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.


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 ENHANCEMENTS

2 SEC. 101. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE AND COUNTERTERRORISM INVESTIGATIONS.

3 (a) Chapter 206, title 18, United States Code, is amended—
(1) by redesignating section 3127 as section 3128; and

(2) by adding the following new section 3127:

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

“(a) Notwithstanding any other law, the provisions of this chapter shall be applicable to foreign counterintelligence and international terrorism investigations conducted by the Federal Bureau of Investigation.

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

“(1) the identity of the attorney for the Government and the fact that the investigation is being conducted by the Federal Bureau of Investigation; and

“(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing foreign counterintelligence or international terrorism investigation being conducted by the Federal Bureau of Investigation.

“(c) All applications and orders under this section shall be maintained by the Federal Bureau of Investigation.”.
(b) **Clerical Amendment.**—The table of sections at the beginning of chapter 206 is amended—

(1) to renumber section 3128 as redesignated; and

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

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"3127. Pen register or a trap and trace device in foreign counterintelligence and counterterrorism investigations."
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**SEC. 102.** **DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR FOREIGN COUNTER-INTELLIGENCE PURPOSES.**

(a) **In General.**—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

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§ 624. Disclosures to FBI for foreign counterintelligence purposes

"(a) **Identity of Financial Institutions.**—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which the consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau
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of Investigation, or the Director’s designee (who shall be an individual with the rank and title of Deputy Assistant Director or above), which certifies compliance with this section. The Director or the Director’s designee may make such a certification only if the Director or the Director’s designee has determined in writing that—

“(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

“(2) there are specific and articulable facts giving reason to believe that the consumer—

“(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

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

“(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this
title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with written request, signed by Director or the Director’s authorized designee, which certifies compliance with this subsection. The Director or the Director’s authorized designee may make such a certification only if the Director or the Director’s authorized designee has determined in writing that—

“(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

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

“(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or authorized designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a
consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

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

“(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

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

“(B) is engaging or has engaged in international terrorism (as that term is defined in 18 U.S.C. 2331) or clandestine intelligence activities that involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a foreign counterintelligence investigation.

“(d) Confidentiality.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclosure information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identify of financial institutions or
a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) Payment of Fees.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to a consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) Limit on Dissemination.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice to appropriate investigative authorities within the military depart-
ment concerned as may be necessary for the conduct of
a joint foreign counterintelligence investigation.

“(g) Rules of Construction.—Nothing in this
section shall be construed to prohibit information from
being furnished by the Federal Bureau of Investigation
pursuant to a subpoena or court order, or in connection
with a judicial or administrative proceeding to enforce the
provisions of this Act. Nothing in this section shall be con-
strued to authorize or permit the withholding of informa-
tion from the Congress.

“(h) Reports to Congress.—On a semiannual
basis, the Attorney General of the United States shall fully
inform the Permanent Select Committee on Intelligence
and the Committee on Banking and Financial Services of
the House of Representatives, and the Select Committee
on Intelligence and the Committee on Banking, Housing,
and Urban Affairs of the Senate concerning all requests
made pursuant to subsections (a), (b), and (c).

“(i) Damages.—Any agency or department of the
United States obtaining or disclosing any consumer re-
ports, records, or information contained therein in viola-
tion of this section is liable to the consumer to whom such
consumer reports, records, or information relate in an
amount equal to the sum of—
“(1) $100, without regard to the volume of
consumer reports, records, or information involved;
“(2) any actual damages sustained by the
consumer as a result of the disclosure;
“(3) if the violation is found to have been will-
ful or intentional, such punitive damages as a court
may allow; and
“(4) in the case of any successful action to en-
force liability under this subsection, the costs of the
action, together with reasonable attorney fees, as de-
determined by the court.
“(j) **Disciplinary Actions for Violations.**—If a
court determines that any agency or department of the
United States has violated any provision of this section
and the court finds that the circumstances surrounding
the violation raise questions of whether or not an officer
or employee of the agency or department acted willfully
or intentionally with respect to the violation, the agency
or department shall promptly initiate a proceeding to de-
terminate whether or not disciplinary action is warranted
against the officer or employee who was responsible for
the violation.
“(k) **Good Faith Exception.**—Notwithstanding
any other provision of this title, any consumer reporting
agency or agent or employee thereof making disclosure of
consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

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

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

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

“624. Disclosures 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 OR PRECURSORS OF EXPLOSIVES.
(a) The Secretary of the Treasury shall conduct a study and make recommendations concerning—
   (1) the tagging of explosive materials for purposes of detection and identification;
   (2) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and
   (3) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.
In conducting the study, the Secretary shall consult with other Federal, State and local officials with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be complete within 12 months after the enactment of this Act and shall be submitted to the Congress and made available to the public. Such study may include, if appropriate, recommendations for legislation.
(b) There are authorized to be appropriated for the study and recommendations contained in paragraph (a) such sums as may be necessary.
(c) Section 842, of title 18, United States Code, is amended by inserting after subsection (k), a new subsection (l) which reads as follows:

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

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

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

“(b) To facilitate the enforcement of this chapter, the Secretary may provide by regulation for the addition of tracer elements to explosive materials manufactured in or imported into the United States. Tracer elements to be added to explosive materials under provisions of this subsection shall be of such character and in such quantity as the Secretary may authorize or require, and such as will not substantially impair the quality of the explosive materials for their intended lawful use, be unreasonably
unsafe, or have a substantially adverse effect on the envi-
ronment.”.

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

SEC. 104. ACCESS TO RECORDS OF COMMON CARRIERS,
PUBLIC ACCOMMODATION FACILITIES, PHYS-
ICAL STORAGE FACILITIES AND VEHICLE
RENTAL FACILITIES IN FOREIGN COUNTER-
INTELLIGENCE AND COUNTERTERRORISM
CASES.

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

“CHAPTER 122—ACCESS TO CERTAIN RECORDS

“§ 2720. Access to records of common carriers, public
accommodation facilities, physical
storage facilities and vehicle rental
facilities in counterintelligence and
counterterrorism cases

“(a) Any common carrier, public accommodation fa-
cility, physical storage facility or vehicle rental facility
shall comply with a request for records in its possession
made pursuant to this section by the Federal Bureau of
Investigation when the Director or designee (whose rank
shall be no lower than Assistant Special Agent in Charge) certifies in writing to the common carrier, public accommodation facility, physical storage facility or vehicle rental facility that such records are sought for foreign counterintelligence purposes and that there are specific and articulable facts giving reason to believe that the person to whom the records sought pertain, is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801).

“(b) No common carrier, public accommodation facility, physical storage facility or vehicle rental facility or any officer, employee or agent of such common carrier, public accommodation facility, physical storage facility or vehicle rental facility shall disclose to any person, other than those officers, agents or employees of the common carrier, public accommodation facility, physical storage facility or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the records requested.

“(c) As used in this chapter—

“(1) the term ‘common carrier’ means a locomotive, a rail carrier, a bus carrying passengers, a
water common carrier, an air common carrier, or a private commercial interstate carrier for the delivery of packages and other objects;

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

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

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

SEC. 105. LIMITATION OF STATUTORY EXCLUSIONARY RULE.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: “This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, unless the violation of this chapter involved bad faith by law enforcement.”.
SEC. 106. AUTHORITY FOR WIRETAPS IN ANY TERRORISM-RELATED OR EXPLOSIVES FELONY.

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

(1) by inserting after the words “section 224 (bribery in sporting contests)”, the words “section 842 (relating to explosives violations)”; and

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

(3) by striking the period at the end of paragraph (o) and inserting “; and”; and

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

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

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

(1) by striking “or” at the end of subparagraph (B);
(2) by inserting “or” at the end of subparagraph (C); and
(3) by adding a new subparagraph (D), as follows:
“(D) information stored in a communications system used for the electronic storage and transfer of funds;”
(c) Section 2510(16) of title 18, United States Code, is amended—
(1) by inserting “or” at the end of subparagraph (D);
(2) by striking “or” at the end of subparagraph (E); and
(3) by striking subparagraph (F).

SEC. 107. TEMPORARY EMERGENCY WIRETAP AUTHORITY INVOLVING TERRORISTIC CRIMES.
(a) Section 2518(7)(a)(111) of title 18, United States Code, is amended by inserting “or domestic terrorism or international terrorism (as those terms are defined in section 2331 of this title)” after “organized crime”.
(b) Section 2331 of title 18, United States Code, is amended by inserting the following after paragraph (4):
“(5) the term ‘domestic terrorism’ means any activities that 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 and which appear to be intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by assassination or kidnapping.’’

SEC. 108. EXPANDED AUTHORITY FOR ROVING WIRETAPS.

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

‘‘(11) The requirements of subsections (1)(b)(ii) and (3)(d) of this section relating to the specification of facilities from which or the place where the communication is to be intercepted do not apply if in the case of an application with respect to the interception of wire, oral or electronic communications—

‘‘(a) the application is by a federal investigative or law enforcement officer, and is approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General (or an official acting in any such capacity);

‘‘(b) the application contains a full and complete statement as to why such specification is not practical and identifies the person committing the
offense and whose communications are to be intercepted; and

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

SEC. 109. ENHANCED ACCESS TO TELEPHONE BILLING RECORDS.

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

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

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

“(3) request the name, address, length of service, and local and long distance 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 the information sought is relevant to an authorized domestic terrorism (as that term is defined in section 2331(5) of this title) investigation.”.

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

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SEC. 110. REQUIREMENT TO PRESERVE EVIDENCE.

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

“(f) Requirement To Preserve Evidence.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.”

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

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

“(c)(1) Military Assistance.—Notwithstanding any other provision of law, the Attorney General may request that the Secretary of Defense provide technical assistance in support of Department of Justice activities relating to the enforcement of this section in situations involving biological weapon emergencies. Department of Defense resources, including civilian personnel and members of the uniformed services, may be used to provide such technical assistance if—
“(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

“(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

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

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

“(B) in which—

“(i) enforcement of the law would be seriously impaired if the assistance were not provided;

“(ii) military technical assistance and expertise is needed to counter the threat posed by the biological agent involved; and

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

“(3) As used in this section, ‘technical assistance’ means the provision of equipment and technical expertise to law enforcement officials in the investigation of violations of this section, such as technical assistance in con-
ducting searches that seek evidence or instrumentalities of violations of this section, technical assistance in taking and collecting evidence related to violations of this section, and technical assistance in disarming and disabling individuals in possession of contraband under this section. It does not include authority to apprehend or arrest.

“(4) The Secretary of Defense may require reimbursement as a condition of assistance under this section.

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

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

§ 2332b. Use of chemical weapons

“(a) Offense.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

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

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

“(c)(1) MILITARY ASSISTANCE.—Notwithstanding
any other provision of law, the Attorney General may re-
quest that the Secretary of Defense provide technical as-
sistance in support of Department of Justice activities re-
lating to the enforcement of this section in situations in-
volving chemical weapon emergencies. Department of De-
fense resources, including civilian personnel and members
of the uniformed services, may be used to provide such
technical assistance if:
“(A) The Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

“(B) The Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

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

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

“(B) in which—

“(i) enforcement of the law would be seriously impaired if the assistance were not provided;

“(ii) military technical assistance and expertise is needed to counter the threat posed by the chemical agent involved; and

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

“(3) As used in this section, ‘technical assistance’ means the provision of equipment and technical expertise to law enforcement officials in the investigation of violations of this section, such as technical assistance in con-
ducting searches that seek evidence or instrumentalities of violations of this section, technical assistance in taking and collecting evidence related to violations of this section, and technical assistance in disarming and disabling individuals in possession of contraband under this section. It does not include authority to apprehend or arrest.

“(4) The Secretary of Defense may require reimbursement as a condition of assistance under this section. “(5) The Attorney General may delegate the Attorney General’s function under this subsection only to a Deputy, Associate, or Assistant Attorney General.”

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

“§ 2332b. Use of chemical weapons”.

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

SEC. 112. GENERAL REWARD AUTHORITY OF THE ATTORNEY GENERAL.

Chapter 203 of title 18, United States Code, is hereby amended by adding after section 3059A the following section:
§ 3059B. General reward authority

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

“(b) If the reward exceeds $100,000, the Attorney General, within thirty (30) days of having authorized the payment of such a reward, shall give notice to the respective Chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

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

TITLE II—SUBSTANTIVE PROSECUTIVE ENHANCEMENT

SEC. 201. POSSESSION OF STOLEN EXPLOSIVES.

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

“(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part
of, which constitute, or which have been shipped or trans-
ported in, interstate or foreign commerce, either before or
after such materials were stolen, knowing or having rea-
sonable cause to believe that the explosive materials were
stolen.”.

SEC. 202. PROTECTION OF FEDERAL EMPLOYEES ON AC-
COUNT OF THE PERFORMANCE OF THEIR OFF-
ICIAL DUTIES.

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

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

“(a) Whoever kills or attempts to kill any United
States official, United States judge, Federal law enforce-
ment officer, or member of the uniformed services, or any
other officer or employee of the United States or any agen-
cy of the executive, legislative, or judicial branch thereof,
while such officer or employee is engaged in or on account
of the performance of official duties or any person assist-
ing such an official, judge, officer, or employee in, or on
account of the person’s assistance in, the performance of
such duties shall be punished, in the case of murder, as
provided under section 1111, or in the case of man-
slaughter, as provided under section 1112, except that any
such person who is found guilty of attempted murder shall
be imprisoned for not more than twenty years.

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

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

TITLE III—CRIMINAL PENALTIES

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

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

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

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

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SEC. 302. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

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

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

SEC. 303. INCREASED PERIOD OF LIMITATIONS FOR NATIONAL FIREARMS ACT.

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

SEC. 401. CIVIL MONETARY PENALTY SURCHARGE AND
TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS.

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

"TITLE IV—CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS"

"SEC. 401. CIVIL MONETARY PENALTY SURCHARGE."

"(a) IMPOSITION.—Notwithstanding any other provision of law, and subject to section 402(c) of this title, a surcharge of 40 percent of the principal amount of a civil monetary penalty shall be added to each civil monetary penalty at the time it is assessed by the United States or an agency thereof.

"(b) APPLICATION OF PAYMENTS.—Payments relating to a civil monetary penalty shall be applied in the following order: (1) to costs; (2) to principal; (3) to surcharges required by subsection (a) of this section; and (4) to interest.

"(c) EFFECTIVE DATES.—(1) A surcharge under subsection (a) of this section shall be added to all civil
monetary penalties assessed on or after October 1, 1995, or the date of enactment of this title, whichever is later.

"(2) The authority to add a surcharge under this section shall terminate on October 1, 1998.

"(d) Limitation.—The provisions of this section shall not apply to any civil monetary penalty assessed under title 26, United States Code.

"SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

"(a) Establishment of Fund.—There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereinafter referred to as ‘the Fund’), which shall be available to the Attorney General to the extent and in the amounts authorized by subsection (c) of this section to make payments to telecommunications carriers, as authorized by section 109 of the Communications Assistance for Law Enforcement Act.

"(b) Offsetting Collections.—Notwithstanding section 3302 of title 31, United States Code, the Attorney General may credit surcharges added pursuant to section 401 of this title to the Fund as offsetting collections.

"(c) Requirements for Appropriations Offset.—(1) Surcharges added pursuant to section 401 of
this title are authorized only to the extent and in the amounts provided for in advance in appropriations acts. “(2)(A) Collections credited to the Fund are authorized to be appropriated in such amounts as may be necessary, but not to exceed $100,000,000 in fiscal year 1996, $305,000,000 in fiscal year 1997, and $80,000,000 in fiscal year 1998. “(B) Amounts described in subparagraph (A) of this paragraph are authorized to be appropriated without fiscal year limitation. “(d) TERMINATION.—(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary. “(2) Any balance in the Fund at the time of its termination shall be deposited in the general fund of the Treasury. “(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review. “SEC. 403. DEFINITIONS. “For purposes of this title, the terms ‘agency’ and ‘civil monetary penalty’ have the meanings given to them by section 3 of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, Oct. 5, 1990, 104 Stat. 890 (28 U.S.C. 2461 note).”
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