not contain the required
10 tracer element.”.

11 (d) Section 844, of title 18, United States Code, is
12 amended by inserting after “(a) through (i)” the phrase
13 “and (l)”.

14 (e) Section 846, of title 18, United States Code, is
15 amended by designating the present section as “(a),” and
16 by adding a new subsection (b) reading as follows:

17 “(b) To facilitate the enforcement of this chapter, the
18 Secretary may provide by regulation for the addition of
19 tracer elements to explosive materials manufactured in or
20 imported into the United States. Tracer elements to be
21 added to explosive materials under provisions of this sub-
22 section shall be of such character and in such quantity
23 as the Secretary may authorize or require, and such as
24 will not substantially impair the quality of the explosive
25 materials for their intended lawful use, be unreasonably

1 unsafe, or have a substantially adverse effect on the envi-
2 ronment.”.

3 (f) The penalties provided for herein, shall not take
4 effect until the later of one year from the date of enact-
5 ment of this Act or 90 days from the date of promulgation
6 of the regulations provided for herein.

7 **SEC. 104. ACCESS TO RECORDS OF COMMON CARRIERS,**
8 **PUBLIC ACCOMMODATION FACILITIES, PHYS-**
9 **ICAL STORAGE FACILITIES AND VEHICLE**
10 **RENTAL FACILITIES IN FOREIGN COUNTER-**
11 **INTELLIGENCE AND COUNTERTERRORISM**
12 **CASES.**

13 Title 18, United States Code, is amended by inserting
14 after chapter 121 the following new chapter:

15 **“CHAPTER 122—ACCESS TO CERTAIN RECORDS**
16 **“§ 2720. Access to records of common carriers, public**
17 **accommodation facilities, physical**
18 **storage facilities and vehicle rental**
19 **facilities in counterintelligence and**
20 **counterterrorism cases**

21 “(a) Any common carrier, public accommodation fa-
22 cility, physical storage facility or vehicle rental facility
23 shall comply with a request for records in its possession
24 made pursuant to this section by the Federal Bureau of
25 Investigation when the Director or designee (whose rank

1 shall be no lower than Assistant Special Agent in Charge)
2 certifies in writing to the common carrier, public accom-
3 modation facility, physical storage facility or vehicle rental
4 facility that such records are sought for foreign counter-
5 intelligence purposes and that there are specific and
6 articulable facts giving reason to believe that the person
7 to whom the records sought pertain, is a foreign power
8 or an agent of a foreign power as defined in section 101
9 of the Foreign Intelligence Surveillance Act (50 U.S.C.
10 1801).

11 “(b) No common carrier, public accommodation facil-
12 ity, physical storage facility or vehicle rental facility or any
13 officer, employee or agent of such common carrier, public
14 accommodation facility, physical storage facility or vehicle
15 rental facility shall disclose to any person, other than
16 those officers, agents or employees of the common carrier,
17 public accommodation facility, physical storage facility or
18 vehicle rental facility necessary to fulfill the requirement
19 to disclose the information to the Federal Bureau of Inves-
20 tigation under this section, that the Federal Bureau of
21 Investigation has sought or obtained the records re-
22 quested.

23 “(c) As used in this chapter—

24 “(1) the term ‘common carrier’ means a loco-
25 motive, a rail carrier, a bus carrying passengers, a

1 water common carrier, an air common carrier, or a
2 private commercial interstate carrier for the delivery
3 of packages and other objects;

4 “(2) the term ‘public accommodation facility’
5 means any inn, hotel, motel or other establishment
6 which provides lodging to transient guests;

7 “(3) the term ‘physical storage facility’ means
8 any business or entity which provides space for the
9 storage of goods or materials, or services related to
10 the storage of goods or materials to the public or
11 any segment thereof; and

12 “(4) the term ‘vehicle rental facility’ means any
13 person or entity which provides vehicles for rent,
14 lease, loan or other similar use, to the public or any
15 segment thereof.”.

16 **SEC. 105. LIMITATION OF STATUTORY EXCLUSIONARY**
17 **RULE.**

18 Section 2515 of title 18, United States Code, is
19 amended by adding at the end the following: “This section
20 shall not apply to the disclosure by the United States in
21 a criminal trial or hearing or before a grand jury of the
22 contents of a wire or oral communication, or evidence de-
23 rived therefrom, unless the violation of this chapter in-
24 volved bad faith by law enforcement.”.

1 **SEC. 106. AUTHORITY FOR WIRETAPS IN ANY TERRORISM-**
2 **RELATED OR EXPLOSIVES FELONY.**

3 (a) Section 2516(1) of title 18, United States Code,
4 is amended—

5 (1) by inserting after the words “section 224
6 (bribery in sporting contests)”, the words “section
7 842 (relating to explosives violations)”.

8 (2) by striking “and ” at the end of paragraph
9 (n);

10 (3) by striking the period at the end of para-
11 graph (o) and inserting “; and”; and

12 (4) by adding a new paragraph (p) as follows:

13 “(p) any other felony under the laws of the
14 United States if the Attorney General, the Deputy
15 Attorney General, or the Assistant Attorney General
16 for the Criminal Division (or an official acting in
17 any such capacity) certifies to the court under seal
18 that there is reason to believe the felony involves or
19 may involve domestic terrorism or international ter-
20 rorism (as those terms are defined in 18 U.S.C.
21 2331).”

22 (b) Section 2510(12) of title 18, United States Code,
23 is amended—

24 (1) by striking “or” at the end of subparagraph
25 (B);

1 (2) by inserting “or” at the end of subpara-
2 graph (C); and

3 (3) by adding a new subparagraph (D), as fol-
4 lows:

5 “(D) information stored in a communica-
6 tions system used for the electronic storage and
7 transfer of funds;”

8 (c) Section 2510(16) of title 18, United States Code,
9 is amended—

10 (1) by inserting “or” at the end of subpara-
11 graph (D);

12 (2) by striking “or” at the end of subparagraph
13 (E); and

14 (3) by striking subparagraph (F).

15 **SEC. 107. TEMPORARY EMERGENCY WIRETAP AUTHORITY**
16 **INVOLVING TERRORISTIC CRIMES.**

17 (a) Section 2518(7)(a)(111) of title 18, United States
18 Code, is amended by inserting “or domestic terrorism or
19 international terrorism (as those terms are defined in sec-
20 tion 2331 of this title)” after “organized crime”.

21 (b) Section 2331 of title 18, United States Code, is
22 amended by inserting the following after paragraph (4):

23 “(5) the term ‘domestic terrorism’ means any
24 activities that involve violent acts or acts dangerous
25 to human life that are a violation of the criminal

1 laws of the United States or of any State and which
2 appear to be intended to intimidate or coerce a civil-
3 ian population or to influence the policy of a govern-
4 ment by intimidation or coercion; or to affect the
5 conduct of a government by assassination or kidnap-
6 ping.”

7 **SEC. 108. EXPANDED AUTHORITY FOR ROVING WIRETAPS.**

8 Section 2518(11) of title 18, United States Code, is
9 amended to read as follows:

10 “(11) The requirements of subsections (1)(b)(ii) and
11 (3)(d) of this section relating to the specification of facili-
12 ties from which or the place where the communication is
13 to be intercepted do not apply if in the case of an applica-
14 tion with respect to the interception of wire, oral or elec-
15 tronic communications—

16 “(a) the application is by a federal investigative
17 or law enforcement officer, and is approved by the
18 Attorney General, the Deputy Attorney General, the
19 Associate Attorney General, or an Assistant Attor-
20 ney General (or an official acting in any such capac-
21 ity);

22 “(b) the application contains a full and com-
23 plete statement as to why such specification is not
24 practical and identifies the person committing the

1 offense and whose communications are to be inter-
2 cepted; and

3 “(c) the judge finds that such specification is
4 not practical.”.

5 **SEC. 109. ENHANCED ACCESS TO TELEPHONE BILLING**
6 **RECORDS.**

7 (a) Section 2709(b) of title 18, United States Code,
8 is amended—

9 (1) in paragraph (1)(A), by inserting “local and
10 long distance” before “toll billing records”; and

11 (2) by adding at the end a new paragraph (3),
12 as follows:

13 “(3) request the name, address, length of serv-
14 ice, and local and long distance toll billing records
15 of a person or entity if the Director (or designee in
16 a position not lower than Deputy Assistant Director)
17 certifies in writing to the wire or electronic commu-
18 nication service provider to which the request is
19 made that the information sought is relevant to an
20 authorized domestic terrorism (as that term is de-
21 fined in section 2331(5) of this title) investigation.”.

22 (b) Section 2703(c)(1)(C) of title 18, United States
23 Code, is amended by inserting “local and long distance”
24 before “telephone toll billing records”.

1 **SEC. 110. REQUIREMENT TO PRESERVE EVIDENCE.**

2 Section 2703 of title 18, United States Code, is
3 amended by adding a new subsection (f), as follows:

4 “(f) REQUIREMENT TO PRESERVE EVIDENCE.—A
5 provider of wire or electronic communication services or
6 a remote computing service, upon the request of a govern-
7 mental entity, shall take all necessary steps to preserve
8 records and other evidence in its possession pending the
9 issuance of a court order or other process. Such records
10 shall be retained for a period of 90 days, which period
11 shall be extended for an additional 90-day period upon a
12 renewed request by the governmental entity.”.

13 **SEC. 111. PERMISSION TO REQUEST MILITARY ASSISTANCE**
14 **WITH RESPECT TO OFFENSES INVOLVING**
15 **CHEMICAL AND BIOLOGICAL WEAPONS.**

16 (a) Section 175 of title 18, United States Code, is
17 amended by adding a new subsection (c), as follows:

18 “(c)(1) MILITARY ASSISTANCE.—Notwithstanding
19 any other provision of law, the Attorney General may re-
20 quest that the Secretary of Defense provide technical as-
21 sistance in support of Department of Justice activities re-
22 lating to the enforcement of this section in situations in-
23 volving biological weapon emergencies. Department of De-
24 fense resources, including civilian personnel and members
25 of the uniformed services, may be used to provide such
26 technical assistance if—

1 “(A) the Secretary of Defense and the Attorney
2 General determine that an emergency situation in-
3 volving biological weapons of mass destruction ex-
4 ists; and

5 “(B) the Secretary of Defense determines that
6 the provision of such assistance will not adversely af-
7 fect the military preparedness of the United States.

8 “(2) As used in this section, ‘emergency situation’
9 means a circumstance—

10 “(A) that poses a serious threat to the interests
11 of the United States; and

12 “(B) in which—

13 “(i) enforcement of the law would be seri-
14 ously impaired if the assistance were not pro-
15 vided;

16 “(ii) military technical assistance and ex-
17 pertise is needed to counter the threat posed by
18 the biological agent involved; and

19 “(iii) civilian law enforcement expertise is
20 not available to provide the required technical
21 assistance.

22 “(3) As used in this section, ‘technical assistance’
23 means the provision of equipment and technical expertise
24 to law enforcement officials in the investigation of viola-
25 tions of this section, such as technical assistance in con-

1 ducting searches that seek evidence or instrumentalities
2 of violations of this section, technical assistance in taking
3 and collecting evidence related to violations of this section,
4 and technical assistance in disarming and disabling indi-
5 viduals in possession of contraband under this section. It
6 does not include authority to apprehend or arrest.

7 “(4) The Secretary of Defense may require reim-
8 bursement as a condition of assistance under this section.

9 “(5) The Attorney General may delegate the Attorney
10 General’s function under this subsection only to a Deputy,
11 Associate, or Assistant Attorney General.”.

12 (b) Chapter 113B of title 18, United States Code,
13 is amended by adding after section 2332a the following
14 new section:

15 **“§ 2332b. Use of chemical weapons**

16 “(a) OFFENSE.—A person who without lawful au-
17 thority uses, or attempts or conspires to use, a chemical
18 weapon—

19 “(1) against a national of the United States
20 while such national is outside of the United States;

21 “(2) against any person within the United
22 States; or

23 “(3) against any property that is owned, leased
24 or used by the United States or by any department

1 or agency of the United States, whether the property
2 is within or outside of the United States,
3 shall be imprisoned for any term of years or for life, and
4 if death results, shall be punished by death or imprisoned
5 for any term of years or for life.

6 “(b) DEFINITION.—For purposes of this section—

7 “(1) the term ‘national of the United States’
8 has the meaning given in section 101(a)(22) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1101(a)(22)); and

11 “(2) the term ‘chemical weapon’ means any
12 weapon that is designed to cause death or serious
13 bodily injury through the release, dissemination, or
14 impact of toxic or poisonous chemicals or their pre-
15 cursors.

16 “(c)(1) MILITARY ASSISTANCE.—Notwithstanding
17 any other provision of law, the Attorney General may re-
18 quest that the Secretary of Defense provide technical as-
19 sistance in support of Department of Justice activities re-
20 lating to the enforcement of this section in situations in-
21 volving chemical weapon emergencies. Department of De-
22 fense resources, including civilian personnel and members
23 of the uniformed services, may be used to provide such
24 technical assistance if:

1 “(A) The Secretary of Defense and the Attor-
2 ney General determine that an emergency situation
3 involving chemical weapons of mass destruction ex-
4 ists; and

5 “(B) The Secretary of Defense determines that
6 the provision of such assistance will not adversely af-
7 fect the military preparedness of the United States.

8 “(2) As used in this section, ‘emergency situation’
9 means a circumstance—

10 “(A) that poses a serious threat to the interests
11 of the United States; and

12 “(B) in which—

13 “(i) enforcement of the law would be seri-
14 ously impaired if the assistance were not pro-
15 vided;

16 “(ii) military technical assistance and ex-
17 pertise is needed to counter the threat posed by
18 the chemical agent involved; and

19 “(iii) civilian law enforcement expertise is
20 not available to provide the required technical
21 assistance.

22 “(3) As used in this section, ‘technical assistance’
23 means the provision of equipment and technical expertise
24 to law enforcement officials in the investigation of viola-
25 tions of this section, such as technical assistance in con-

1 ducting searches that seek evidence or instrumentalities
2 of violations of this section, technical assistance in taking
3 and collecting evidence related to violations of this section,
4 and technical assistance in disarming and disabling indi-
5 viduals in possession of contraband under this section. It
6 does not include authority to apprehend or arrest.

7 “(4) The Secretary of Defense may require reim-
8 bursement as a condition of assistance under this section.

9 “(5) The Attorney General may delegate the Attorney
10 General’s function under this subsection only to a Deputy,
11 Associate, or Assistant Attorney General.”

12 (c) CLERICAL AMENDMENT.—The chapter analysis
13 for chapter 113B of title 18, United States Code, is
14 amended by adding after the item relating to section
15 2332a the following:

”§ 2332b. Use of chemical weapons”.

16 (d) Section 2332a of title 18, United States Code,
17 is amended by inserting between the words “A person
18 who” and “uses, or attempts”, the words “without lawful
19 authority”, at the beginning of subsection (a).

20 **SEC. 112. GENERAL REWARD AUTHORITY OF THE ATTOR-**
21 **NEY GENERAL.**

22 Chapter 203 of title 18, United States Code, is here-
23 by amended by adding after section 3059A the following
24 section:

1 **“§ 3059B. General reward authority**

2 “(a) Notwithstanding any other provision of law, the
3 Attorney General may pay rewards and receive from any
4 department or agency, funds for the payment of rewards
5 under this section, to any individual who assists the De-
6 partment of Justice in performing its functions.

7 “(b) If the reward exceeds \$100,000, the Attorney
8 General, within thirty (30) days of having authorized the
9 payment of such a reward, shall give notice to the respec-
10 tive Chairmen of the Committees on Appropriations and
11 the Committees on the Judiciary of the Senate and the
12 House of Representatives.

13 “(c) A determination made by the Attorney General
14 as to whether to authorize an award under this section
15 and as to the amount of any reward authorized shall be
16 final and conclusive, and no court shall have power or ju-
17 risdiction to review it.”.

18 **TITLE II—SUBSTANTIVE PROSECUTIVE**
19 **ENHANCEMENT**

20 **SEC. 201. POSSESSION OF STOLEN EXPLOSIVES.**

21 Section 842(h) of title 18, United States Code, is
22 amended to read as follows:

23 “(h) It shall be unlawful for any person to receive,
24 possess, transport, ship, conceal, store, barter, sell, dispose
25 of, or pledge or accept as security for a loan, any stolen
26 explosive materials which are moving as, which are part

1 of, which constitute, or which have been shipped or trans-
2 ported in, interstate or foreign commerce, either before or
3 after such materials were stolen, knowing or having rea-
4 sonable cause to believe that the explosive materials were
5 stolen.”.

6 **SEC. 202. PROTECTION OF FEDERAL EMPLOYEES ON AC-**
7 **COUNT OF THE PERFORMANCE OF THEIR OF-**
8 **FICIAL DUTIES.**

9 (a) Section 1114 of title 18, United States Code, is
10 amended to read as follows:

11 **“§1114. Protection of officers and employees of the**
12 **United States**

13 “(a) Whoever kills or attempts to kill any United
14 States official, United States judge, Federal law enforce-
15 ment officer, or member of the uniformed services, or any
16 other officer or employee of the United States or any agen-
17 cy of the executive, legislative, or judicial branch thereof,
18 while such officer or employee is engaged in or on account
19 of the performance of official duties or any person assist-
20 ing such an official, judge, officer, or employee in, or on
21 account of the person’s assistance in, the performance of
22 such duties shall be punished, in the case of murder, as
23 provided under section 1111, or in the case of man-
24 slaughter, as provided under section 1112, except that any

1 such person who is found guilty of attempted murder shall
2 be imprisoned for not more than twenty years.

3 “(b) As used in this section, the terms ‘United States
4 Official; ‘United States judge’, and ‘Federal law enforce-
5 ment officer’ have the meanings prescribed in section 115
6 of this title.”.

7 (b) Section 115(a)(2) of title 18, United States Code,
8 is amended by inserting “, or threatens to assault, kidnap,
9 or murder, any person who formerly served as a person
10 designated in paragraph (1), or” after “Assaults, kidnaps,
11 or murders, or attempts to kidnap or murder”.

12 **TITLE III—CRIMINAL PENALTIES**

13 **SEC. 301. MANDATORY PENALTY FOR TRANSFERRING A** 14 **FIREARM KNOWING THAT IT WILL BE USED** 15 **TO COMMIT A CRIME OF VIOLENCE.**

16 Section 924(h) of title 18, United States Code, is
17 amended by—

18 (1) inserting “or having reasonable cause to be-
19 lieve” after “knowing”, and

20 (2) striking “not more than” and inserting “not
21 less than”.

1 **SEC. 302. MANDATORY PENALTY FOR TRANSFERRING AN**
2 **EXPLOSIVE MATERIAL KNOWING THAT IT**
3 **WILL BE USED TO COMMIT A CRIME OF VIO-**
4 **LENCE.**

5 Section 844 of title 18, United States Code, is
6 amended by adding at the end, the following:

7 “(n) Whoever knowingly transfers an explosive mate-
8 rial, knowing or having reasonable cause to believe that
9 such explosive material will be used to commit a crime
10 of violence (as defined in section 924(c)(3) of this title)
11 or drug trafficking crime (as defined in section 924(c)(2)
12 of this title) shall be imprisoned for not less than 10 years,
13 fined in accordance with this title, or both.”.

14 **SEC. 303. INCREASED PERIOD OF LIMITATIONS FOR NA-**
15 **TIONAL FIREARMS ACT.**

16 Section 6531 of the Internal Revenue Code of 1986
17 (26 U.S.C. 6531) is amended by amending the matter pre-
18 ceding paragraph (1) to read as follows: “No person shall
19 be prosecuted, tried, or punished for any of the various
20 offenses arising under the internal revenue laws unless the
21 indictment is found or the information instituted within
22 3 years next after the commission of the offense, except
23 that the period of limitation shall be 5 years for offenses
24 described in section 58612 (relating to firearms and other
25 devices) and shall be 6 years—”.

1 **TITLE IV—FUNDING**

2 **SEC. 401. CIVIL MONETARY PENALTY SURCHARGE AND**
3 **TELECOMMUNICATIONS CARRIER COMPLI-**
4 **ANCE PAYMENTS.**

5 Public Law 103–414, October 25, 1994, 108 Stat.
6 4279, is amended by inserting at its conclusion a new title
7 IV, as follows:

8 **“TITLE IV—CIVIL MONETARY PENALTY**
9 **SURCHARGE AND TELECOMMUNI-**
10 **CATIONS CARRIER COMPLIANCE PAY-**
11 **MENTS**

12 **“SEC. 401. CIVIL MONETARY PENALTY SURCHARGE.**

13 “(a) IMPOSITION.—Notwithstanding any other provi-
14 sion of law, and subject to section 402(c) of this title, a
15 surcharge of 40 percent of the principal amount of a civil
16 monetary penalty shall be added to each civil monetary
17 penalty at the time it is assessed by the United States
18 or an agency thereof.

19 “(b) APPLICATION OF PAYMENTS.—Payments relat-
20 ing to a civil monetary penalty shall be applied in the fol-
21 lowing order: (1) to costs; (2) to principal; (3) to sur-
22 charges required by subsection (a) of this section; and (4)
23 to interest.

24 “(c) EFFECTIVE DATES.—(1) A surcharge under
25 subsection (a) of this section shall be added to all civil

1 monetary penalties assessed on or after October 1, 1995,
2 or the date of enactment of this title, whichever is later.

3 “(2) The authority to add a surcharge under this sec-
4 tion shall terminate on October 1, 1998.

5 “(d) LIMITATION.—The provisions of this section
6 shall not apply to any civil monetary penalty assessed
7 under title 26, United States Code.

8 **“SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNI-**
9 **CATIONS CARRIER COMPLIANCE FUND.**

10 “(a) ESTABLISHMENT OF FUND.—There is hereby
11 established in the United States Treasury a fund to be
12 known as the Department of Justice Telecommunications
13 Carrier Compliance Fund (hereinafter referred to as ‘the
14 Fund’), which shall be available to the Attorney General
15 to the extent and in the amounts authorized by subsection
16 (c) of this section to make payments to telecommuni-
17 cations carriers, as authorized by section 109 of the Com-
18 munications Assistance for Law Enforcement Act.

19 “(b) OFFSETTING COLLECTIONS.—Notwithstanding
20 section 3302 of title 31, United States Code, the Attorney
21 General may credit surcharges added pursuant to section
22 401 of this title to the Fund as offsetting collections.

23 “(c) REQUIREMENTS FOR APPROPRIATIONS OFF-
24 SET.—(1) Surcharges added pursuant to section 401 of

1 this title are authorized only to the extent and in the
2 amounts provided for in advance in appropriations acts.

3 “(2)(A) Collections credited to the Fund are author-
4 ized to be appropriated in such amounts as may be nec-
5 essary, but not to exceed \$100,000,000 in fiscal year
6 1996, \$305,000,000 in fiscal year 1997, and \$80,000,000
7 in fiscal year 1998.

8 “(B) Amounts described in subparagraph (A) of this
9 paragraph are authorized to be appropriated without fiscal
10 year limitation.

11 “(d) TERMINATION.—(1) The Attorney General may
12 terminate the Fund at such time as the Attorney General
13 determines that the Fund is no longer necessary.

14 “(2) Any balance in the Fund at the time of its termi-
15 nation shall be deposited in the general fund of the Treas-
16 ury.

17 “(3) A decision of the Attorney General to terminate
18 the Fund shall not be subject to judicial review.

19 **“SEC. 403. DEFINITIONS.**

20 “For purposes of this title, the terms ‘agency’ and
21 ‘civil monetary penalty’ have the meanings given to them
22 by section 3 of the Federal Civil Penalties Inflation Ad-
23 justment Act of 1990, Public Law 101–410, Oct. 5, 1990,
24 104 Stat. 890 (28 U.S.C. 2461 note).”.

○

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