

104TH CONGRESS
2D SESSION

H. R. 3071

To combat terrorism.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1996

Mr. NADLER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To combat 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 “Effective
5 Counterterrorism Act of 1996”.

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

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CRIMINAL ACTS

- Sec. 101. Protection of Federal employees.
- Sec. 102. Prohibiting material support to terrorist organizations.
- Sec. 103. Modification of material support provision.
- Sec. 104. Receiving material support from terrorist organizations or govern-
ments.

- Sec. 105. Acts of terrorism against children.
- Sec. 106. Conspiracy to harm people and property overseas.
- Sec. 107. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
- Sec. 108. Expansion and modification of weapons of mass destruction statute.
- Sec. 109. Addition of offenses to the money laundering statute.
- Sec. 110. Expansion of Federal jurisdiction over bomb threats.
- Sec. 111. Clarification of maritime violence jurisdiction.
- Sec. 112. Possession of stolen explosives prohibited.

TITLE II—INCREASED PENALTIES

- Sec. 201. Penalties for certain explosives offenses.
- Sec. 202. Increased penalty for explosive conspiracies.
- Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
- Sec. 204. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.

TITLE III—INVESTIGATIVE TOOLS

- Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
- Sec. 302. Requirement to preserve record evidence.
- Sec. 303. Detention hearing.
- Sec. 304. Reward authority of the Attorney General.
- Sec. 305. Protection of Federal Government buildings in the District of Columbia.
- Sec. 306. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

- Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

- Sec. 501. Definitions.
- Sec. 502. Requirement of detection agents for plastic explosives.
- Sec. 503. Criminal sanctions.
- Sec. 504. Exceptions.
- Sec. 505. Effective date.

TITLE VI—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

- Sec. 601. Removal procedures for alien terrorists.

TITLE VII—AUTHORIZATION AND FUNDING

- Sec. 701. Firefighter and emergency services training.
- Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
- Sec. 703. Research and development to support counter-terrorism technologies.
- Sec. 704. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.

Sec. 802. Compensation of victims of terrorism.

Sec. 803. Jurisdiction for lawsuits against terrorist States.

Sec. 804. Compilation of statistics relating to intimidation of government employees.

Sec. 805. Victim restitution Act.

1 **TITLE I—CRIMINAL ACTS**

2 **SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.**

3 (a) HOMICIDE.—Section 1114 of title 18, United
4 States Code, is amended to read as follows:

5 **“§1114. Protection of officers and employees of the** 6 **United States**

7 “Whoever kills or attempts to kill any officer or em-
8 ployee of the United States or of any agency in any branch
9 of the United States Government (including any member
10 of the uniformed services) while such officer or employee
11 is engaged in or on account of the performance of official
12 duties, or any person assisting such an officer or employee
13 in the performance of such duties or on account of that
14 assistance, shall be punished, in the case of murder, as
15 provided under section 1111, or in the case of man-
16 slaughter, as provided under section 1112, or, in the case
17 of attempted murder or manslaughter, as provided in sec-
18 tion 1113.”.

19 (b) THREATS AGAINST FORMER OFFICERS AND EM-
20 PLOYEES.—Section 115(a)(2) of title 18, United States
21 Code, is amended by inserting “, or threatens to assault,
22 kidnap, or murder, any person who formerly served as a

1 person designated in paragraph (1), or” after “assaults,
 2 kidnaps, or murders, or attempts to kidnap or murder”.

3 **SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERROR-**
 4 **IST ORGANIZATIONS.**

5 (a) IN GENERAL.—The chapter 113B of title 18,
 6 United States Code, that relates to terrorism is amended
 7 by adding at the end the following:

8 **“§ 2339B. Providing material support to terrorist or-**
 9 **ganizations**

10 “(a) OFFENSE.—Whoever, within the United States
 11 knowingly provides material support or resources in or af-
 12 fecting interstate or foreign commerce, to any organization
 13 which the person knows or should have known is a terror-
 14 ist organization that has been designated under this sec-
 15 tion as a terrorist organization shall be fined under this
 16 title or imprisoned not more than 10 years, or both.

17 “(b) TERRORIST ORGANIZATION DEFINED.—

18 “(1) DESIGNATION.—For purposes of this sec-
 19 tion and the Crimes Associated With Terrorism Act
 20 of 1996 and title V of the Immigration and Nation-
 21 ality Act, the term ‘terrorist organization’ means a
 22 foreign organization designated in the Federal Reg-
 23 ister as a terrorist organization by the Secretary of
 24 State in consultation with the Attorney General,
 25 based upon a finding that the organization engages

1 in, or has engaged in, terrorist activity that threat-
2 ens the national security of the United States.

3 “(2) PROCESS.—At least 3 days before des-
4 ignating an organization as a terrorist organization
5 through publication in the Federal Register, the Sec-
6 retary of State, in consultation with the Attorney
7 General, shall notify the Committees on the Judici-
8 ary of the House of Representatives and the Senate
9 of the intent to make such designation and the find-
10 ings and the basis for designation. The Secretary of
11 State, in consultation with the Attorney General,
12 shall create an administrative record prior to such
13 designation and may use classified information in
14 making such a designation. Such classified informa-
15 tion is not subject to disclosure so long as it remains
16 classified, except as provided in paragraph (3) for
17 the purposes of judicial review of such designation.
18 The Secretary of State, in consultation with the At-
19 torney General, shall provide notice and an oppor-
20 tunity for public comment prior to the creation of
21 the administrative record under this paragraph.

22 “(3) JUDICIAL REVIEW.—Any organization des-
23 igned as a terrorist organization under the preced-
24 ing provisions of this subsection may, not later than
25 30 days after the date of the designation, seek judi-

1 cial review thereof in any United States Court of
2 Appeals of competent jurisdiction. The court shall
3 hold unlawful and set aside the designation if the
4 court finds the designation to be arbitrary, capri-
5 cious, an abuse of discretion, or otherwise not in ac-
6 cordance with law, not supported by a preponder-
7 ance of the evidence, contrary to constitutional right,
8 power, privilege, or immunity, or not in accord with
9 the procedures required by law. Such review shall
10 proceed in an expedited manner. Designated organi-
11 zations shall have the opportunity to call witnesses
12 and present evidence in rebuttal of such designation.
13 During the pendency of the court’s review of the
14 designation, the prohibition against providing mate-
15 rial support to the organization under this section
16 shall not apply unless the court finds that the Gov-
17 ernment is likely to succeed on the merits of the des-
18 ignation. For the purposes of this section, any classi-
19 fied information used in making the designation
20 shall be considered by the court, and provided to the
21 organization, under the procedures provided under
22 title V of the Immigration and Nationality Act.

23 “(4) CONGRESSIONAL AUTHORITY TO REMOVE
24 DESIGNATION.—The Congress reserves the authority

1 to remove, by law, the designation of an organization
2 as a terrorist organization under this subsection.

3 “(5) SUNSET.—Subject to paragraph (4), the
4 designation under this subsection of an organization
5 as a terrorist organization shall be effective for a pe-
6 riod of 2 years from the date of the initial publica-
7 tion of the terrorist organization designation by the
8 Secretary of State. At the end of such period (but
9 no sooner than 60 days prior to the termination of
10 the 2-year designation period), the Secretary of
11 State, in consultation with the Attorney General,
12 may redesignate the organization in conformity with
13 the requirements of this subsection for designation
14 of the organization.

15 “(6) OTHER AUTHORITY TO REMOVE DESIGNA-
16 TION.—The Secretary of State, in consultation with
17 the Attorney General, may remove the terrorist or-
18 ganization designation from any organization pre-
19 viously designated as such an organization, at any
20 time, so long as the Secretary publishes notice of the
21 removal in the Federal Register. The Secretary is
22 not required to report to Congress prior to so remov-
23 ing such designation.

24 “(c) DEFINITIONS.—As used in this section, the
25 term—

1 “(1) ‘material support or resources’ has the
2 meaning given that term in section 2339A of this
3 title; and

4 “(2) ‘terrorist activity’ means any act in prepa-
5 ration for or in carrying out a violation of section
6 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203,
7 1361, 1363, 1751, 2280, 2281, 2331(1)(A), 2332,
8 2332a, or 2332b of this title or section 46502 of
9 title 49, or in preparation for or in carrying out the
10 concealment or an escape from the commission of
11 any such violation.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of the chapter 113B of title 18, United
14 States Code, that relates to terrorism is amended by in-
15 serting after the item relating to section 2339a the follow-
16 ing new item:

“2339b. Providing material support to terrorist organizations.”.

17 **SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVI-**
18 **SION.**

19 Section 2339A of title 18, United States Code, is
20 amended read as follows:

21 **“§ 2339A. Providing material support to terrorists**

22 “(a) OFFENSE.—Whoever, within the United States,
23 provides material support or resources or conceals or dis-
24 guises the nature, location, source, or ownership of mate-
25 rial support or resources, knowing or intending that they

1 are to be used in preparation for or in carrying out, a
2 violation of section 32, 37, 81, 175, 351, 844(f) or (i),
3 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
4 2332, 2332a, 2332b, or 2340 of this title or section 46502
5 or 6012 of title 49, or in preparation for or in carrying
6 out the concealment or an escape from the commission of
7 any such violation, shall be fined under this title, impris-
8 oned not more than ten years, or both.

9 “(b) DEFINITION.—In this section, the term ‘mate-
10 rial support or resources’ means currency or other finan-
11 cial securities, financial services, lodging, training,
12 safehouses, false documentation or identification, commu-
13 nications equipment, facilities, weapons, lethal substances,
14 explosives, personnel, transportation, and other physical
15 assets, except medicine or religious materials.”.

16 **SEC. 104. RECEIVING MATERIAL SUPPORT FROM TERROR-**
17 **IST ORGANIZATIONS OR GOVERNMENTS.**

18 (a) IN GENERAL.—The chapter 113B of title 18,
19 United States Code, that relates to terrorism is amended
20 by adding by adding at the end the following:

21 **“§ 2339C. Receiving material support from terrorist**
22 **organizations or countries supporting**
23 **terrorism**

24 “(a) OFFENSE.—Whoever, within the United States
25 knowingly receives material support or resources in or af-

1 fecting interstate or foreign commerce, from a terrorist
2 organization or a country supporting terrorism, shall be
3 fined under this title or imprisoned not more than 10
4 years.

5 “(b) EXCEPTIONS.—This section shall not apply to
6 any thing of value received as judgment in a civil action
7 or as restitution for any act of terrorism, crime of war
8 or crime against humanity.

9 “(c) DEFINITIONS.—For the purposes of this section,
10 the term—

11 “(1) ‘terrorist organization’ means any organi-
12 zation which the person knows or should have known
13 is a terrorist organization as designated for the pur-
14 poses of section 2339B; or

15 “(2) ‘country supporting terrorism’, means any
16 country designated by the President under section
17 505 of the International Security and Development
18 Cooperation Act of 1985 (22 U.S.C. 2349aa–9) (re-
19 lating to the ban on importing goods and services
20 from countries supporting terrorism) as a country
21 supporting terrorism, or any country designated
22 under section 504 of the International Security and
23 Development Cooperation Act of 1985 (22 U.S.C
24 2349aa–8) (relating to the prohibition on imports
25 from and exports to Libya).”.

1 **SEC. 105. ACTS OF TERRORISM AGAINST CHILDREN.**

2 (a) OFFENSE.—Title 18, United States Code, is
3 amended by inserting after section 2332a the following:

4 **“§ 2332b. Acts of terrorism against children**

5 “(a) PROHIBITED ACTS.—

6 “(a) Whoever intentionally commits a Federal crime
7 of terrorism against a child, shall be fined under this title
8 or imprisoned for any term of years or for life, or both.
9 This section does not prevent the imposition of any more
10 severe penalty which may be provided for the same con-
11 duct by another provision of Federal law.

12 “(b) DEFINITIONS.—As used in this section—

13 “(1) the term ‘Federal crime of terrorism’
14 means an offense that—

15 “(A) is calculated to influence or affect the
16 conduct of government by intimidation or coer-
17 cion, or to retaliate against government con-
18 duct; and

19 “(B) is a violation of—

20 “(i) section 32 (relating to destruction
21 of aircraft or aircraft facilities), 37 (relat-
22 ing to violence at international airports),
23 81 (relating to arson within special mari-
24 time and territorial jurisdiction), 175 (re-
25 lating to biological weapons), 351 (relating
26 to congressional, cabinet, and Supreme

1 Court assassination, kidnapping, and as-
2 sault), 831 (relating to nuclear weapons),
3 842(m) or (n) (relating to plastic explo-
4 sives), 844(e) (relating to certain bomb-
5 ings), 844(f) or (i) (relating to arson and
6 bombing of certain property), 956 (relating
7 to conspiracy to commit violent acts in for-
8 eign countries), 1114 (relating to protec-
9 tion of officers and employees of the Unit-
10 ed States), 1116 (relating to murder or
11 manslaughter of foreign officials, official
12 guests, or internationally protected per-
13 sons), 1203 (relating to hostage taking),
14 1361 (relating to injury of Government
15 property), 1362 (relating to destruction of
16 communication lines), 1363 (relating to in-
17 jury to buildings or property within special
18 maritime and territorial jurisdiction of the
19 United States), 1366 (relating to destruc-
20 tion of energy facility), 1751 (relating to
21 Presidential and Presidential staff assas-
22 sination, kidnapping, and assault), 2152
23 (relating to injury of harbor defenses),
24 2155 (relating to destruction of national
25 defense materials, premises, or utilities),

1 2156 (relating to production of defective
2 national defense materials, premises, or
3 utilities), 2280 (relating to violence against
4 maritime navigation), 2281 (relating to vi-
5 olence against maritime fixed platforms),
6 2332 (relating to certain homicides and vi-
7 olence outside the United States), 2332a
8 (relating to use of weapons of mass de-
9 struction), 2332b (relating to acts of ter-
10 rorism transcending national boundaries),
11 2339A (relating to providing material sup-
12 port to terrorists), 2339B (relating to pro-
13 viding material support to terrorist organi-
14 zations), or 2340A (relating to torture) of
15 this title;

16 “(ii) section 236 (relating to sabotage
17 of nuclear facilities or fuel) of the Atomic
18 Energy Act of 1954; or

19 “(iii) section 46502 (relating to air-
20 craft piracy), or 60123(b) (relating to de-
21 struction of interstate gas or hazardous
22 liquid pipeline facility) of title 49; and

23 “(2) the term ‘child’ means an individual who
24 has not attained the age of 18 years.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of the chapter 113B of title 18, United
3 States Code, that relates to terrorism is amended by in-
4 serting after the item relating to section 2332a the follow-
5 ing new item:

“2332b. Acts of terrorism against children.”.

6 **SEC. 106. CONSPIRACY TO HARM PEOPLE AND PROPERTY**
7 **OVERSEAS.**

8 (a) IN GENERAL.—Section 956 of chapter 45 of title
9 18, United States Code, is amended to read as follows:
10 **“§956. Conspiracy to kill, kidnap, maim, or injure**
11 **persons or damage property in a foreign**
12 **country**

13 “(a)(1) Whoever, within the jurisdiction of the United
14 States, conspires with one or more other persons, regard-
15 less of where such other person or persons are located,
16 to commit at any place outside the United States an act
17 that would constitute the offense of murder, kidnapping,
18 or maiming if committed in the special maritime and terri-
19 torial jurisdiction of the United States shall, if any of the
20 conspirators commits an act within the jurisdiction of the
21 United States to effect any object of the conspiracy, be
22 punished as provided in subsection (a)(2).

23 “(2) The punishment for an offense under subsection
24 (a)(1) of this section is—

1 “(A) imprisonment for any term of years or for
2 life if the offense is conspiracy to murder or kidnap;
3 and

4 “(B) imprisonment for not more than 35 years
5 if the offense is conspiracy to maim.

6 “(b) Whoever, within the jurisdiction of the United
7 States, conspires with one or more persons, regardless of
8 where such other person or persons are located, to damage
9 or destroy specific property situated within a foreign coun-
10 try and belonging to a foreign government or to any politi-
11 cal subdivision thereof with which the United States is at
12 peace, or any railroad, canal, bridge, airport, airfield, or
13 other public utility, public conveyance, or public structure,
14 or any religious, educational, or cultural property so situ-
15 ated, shall, if any of the conspirators commits an act with-
16 in the jurisdiction of the United States to effect any object
17 of the conspiracy, be imprisoned not more than 25 years.”.

18 (b) CLERICAL AMENDMENT.—The item relating to
19 section 956 in the table of sections at the beginning of
20 chapter 45 of title 18, United States Code, is amended
21 to read as follows:

“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property
in a foreign country.”.

1 **SEC. 107. CLARIFICATION AND EXTENSION OF CRIMINAL**
2 **JURISDICTION OVER CERTAIN TERRORISM**
3 **OFFENSES OVERSEAS.**

4 (a) AIRCRAFT PIRACY.—Section 46502(b) of title 49,
5 United States Code, is amended—

6 (1) in paragraph (1), by striking “and later
7 found in the United States”;

8 (2) so that paragraph (2) reads as follows:

9 “(2) There is jurisdiction over the offense in para-
10 graph (1) if—

11 “(A) a national of the United States was
12 aboard the aircraft;

13 “(B) an offender is a national of the United
14 States; or

15 “(C) an offender is afterwards found in the
16 United States.”; and

17 (3) by inserting after paragraph (2) the follow-
18 ing:

19 “(3) For purposes of this subsection, the term ‘na-
20 tional of the United States’ has the meaning prescribed
21 in section 101(a)(22) of the Immigration and Nationality
22 Act (8 U.S.C. 1101(a)(22)).”.

23 (b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FA-
24 CILITIES.—Section 32(b) of title 18, United States Code,
25 is amended—

1 (1) by striking “, if the offender is later found
2 in the United States,”; and

3 (2) by inserting at the end the following:
4 “There is jurisdiction over an offense under this
5 subsection if a national of the United States was on
6 board, or would have been on board, the aircraft; an
7 offender is a national of the United States; or an of-
8 fender is afterwards found in the United States. For
9 purposes of this subsection, the term ‘national of the
10 United States’ has the meaning prescribed in section
11 101(a)(22) of the Immigration and Nationality
12 Act.”.

13 (c) MURDER OF FOREIGN OFFICIALS AND CERTAIN
14 OTHER PERSONS.—Section 1116 of title 18, United
15 States Code, is amended—

16 (1) in subsection (b), by adding at the end the
17 following:

18 “(7) ‘National of the United States’ has the
19 meaning prescribed in section 101(a)(22) of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1101(a)(22)).”; and

22 (2) in subsection (c), by striking the first sen-
23 tence and inserting the following: “If the victim of
24 an offense under subsection (a) is an internationally
25 protected person outside the United States, the

1 United States may exercise jurisdiction over the of-
2 fense if (1) the victim is a representative, officer,
3 employee, or agent of the United States, (2) an of-
4 fender is a national of the United States, or (3) an
5 offender is afterwards found in the United States.”.

6 (d) PROTECTION OF FOREIGN OFFICIALS AND CER-
7 TAIN OTHER PERSONS.—Section 112 of title 18, United
8 States Code, is amended—

9 (1) in subsection (c), by inserting “‘national of
10 the United States’,” before “and”; and

11 (2) in subsection (e), by striking the first sen-
12 tence and inserting the following: “If the victim of
13 an offense under subsection (a) is an internationally
14 protected person outside the United States, the
15 United States may exercise jurisdiction over the of-
16 fense if (1) the victim is a representative, officer,
17 employee, or agent of the United States, (2) an of-
18 fender is a national of the United States, or (3) an
19 offender is afterwards found in the United States.”.

20 (e) THREATS AND EXTORTION AGAINST FOREIGN
21 OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878
22 of title 18, United States Code, is amended—

23 (1) in subsection (c), by inserting “‘national of
24 the United States’,” before “and”; and

1 (2) in subsection (d), by striking the first sen-
2 tence and inserting the following: “If the victim of
3 an offense under subsection (a) is an internationally
4 protected person outside the United States, the
5 United States may exercise jurisdiction over the of-
6 fense if (1) the victim is a representative, officer,
7 employee, or agent of the United States, (2) an of-
8 fender is a national of the United States, or (3) an
9 offender is afterwards found in the United States.”.

10 (f) KIDNAPPING OF INTERNATIONALLY PROTECTED
11 PERSONS.—Section 1201(e) of title 18, United States
12 Code, is amended—

13 (1) by striking the first sentence and inserting
14 the following: “If the victim of an offense under sub-
15 section (a) is an internationally protected person
16 outside the United States, the United States may
17 exercise jurisdiction over the offense if (1) the victim
18 is a representative, officer, employee, or agent of the
19 United States, (2) an offender is a national of the
20 United States, or (3) an offender is afterwards
21 found in the United States.”; and

22 (2) by adding at the end the following: “For
23 purposes of this subsection, the term ‘national of the
24 United States’ has the meaning prescribed in section

1 101(a)(22) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(22)).”.

3 (g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Sec-
4 tion 37(b)(2) of title 18, United States Code, is
5 amended—

6 (1) by inserting “(A)” before “the offender is
7 later found in the United States”; and

8 (2) by inserting “; or (B) an offender or a vic-
9 tim is a national of the United States (as defined in
10 section 101(a)(22) of the Immigration and National-
11 ity Act (8 U.S.C. 1101(a)(22)))” after “the offender
12 is later found in the United States”.

13 (h) BIOLOGICAL WEAPONS.—Section 178 of title 18,
14 United States Code, is amended—

15 (1) by striking “and” at the end of paragraph
16 (3);

17 (2) by striking the period at the end of para-
18 graph (4) and inserting “; and”; and

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

20 “(5) the term ‘national of the United States’
21 has the meaning prescribed in section 101(a)(22) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(22)).”.

1 **SEC. 108. EXPANSION AND MODIFICATION OF WEAPONS OF**
2 **MASS DESTRUCTION STATUTE.**

3 Section 2332a of title 18, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) by inserting “AGAINST A NATIONAL
7 OR WITHIN THE UNITED STATES” after “OF-
8 FENSE”;

9 (B) by inserting “, without lawful author-
10 ity” after “A person who”;

11 (C) by inserting “threatens,” before “at-
12 tempts or conspires to use, a weapon of mass
13 destruction”; and

14 (D) by inserting “and the results of such
15 use affect interstate or foreign commerce or, in
16 the case of a threat, attempt, or conspiracy,
17 would have affected interstate or foreign com-
18 merce” before the semicolon at the end of para-
19 graph (2);

20 (2) in subsection (b)(2)(A), by striking “section
21 921” and inserting “section 921(a)(4) (other than
22 subparagraphs (B) and (C))”;

23 (3) in subsection (b), so that subparagraph (B)
24 of paragraph (2) reads as follows:

25 “(B) any weapon that is designed to cause
26 death or serious bodily injury through the re-

1 lease, dissemination, or impact of toxic or poi-
2 sonous chemicals, or their precursors;”;

3 (4) by redesignating subsection (b) as sub-
4 section (c); and

5 (5) by inserting after subsection (a) the follow-
6 ing new subsection:

7 “(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED
8 STATES.—Any national of the United States who, without
9 lawful authority and outside the United States, uses, or
10 threatens, attempts, or conspires to use, a weapon of mass
11 destruction shall be imprisoned for any term of years or
12 for life.”.

13 **SEC. 109. ADDITION OF OFFENSES TO THE MONEY LAUN-**
14 **DERING STATUTE.**

15 (a) MURDER AND DESTRUCTION OF PROPERTY.—
16 Section 1956(c)(7)(B)(ii) of title 18, United States Code,
17 is amended by striking “or extortion;” and inserting “ex-
18 tortion, murder, or destruction of property by means of
19 explosive or fire;”.

20 (b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of
21 title 18, United States Code, is amended—

22 (1) by inserting after “an offense under” the
23 following: “section 32 (relating to the destruction of
24 aircraft), section 37 (relating to violence at inter-
25 national airports), section 115 (relating to influen-

1 ing, impeding, or retaliating against a Federal offi-
2 cial by threatening or injuring a family member),”;

3 (2) by inserting after “section 215 (relating to
4 commissions or gifts for procuring loans),” the fol-
5 lowing: “section 351 (relating to Congressional or
6 Cabinet officer assassination),”;

7 (3) by inserting after “section 793, 794, or 798
8 (relating to espionage),” the following: “section 831
9 (relating to prohibited transactions involving nuclear
10 materials), section 844 (f) or (i) (relating to destruc-
11 tion by explosives or fire of Government property or
12 property affecting interstate or foreign commerce),”;

13 (4) by inserting after “section 875 (relating to
14 interstate communications),” the following: “section
15 956 (relating to conspiracy to kill, kidnap, maim, or
16 injure certain property in a foreign country),”;

17 (5) by inserting after “1032 (relating to con-
18 cealment of assets from conservator, receiver, or liq-
19 uidating agent of financial institution),” the follow-
20 ing: “section 1111 (relating to murder), section
21 1114 (relating to protection of officers and employ-
22 ees of the United States), section 1116 (relating to
23 murder of foreign officials, official guests, or inter-
24 nationally protected persons),”;

1 (6) by inserting after “section 1203 (relating to
2 hostage taking),” the following: “section 1361 (relat-
3 ing to willful injury of Government property), sec-
4 tion 1363 (relating to destruction of property within
5 the special maritime and territorial jurisdiction),”;

6 (7) by inserting after “section 1708 (theft from
7 the mail),” the following: “section 1751 (relating to
8 Presidential assassination),”;

9 (8) by inserting after “2114 (relating to bank
10 and postal robbery and theft),” the following: “sec-
11 tion 2280 (relating to violence against maritime
12 navigation), section 2281 (relating to violence
13 against maritime fixed platforms),”; and

14 (9) by striking “of this title” and inserting the
15 following: “section 2332 (relating to terrorist acts
16 abroad against United States nationals), section
17 2332a (relating to use of weapons of mass destruc-
18 tion), section 2332c (relating to international terror-
19 ist acts transcending national boundaries), section
20 2339A (relating to providing material support to ter-
21 rorists) of this title, section 46502 of title 49, Unit-
22 ed States Code”.

1 **SEC. 110. EXPANSION OF FEDERAL JURISDICTION OVER**
2 **BOMB THREATS.**

3 Section 844(e) of title 18, United States Code, is
4 amended by striking “commerce,” and inserting “inter-
5 state or foreign commerce, or in or affecting interstate or
6 foreign commerce,”.

7 **SEC. 111. CLARIFICATION OF MARITIME VIOLENCE JURIS-**
8 **DICTION.**

9 Section 2280(b)(1)(A) of title 18, United States
10 Code, is amended—

11 (1) in clause (ii), by striking “and the activity
12 is not prohibited as a crime by the State in which
13 the activity takes place”; and

14 (2) in clause (iii), by striking “the activity takes
15 place on a ship flying the flag of a foreign country
16 or outside the United States,”.

17 **SEC. 112. POSSESSION OF STOLEN EXPLOSIVES PROHIB-**
18 **ITED.**

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

21 “(h) It shall be unlawful for any person to receive,
22 possess, transport, ship, conceal, store, barter, sell, dispose
23 of, or pledge or accept as security for a loan, any stolen
24 explosive materials which are moving as, which are part
25 of, which constitute, or which have been shipped or trans-
26 ported in, interstate or foreign commerce, either before or

1 after such materials were stolen, knowing or having rea-
2 sonable cause to believe that the explosive materials were
3 stolen.”.

4 **TITLE II—INCREASED** 5 **PENALTIES**

6 **SEC. 201. PENALTIES FOR CERTAIN EXPLOSIVES OF-**
7 **FENSES.**

8 (a) INCREASED PENALTIES FOR DAMAGING CERTAIN
9 PROPERTY.—Section 844(f) of title 18, United States
10 Code, is amended to read as follows:

11 “(f) Whoever damages or destroys, or attempts to
12 damage or destroy, by means of fire or an explosive, any
13 personal or real property in whole or in part owned, pos-
14 sessed, or used by, or leased to, the United States, or any
15 department or agency thereof, or any institution or organi-
16 zation receiving Federal financial assistance shall be fined
17 under this title or imprisoned for not more than 25 years,
18 or both, but—

19 “(1) if personal injury results to any person
20 other than the offender, the term of imprisonment
21 shall be not more than 40 years;

22 “(2) if fire or an explosive is used and its use
23 creates a substantial risk of serious bodily injury to
24 any person other than the offender, the term of im-
25 prisonment shall not be more than 45 years; and

1 “(3) if death results to any person other than
2 the offender, the offender shall be subject to impris-
3 onment for any term of years, or for life.”.

4 (b) CONFORMING AMENDMENT.—Section 81 of title
5 18, United States Code, is amended by striking “fined
6 under this title or imprisoned not more than five years,
7 or both” and inserting “imprisoned not more than 25
8 years or fined the greater of the fine under this title or
9 the cost of repairing or replacing any property that is
10 damaged or destroyed, or both”.

11 (c) STATUTE OF LIMITATION FOR ARSON OF-
12 FENSES.—

13 (1) Chapter 213 of title 18, United States
14 Code, is amended by adding at the end the follow-
15 ing:

16 **“§ 3295. Arson offenses**

17 “No person shall be prosecuted, tried, or punished
18 for any non-capital offense under section 81 or subsection
19 (f), (h), or (i) of section 844 of this title unless the indict-
20 ment is found or the information is instituted within 7
21 years after the date on which the offense was committed.”.

22 (2) The table of sections at the beginning of
23 chapter 213 of title 18, United States Code, is
24 amended by adding at the end the following new
25 item:

“3295. Arson offenses.”.

1 (3) Section 844(i) of title 18, United States
2 Code, is amended by striking the last sentence.

3 **SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIR-**
4 **ACIES.**

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

7 “(n) Except as otherwise provided in this section, a
8 person who conspires to commit any offense defined in this
9 chapter shall be subject to the same penalties (other than
10 the penalty of death) as those prescribed for the offense
11 the commission of which was the object of the conspir-
12 acy.”.

13 **SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PEN-**
14 **ALTIES FOR TERRORISM OFFENSES.**

15 (a) TITLE 18 OFFENSES.—

16 (1) Sections 32(a)(7), 32(b)(4), 37(a),
17 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H),
18 and 2281(a)(1)(F) of title 18, United States Code,
19 are each amended by inserting “or conspires” after
20 “attempts”.

21 (2) Section 115(b)(2) of title 18, United States
22 Code, is amended by striking “or attempted kidnap-
23 ping” both places it appears and inserting “, at-
24 tempted kidnapping, or conspiracy to kidnap”.

1 (3)(A) Section 115(b)(3) of title 18, United
2 States Code, is amended by striking “or attempted
3 murder” and inserting “, attempted murder, or con-
4 spiracy to murder”.

5 (B) Section 115(b)(3) of title 18, United States
6 Code, is amended by striking “and 1113” and in-
7 serting “, 1113, and 1117”.

8 (4) Section 175(a) of title 18, United States
9 Code, is amended by inserting “or conspires to do
10 so,” after “any organization to do so,”.

11 (b) AIRCRAFT PIRACY.—

12 (1) Section 46502(a)(2) of title 49, United
13 States Code, is amended by inserting “or conspir-
14 ing” after “attempting”.

15 (2) Section 46502(b)(1) of title 49, United
16 States Code, is amended by inserting “or conspiring
17 to commit” after “committing”.

18 **SEC. 204. MANDATORY PENALTY FOR TRANSFERRING AN**
19 **EXPLOSIVE MATERIAL KNOWING THAT IT**
20 **WILL BE USED TO COMMIT A CRIME OF VIO-**
21 **LENCE.**

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

24 “(o) Whoever knowingly transfers any explosive ma-
25 terials, knowing that such explosive materials will be used

1 to commit a crime of violence (as defined in section
2 924(c)(3) of this title) or drug trafficking crime (as de-
3 fined in section 924(c)(2) of this title) shall be subject to
4 the same penalties as may be imposed under subsection
5 (h) for a first conviction for the use or carrying of the
6 explosive materials.”.

7 **TITLE III—INVESTIGATIVE** 8 **TOOLS**

9 **SEC. 301. STUDY OF TAGGING EXPLOSIVE MATERIALS, DE-** 10 **TECTION OF EXPLOSIVES AND EXPLOSIVE** 11 **MATERIALS, RENDERING EXPLOSIVE COMPO-** 12 **NENTS INERT, AND IMPOSING CONTROLS OF** 13 **PRECURSORS OF EXPLOSIVES.**

14 (a) STUDY.—The Secretary of the Treasury, in con-
15 sultation with other Federal, State and local officials with
16 expertise in this area and such other individuals as the
17 Secretary of the Treasury deems appropriate, shall con-
18 duct a study concerning—

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

21 (2) technology for devices to improve the detec-
22 tion of explosives materials;

23 (3) whether common chemicals used to manu-
24 facture explosive materials can be rendered inert and
25 whether it is feasible to require it; and

1 (4) whether controls can be imposed on certain
2 precursor chemicals used to manufacture explosive
3 materials and whether it is feasible to require it.

4 (b) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary shall submit
6 to the Congress a report that contains the results of the
7 study required by this section. The Secretary shall make
8 the report available to the public.

9 (c) LIMITATION.—The study under this section shall
10 not include black powder or smokeless powder among the
11 explosive materials it concerns.

12 **SEC. 302. REQUIREMENT TO PRESERVE RECORD EVI-**
13 **DENCE.**

14 Section 2703 of title 18, United States Code, is
15 amended by adding at the end the following:

16 “(f) REQUIREMENT TO PRESERVE EVIDENCE.—A
17 provider of wire or electronic communication services or
18 a remote computing service, upon the request of a govern-
19 mental entity, shall take all necessary steps to preserve
20 records, and other evidence in its possession pending the
21 issuance of a court order or other process. Such records
22 shall be retained for a period of 90 days, which period
23 shall be extended for an additional 90-day period upon a
24 renewed request by the governmental entity.”.

1 **SEC. 303. DETENTION HEARING.**

2 Section 3142(f) of title 18, United States Code, is
3 amended by inserting “(not including any intermediate
4 Saturday, Sunday, or legal holiday)” after “five days” and
5 after “three days”.

6 **SEC. 304. REWARD AUTHORITY OF THE ATTORNEY GEN-**
7 **ERAL.**

8 (a) IN GENERAL.—Title 18, United States Code, is
9 amended by striking sections 3059 through 3059A and in-
10 serting the following:

11 **“§ 3059. Reward authority of the Attorney General**

12 “(a) The Attorney General may pay rewards and re-
13 ceive from any department or agency, funds for the pay-
14 ment of rewards under this section, to any individual who
15 provides any information unknown to the Government
16 leading to the arrest or prosecution of any individual for
17 Federal felony offenses.

18 “(b) If the reward exceeds \$100,000, the Attorney
19 General shall give notice of that fact to the Senate and
20 the House of Representatives not later than 30 days be-
21 fore authorizing the payment of the reward.

22 “(c) A determination made by the Attorney General
23 as to whether to authorize an award under this section
24 and as to the amount of any reward authorized shall not
25 be subject to judicial review.

1 “(d) If the Attorney General determines that the
2 identity of the recipient of a reward or of the members
3 of the recipient’s immediate family must be protected, the
4 Attorney General may take such measures in connection
5 with the payment of the reward as the Attorney General
6 deems necessary to effect such protection.

7 “(e) No officer or employee of any governmental en-
8 tity may receive a reward under this section for conduct
9 in performance of his or her official duties.

10 “(f) Any individual (and the immediate family of such
11 individual) who furnishes information which would justify
12 a reward under this section or a reward by the Secretary
13 of State under section 36 of the State Department Basic
14 Authorities Act of 1956 may, in the discretion of the At-
15 torney General, participate in the Attorney General’s wit-
16 ness security program under chapter 224 of this title.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 203 of title 18, United States
19 Code, is amended by striking the items relating to section
20 3059 and 3059A and inserting the following new item:

“3059. Reward authority of the Attorney General.”.

21 (c) CONFORMING AMENDMENT.—Section 1751 of
22 title 18, United States Code, is amended by striking sub-
23 section (g).

1 **SEC. 305. PROTECTION OF FEDERAL GOVERNMENT BUILD-**
2 **INGS IN THE DISTRICT OF COLUMBIA.**

3 The Attorney General is authorized—

4 (1) to prohibit vehicles from parking or stand-
5 ing on any street or roadway adjacent to any build-
6 ing in the District of Columbia which is in whole or
7 in part owned, possessed, used by, or leased to the
8 Federal Government and used by Federal law en-
9 forcement authorities; and

10 (2) to prohibit any person or entity from con-
11 ducting business on any property immediately adja-
12 cent to any such building.

13 **SEC. 306. STUDY OF THEFTS FROM ARMORIES; REPORT TO**
14 **THE CONGRESS.**

15 (a) STUDY.—The Attorney General of the United
16 States shall conduct a study of the extent of thefts from
17 military arsenals (including National Guard armories) of
18 firearms, explosives, and other materials that are poten-
19 tially useful to terrorists.

20 (b) REPORT TO THE CONGRESS.—Within 6 months
21 after the date of the enactment of this Act, the Attorney
22 General shall submit to the Congress a report on the study
23 required by subsection (a).

1 **TITLE IV—NUCLEAR MATERIALS**

2 **SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBI-**
3 **TIONS.**

4 Section 831 of title 18, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “nuclear mate-
7 rial” each place it appears and inserting “nuclear
8 material or nuclear byproduct material”;

9 (2) in subsection (a)(1)(A), by inserting “or the
10 environment” after “property”;

11 (3) so that subsection (a)(1)(B) reads as fol-
12 lows:

13 “(B)(i) circumstances exist which are likely
14 to cause the death of or serious bodily injury to
15 any person or substantial damage to property
16 or the environment; or (ii) such circumstances
17 are represented to the defendant to exist;”;

18 (4) in subsection (a)(6), by inserting “or the
19 environment” after “property”;

20 (5) so that subsection (c)(2) reads as follows:

21 “(2) an offender or a victim is a national of the
22 United States or a United States corporation or
23 other legal entity;”;

1 (6) in subsection (c)(3), by striking “at the
2 time of the offense the nuclear material is in use,
3 storage, or transport, for peaceful purposes, and”;

4 (7) by striking “or” at the end of subsection
5 (c)(3);

6 (8) in subsection (c)(4), by striking “nuclear
7 material for peaceful purposes” and inserting “nu-
8 clear material or nuclear byproduct material”;

9 (9) by striking the period at the end of sub-
10 section (c)(4) and inserting “; or”;

11 (10) by adding at the end of subsection (c) the
12 following:

13 “(5) the governmental entity under subsection
14 (a)(5) is the United States or the threat under sub-
15 section (a)(6) is directed at the United States.”;

16 (11) in subsection (f)(1)(A), by striking “with
17 an isotopic concentration not in excess of 80 percent
18 plutonium 238”;

19 (12) in subsection (f)(1)(C) by inserting “en-
20 riched uranium, defined as” before “uranium”;

21 (13) in subsection (f), by redesignating para-
22 graphs (2), (3), and (4) as paragraphs (3), (4), and
23 (5), respectively;

24 (14) by inserting after subsection (f)(1) the
25 following:

1 “(2) the term ‘nuclear byproduct material’
2 means any material containing any radioactive iso-
3 tope created through an irradiation process in the
4 operation of a nuclear reactor or accelerator;”;

5 (15) by striking “and” at the end of subsection
6 (f)(4), as redesignated;

7 (16) by striking the period at the end of sub-
8 section (f)(5), as redesignated, and inserting a semi-
9 colon; and

10 (17) by adding at the end of subsection (f) the
11 following:

12 “(6) the term ‘national of the United States’
13 has the meaning prescribed in section 101(a)(22) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1101(a)(22)); and

16 “(7) the term ‘United States corporation or
17 other legal entity’ means any corporation or other
18 entity organized under the laws of the United States
19 or any State, district, commonwealth, territory or
20 possession of the United States.”.

1 **TITLE V—CONVENTION ON THE**
2 **MARKING OF PLASTIC EXPLO-**
3 **SIVES**

4 **SEC. 501. DEFINITIONS.**

5 Section 841 of title 18, United States Code, is
6 amended by adding at the end the following:

7 “(o) ‘Convention on the Marking of Plastic Ex-
8 plosives’ means the Convention on the Marking of
9 Plastic Explosives for the Purpose of Detection,
10 Done at Montreal on 1 March 1991.

11 “(p) ‘Detection agent’ means any one of the
12 substances specified in this subsection when intro-
13 duced into a plastic explosive or formulated in such
14 explosive as a part of the manufacturing process in
15 such a manner as to achieve homogeneous distribu-
16 tion in the finished explosive, including—

17 “(1) Ethylene glycol dinitrate (EGDN),
18 $C_2H_4(NO_3)_2$, molecular weight 152, when the
19 minimum concentration in the finished explosive
20 is 0.2 percent by mass;

21 “(2) 2,3-Dimethyl-2,3-dinitrobutane
22 (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176,
23 when the minimum concentration in the fin-
24 ished explosive is 0.1 percent by mass;

1 “(3) Para-Mononitrotoluene (p-MNT),
2 C₇H₇NO₂, molecular weight 137, when the min-
3 imum concentration in the finished explosive is
4 0.5 percent by mass;

5 “(4) Ortho-Mononitrotoluene (o-MNT),
6 C₇H₇NO₂, molecular weight 137, when the min-
7 imum concentration in the finished explosive is
8 0.5 percent by mass; and

9 “(5) any other substance in the concentra-
10 tion specified by the Secretary, after consulta-
11 tion with the Secretary of State and the Sec-
12 retary of Defense, which has been added to the
13 table in part 2 of the Technical Annex to the
14 Convention on the Marking of Plastic Explo-
15 sives.

16 “(q) ‘Plastic explosive’ means an explosive ma-
17 terial in flexible or elastic sheet form formulated
18 with one or more high explosives which in their pure
19 form have a vapor pressure less than 10^{-4} Pa at a
20 temperature of 25°C., is formulated with a binder
21 material, and is as a mixture malleable or flexible at
22 normal room temperature.”.

1 **SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR**
2 **PLASTIC EXPLOSIVES.**

3 Section 842 of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(l) It shall be unlawful for any person to manufac-
6 ture any plastic explosive which does not contain a detec-
7 tion agent.

8 “(m)(1) it shall be unlawful for any person to import
9 or bring into the United States, or export from the United
10 States, any plastic explosive which does not contain a de-
11 tection agent.

12 “(2) Until the 15-year period that begins with the
13 date of entry into force of the Convention on the Marking
14 of Plastic Explosives with respect to the United States has
15 expired, paragraph (1) shall not apply to the importation
16 or bringing into the United States, or the exportation from
17 the United States, of any plastic explosive which was im-
18 ported, brought into, or manufactured in the United
19 States before the effective date of this subsection by or
20 on behalf of any agency of the United States performing
21 military or police functions (including any military Re-
22 serve component) or by or on behalf of the National Guard
23 of any State.

24 “(n)(1) It shall be unlawful for any person to ship,
25 transport, transfer, receive, or possess any plastic explo-
26 sive which does not contain a detection agent.

1 “(2)(A) During the 3-year period that begins on the
2 effective date of this subsection, paragraph (1) shall not
3 apply to the shipment, transportation, transfer, receipt, or
4 possession of any plastic explosive, which was imported,
5 brought into, or manufactured in the United States before
6 such effective date by any person.

7 “(B) Until the 15-year period that begins on the date
8 of entry into force of the Convention on the Marking of
9 Plastic Explosives with respect to the United States has
10 expired, paragraph (1) shall not apply to the shipment,
11 transportation, transfer, receipt, or possession of any plas-
12 tic explosive, which was imported, brought into, or manu-
13 factured in the United States before the effective date of
14 this subsection by or on behalf of any agency of the United
15 States performing a military or police function (including
16 any military reserve component) or by or on behalf of the
17 National Guard of any State.

18 “(o) It shall be unlawful for any person, other than
19 an agency of the United States (including any military re-
20 serve component) or the National Guard of any State, pos-
21 sessing any plastic explosive on the effective date of this
22 subsection, to fail to report to the Secretary within 120
23 days after the effective date of this subsection the quantity
24 of such explosives possessed, the manufacturer or im-
25 porter, any marks of identification on such explosives, and

1 such other information as the Secretary may by regula-
2 tions prescribe.”.

3 **SEC. 503. CRIMINAL SANCTIONS.**

4 Section 844(a) of title 18, United States Code, is
5 amended to read as follows:

6 “(a) Any person who violates subsections (a) through
7 (i) or (l) through (o) of section 842 of this title shall be
8 fined under this title, imprisoned not more than 10 years,
9 or both.”.

10 **SEC. 504. EXCEPTIONS.**

11 Section 845 of title 18, United States Code, is
12 amended—

13 (1) in subsection (a), by inserting “(l), (m), (n),
14 or (o) of section 842 and subsections” after “sub-
15 sections”;

16 (2) in subsection (a)(1), by inserting “and
17 which pertains to safety” before the semicolon; and

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

19 “(c) It is an affirmative defense against any proceed-
20 ing involving subsection (l), (m), (n), or (o) of section 842
21 of this title if the proponent proves by a preponderance
22 of the evidence that the plastic explosive—

23 “(1) consisted of a small amount of plastic ex-
24 plosive intended for and utilized solely in lawful—

1 “(A) research, development, or testing of
2 new or modified explosive materials;

3 “(B) training in explosives detection or de-
4 velopment or testing of explosives detection
5 equipment; or

6 “(C) forensic science purposes; or

7 “(2) was plastic explosive which, within 3 years
8 after the effective date of this paragraph, will be or
9 is incorporated in a military device within the terri-
10 tory of the United States and remains an integral
11 part of such military device, or is intended to be, or
12 is incorporated in, and remains an integral part of
13 a military device that is intended to become, or has
14 become, the property of any agency of the United
15 States performing military or police functions (in-
16 cluding any military reserve component) or the Na-
17 tional Guard of any State, wherever such device is
18 located. For purposes of this subsection, the term
19 ‘military device’ includes shells, bombs, projectiles,
20 mines, missiles, rockets, shaped charges, grenades,
21 perforators, and similar devices lawfully manufac-
22 tured exclusively for military or police purposes.”.

23 **SEC. 505. EFFECTIVE DATE.**

24 The amendments made by this title shall take effect
25 1 year after the date of the enactment of this Act.

1 **TITLE VI—REMOVAL PROCE-**
 2 **DURES FOR ALIEN TERROR-**
 3 **ISTS**

4 **SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.**

5 (a) IN GENERAL.—The Immigration and Nationality
 6 Act is amended—

7 (1) by adding at the end of the table of con-
 8 tents the following:

“TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

“Sec. 501. Definitions.

“Sec. 502. Establishment of special removal court.

“Sec. 503. Application for initiation of special removal proceeding.

“Sec. 504. Consideration of application.

“Sec. 505. Special removal hearings.

“Sec. 506. Appeals.”;

9 and

10 (2) by adding at the end the following new title:

11 “TITLE V—SPECIAL REMOVAL PROCEDURES
 12 FOR ALIEN TERRORISTS

13 “DEFINITIONS

14 “SEC. 501. In this title:

15 “(1) The term ‘alien terrorist’ means an alien
 16 described in section 241(a)(4)(B).

17 “(2) The term ‘classified information’ has the
 18 meaning given such term in section 1(a) of the Clas-
 19 sified Information Procedures Act (18 U.S.C. App.).

1 “(3) The term ‘national security’ has the mean-
2 ing given such term in section 1(b) of the Classified
3 Information Procedures Act (18 U.S.C. App.).

4 “(4) The term ‘special removal court’ means
5 the court established under section 502(a).

6 “(5) The term ‘special removal hearing’ means
7 a hearing under section 505.

8 “(6) The term ‘special removal proceeding’
9 means a proceeding under this title.

10 “ESTABLISHMENT OF SPECIAL REMOVAL COURT

11 “SEC. 502. (a) IN GENERAL.—The Chief Justice of
12 the United States shall publicly designate 5 district court
13 judges from 5 of the United States judicial circuits who
14 shall constitute a court which shall have jurisdiction to
15 conduct all special removal proceedings.

16 “(b) TERMS.—Each judge designated under sub-
17 section (a) shall serve for a term of 5 years and shall be
18 eligible for redesignation, except that the four associate
19 judges first so designated shall be designated for terms
20 of one, two, three, and four years so that the term of one
21 judge shall expire each year.

22 “(c) CHIEF JUDGE.—The Chief Justice shall publicly
23 designate one of the judges of the special removal court
24 to be the chief judge of the court. The chief judge shall
25 promulgate rules to facilitate the functioning of the court

1 and shall be responsible for assigning the consideration
2 of cases to the various judges.

3 “(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF
4 PROCEEDINGS.—The provisions of section 103(c) of the
5 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
6 1803(c)) shall apply to proceedings under this title in the
7 same manner as they apply to proceedings under such Act.

8 “APPLICATION FOR INITIATION OF SPECIAL REMOVAL
9 PROCEEDING

10 “SEC. 503. (a) IN GENERAL.—Whenever the Attor-
11 ney General has classified information that an alien is an
12 alien terrorist, the Attorney General, in the Attorney Gen-
13 eral’s discretion, may seek removal of the alien under this
14 title through the filing with the special removal court of
15 a written application described in subsection (b) that seeks
16 an order authorizing a special removal proceeding under
17 this title. The application shall be submitted in camera
18 and ex parte and shall be filed under seal with the court.

19 “(b) CONTENTS OF APPLICATION.—Each application
20 for a special removal proceeding shall include all of the
21 following:

22 “(1) The identity of the Department of Justice
23 attorney making the application.

24 “(2) The approval of the Attorney General or
25 the Deputy Attorney General for the filing of the ap-
26 plication based upon a finding by that individual

1 that the application satisfies the criteria and re-
2 quirements of this title.

3 “(3) The identity of the alien for whom author-
4 ization for the special removal proceeding is sought.

5 “(4) A statement of the facts and cir-
6 cumstances relied on by the Department of Justice
7 to establish that—

8 “(A) the alien is an alien terrorist and is
9 physically present in the United States, and

10 “(B) with respect to such alien, adherence
11 to the provisions of title II regarding the depor-
12 tation of aliens would pose a risk to the na-
13 tional security of the United States.

14 “(5) An oath or affirmation respecting each of
15 the facts and statements described in the previous
16 paragraphs.

17 “(c) RIGHT TO DISMISS.—The Department of Jus-
18 tice retains the right to dismiss a removal action under
19 this title at any stage of the proceeding.

20 “CONSIDERATION OF APPLICATION

21 “SEC. 504. (a) IN GENERAL.—In the case of an ap-
22 plication under section 503 to the special removal court,
23 a single judge of the court shall be assigned to consider
24 the application. The judge, in accordance with the rules
25 of the court, shall consider the application and may con-
26 sider other information, including classified information,

1 presented under oath or affirmation. The judge shall con-
2 sider the application (and any hearing thereof) in camera
3 and ex parte. A verbatim record shall be maintained of
4 any such hearing.

5 “(b) APPROVAL OF ORDER.—The judge shall enter
6 ex parte the order requested in the application if the judge
7 finds, on the basis of such application and such other in-
8 formation (if any), that there is probable cause to believe
9 that—

10 “(1) the alien who is the subject of the applica-
11 tion has been correctly identified and is an alien ter-
12 rorist, and

13 “(2) adherence to the provisions of title II re-
14 garding the deportation of the identified alien would
15 pose a risk to the national security of the United
16 States.

17 “(c) DENIAL OF ORDER.—If the judge denies the
18 order requested in the application, the judge shall prepare
19 a written statement of the judge’s reasons for the denial.

20 “SPECIAL REMOVAL HEARINGS

21 “SEC. 505. (a) IN GENERAL.—In any case in which
22 the application for the order is approved under section
23 504, a special removal hearing shall be conducted under
24 this section for the purpose of determining whether the
25 alien to whom the order pertains should be removed from
26 the United States on the grounds that the alien is an alien

1 terrorist. Consistent with section 506, the alien shall be
2 given reasonable notice of the nature of the charges
3 against the alien and a general account of the basis for
4 the charges. The alien shall be given notice, reasonable
5 under all the circumstances, of the time and place at which
6 the hearing will be held. The hearing shall be held as expe-
7 ditiously as possible.

8 “(b) USE OF SAME JUDGE.—The special removal
9 hearing shall be held before the same judge who granted
10 the order pursuant to section 504 unless that judge is
11 deemed unavailable due to illness or disability by the chief
12 judge of the special removal court, or has died, in which
13 case the chief judge shall assign another judge to conduct
14 the special removal hearing. A decision by the chief judge
15 pursuant to the preceding sentence shall not be subject
16 to review by either the alien or the Department of Justice.

17 “(c) RIGHTS IN HEARING.—

18 “(1) PUBLIC HEARING.—The special removal
19 hearing shall be open to the public.

20 “(2) RIGHT OF COUNSEL.—The alien shall have
21 a right to be present at such hearing and to be rep-
22 resented by counsel. Any alien financially unable to
23 obtain counsel shall be entitled to have counsel as-
24 signed to represent the alien. Such counsel shall be
25 appointed by the judge pursuant to the plan for fur-

1 nishing representation for any person financially un-
2 able to obtain adequate representation for the dis-
3 trict in which the hearing is conducted, as provided
4 for in section 3006A of title 18, United States Code.
5 All provisions of that section shall apply and, for
6 purposes of determining the maximum amount of
7 compensation, the matter shall be treated as if a fel-
8 ony was charged.

9 “(3) INTRODUCTION OF EVIDENCE.—The alien
10 shall have a right to introduce evidence on the
11 alien’s own behalf.

12 “(4) EXAMINATION OF WITNESSES.—The alien
13 shall have a reasonable opportunity to examine the
14 evidence against the alien and to cross-examine any
15 witness.

16 “(5) RECORD.—A verbatim record of the pro-
17 ceedings and of all testimony and evidence offered or
18 produced at such a hearing shall be kept.

19 “(6) DECISION BASED ON EVIDENCE AT HEAR-
20 ING.—The decision of the judge in the hearing shall
21 be based only on the evidence introduced at the
22 hearing.

23 “(d) SUBPOENAS.—

24 “(1) REQUEST.—At any time prior to the con-
25 clusion of the special removal hearing, either the

1 alien or the Department of Justice may request the
2 judge to issue a subpoena for the presence of a
3 named witness (which subpoena may also command
4 the person to whom it is directed to produce books,
5 papers, documents, or other objects designated
6 therein) upon a satisfactory showing that the pres-
7 ence of the witness is necessary for the determina-
8 tion of any material matter.

9 “(2) PAYMENT FOR ATTENDANCE.—If an appli-
10 cation for a subpoena by the alien also makes a
11 showing that the alien is financially unable to pay
12 for the attendance of a witness so requested, the
13 court may order the costs incurred by the process
14 and the fees of the witness so subpoenaed to be paid
15 from funds appropriated for the enforcement of title
16 II.

17 “(3) NATIONWIDE SERVICE.—A subpoena
18 under this subsection may be served anywhere in the
19 United States.

20 “(4) WITNESS FEES.—A witness subpoenaed
21 under this subsection shall receive the same fees and
22 expenses as a witness subpoenaed in connection with
23 a civil proceeding in a court of the United States.

24 “(e) TREATMENT OF CLASSIFIED INFORMATION.—
25 The judge shall examine in camera and ex parte any item

1 of classified information for which the Attorney General
2 determines that public disclosure would pose a risk to the
3 national security of the United States. With respect to
4 such evidence, the Attorney General shall also submit to
5 the court a summary prepared in accordance with sub-
6 section (f).

7 “(f) SUMMARY OF CLASSIFIED INFORMATION.—

8 “(1) The information submitted under sub-
9 section (e) shall contain a summary of the informa-
10 tion that does not pose a risk to the national secu-
11 rity.

12 “(2) The judge shall approve the summary if
13 the judge finds that the summary will provide the
14 alien with substantially the same ability to make his
15 defense as would disclosure of the specific classified
16 information.

17 “(3) The Attorney General shall cause to be de-
18 livered to the alien a copy of the summary approved
19 under paragraph (2).

20 “(g) DETERMINATION OF DEPORTATION.—If the
21 judge determines that the summary described in sub-
22 section (f) will provide the alien with substantially the
23 same ability to make his defense as would the disclosure
24 of the specific classified evidence, a determination of de-
25 portation may be made on the basis of the summary and

1 any other evidence entered in the public record and to
2 which the alien has been given access. If the judge does
3 not approve the summary, a determination of deportation
4 may be made on the basis of any other evidence entered
5 in the public record and to which the alien has been given
6 access. In either case, such a determination will be made
7 when the Attorney General proves, by clear, convincing,
8 and unequivocal evidence that the alien is subject to depor-
9 tation because such alien is an alien as described in section
10 241(a)(4)(B).

11 “APPEALS

12 “SEC. 506. (a) APPEALS BY ALIEN.—The alien may
13 appeal a determination under section 505(f) or 505(g) to
14 the United States Court of Appeals for the circuit where
15 the alien resides by filing a notice of appeal with such
16 court not later than 30 days after the determination is
17 made.

18 “(b) APPEALS BY THE UNITED STATES.—The Attor-
19 ney General may appeal a determination made under sec-
20 tion 504, or section 505(f) or 505(g) to the Court of Ap-
21 peals for the circuit where the alien resides, by filing a
22 notice of appeal with such court not later than 20 days
23 after the determination is made under any one of such
24 subsections.

25 “(c) TRANSMITTAL OF CLASSIFIED INFORMATION.—
26 When requested by the Attorney General, the classified in-

1 formation in section 506(e) shall be transmitted to the
2 court of appeals under seal.”.

3 **TITLE VII—AUTHORIZATION AND** 4 **FUNDING**

5 **SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAIN-** 6 **ING.**

7 The Attorney General may award grants in consulta-
8 tion with the Federal Emergency Management Agency for
9 the purposes of providing specialized training or equip-
10 ment to enhance the capability of metropolitan fire and
11 emergency service departments to respond to terrorist at-
12 tacks. To carry out the purposes of this section, there is
13 authorized to be appropriated \$5,000,000 for fiscal year
14 1996.

15 **SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PRO-** 16 **CURE EXPLOSIVE DETECTION DEVICES AND** 17 **OTHER COUNTER-TERRORISM TECHNOLOGY.**

18 There is authorized to be appropriated not to exceed
19 \$10,000,000 for fiscal years 1996 and 1997 to the Presi-
20 dent to provide assistance to foreign countries facing an
21 imminent danger of terrorist attack that threatens the na-
22 tional interest of the United States or puts United States
23 nationals at risk—

24 (1) in obtaining explosive detection devices and
25 other counter-terrorism technology; and

1 (2) in conducting research and development
2 projects on such technology.

3 **SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT**
4 **COUNTER-TERRORISM TECHNOLOGIES.**

5 There are authorized to be appropriated not to exceed
6 \$10,000,000 to the National Institute of Justice Science
7 and Technology Office—

8 (1) to develop technologies that can be used to
9 combat terrorism, including technologies in the areas
10 of—

11 (A) detection of weapons, explosives,
12 chemicals, and persons;

13 (B) tracking;

14 (C) surveillance;

15 (D) vulnerability assessment; and

16 (E) information technologies;

17 (2) to develop standards to ensure the adequacy
18 of products produced and compatibility with relevant
19 national systems; and

20 (3) to identify and assess requirements for tech-
21 nologies to assist State and local law enforcement in
22 the national program to combat terrorism.

1 **SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

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

5 (1) to hire additional personnel, and to procure
6 equipment, to support expanded investigations of do-
7 mestic and international terrorism activities;

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

14 (3) to cover costs associated with providing law
15 enforcement coverage of public events offering the
16 potential of being targeted by domestic or inter-
17 national terrorists.

18 **TITLE VIII—MISCELLANEOUS**

19 **SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS**
20 **FOR THE PURCHASE AND USE OF HIGH EX-**
21 **PLOSIVES.**

22 The Secretary of the Treasury, in consultation with
23 the Federal Bureau of Investigation, shall conduct a study
24 of State licensing requirements for the purchase and use
25 of commercial high explosives, including detonators, deto-
26 nating cords, dynamite, water gel, emulsion, blasting

1 agents, and boosters. Not later than 180 days after the
2 date of the enactment of this Act, the Secretary shall re-
3 port to Congress the results of this study, together with
4 any recommendations the Secretary determines are appro-
5 priate.

6 **SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.**

7 (a) **REQUIRING COMPENSATION FOR TERRORIST**
8 **CRIMES.**—Section 1403(d)(3) of the Victims of Crime Act
9 of 1984 (42 U.S.C. 10603(d)(3)) is amended—

10 (1) by inserting “crimes involving terrorism,”
11 before “driving while intoxicated”; and

12 (2) by inserting a comma after “driving while
13 intoxicated”.

14 (b) **FOREIGN TERRORISM.**—Section 1403(b)(6)(B) of
15 the Victims of Crime Act of 1984 (42 U.S.C.
16 10603(b)(6)(B)) is amended by inserting “are outside the
17 United States (if the compensable crime is terrorism, as
18 defined in section 2331 of title 18, United States Code),
19 or” before “are States not having”.

20 **SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERROR-**
21 **IST STATES.**

22 (a) **EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY**
23 **FOR CERTAIN CASES.**—Section 1605 of title 28, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) by striking “or” at the end of para-
2 graph (5);

3 (B) by striking the period at the end of
4 paragraph (6) and inserting “; or”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(7) not otherwise covered by paragraph (2), in
8 which money damages are sought against a foreign
9 state for personal injury or death that was caused
10 by an act of torture, extrajudicial killing, aircraft
11 sabotage, hostage taking, or the provision of mate-
12 rial support or resources (as defined in section
13 2339A of title 18) for such an act if such act or pro-
14 vision of material support is engaged in by an offi-
15 cial, employee, or agent of such foreign state while
16 acting within the scope of his or her office, employ-
17 ment, or agency, except that—

18 “(A) an action under this paragraph shall
19 not be maintained unless the act upon which
20 the claim is based occurred while the individual
21 bringing the claim was a national of the United
22 States (as that term is defined in section
23 101(a)(22) of the Immigration and Nationality
24 Act); and

1 “(B) the court shall decline to hear a claim
2 under this paragraph if the foreign state
3 against whom the claim has been brought es-
4 tablishes that procedures and remedies are
5 available in such state which comport with fun-
6 damental fairness and due process.”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(e) For purposes of paragraph (7) of subsection
10 (a)—

11 “(1) the terms ‘torture’ and ‘extrajudicial kill-
12 ing’ have the meaning given those terms in section
13 3 of the Torture Victim Protection Act of 1991;

14 “(2) the term ‘hostage taking’ has the meaning
15 given that term in Article 1 of the International
16 Convention Against the Taking of Hostages; and

17 “(3) the term ‘aircraft sabotage’ has the mean-
18 ing given that term in Article 1 of the Convention
19 for the Suppression of Unlawful Acts Against the
20 Safety of Civil Aviation.”.

21 (b) EXCEPTION TO IMMUNITY FROM ATTACH-
22 MENT.—

23 (1) FOREIGN STATE.—Section 1610(a) of title
24 28, United States Code, is amended—

1 (A) by striking the period at the end of
2 paragraph (6) and inserting “, or”; and

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

5 “(7) the judgment relates to a claim for which
6 the foreign state is not immune under section
7 1605(a)(7), regardless of whether the property is or
8 was involved with the act upon which the claim is
9 based.”.

10 (2) AGENCY OR INSTRUMENTALITY.—Section
11 1610(b)(2) of such title is amended—

12 (A) by striking “or (5)” and inserting
13 “(5), or (7)”; and

14 (B) by striking “used for the activity” and
15 inserting “involved in the act”.

16 (c) APPLICABILITY.—The amendments made by this
17 title shall apply to any cause of action arising before, on,
18 or after the date of the enactment of this Act.

19 **SEC. 804. COMPILATION OF STATISTICS RELATING TO IN-**
20 **TIMIDATION OF GOVERNMENT EMPLOYEES.**

21 (a) FINDINGS.—Congress finds that—

22 (1) threats of violence and acts of violence are
23 mounting against Federal, State, and local govern-
24 ment employees and their families in attempts to

1 stop public servants from performing their lawful
2 duties;

3 (2) these acts are a danger to our constitutional
4 form of government; and

5 (3) more information is needed as to the extent
6 of the danger and its nature so that steps can be
7 taken to protect public servants at all levels of gov-
8 ernment in the performance of their duties.

9 (b) STATISTICS.—The Attorney General shall acquire
10 data, for the calendar year 1990 and each succeeding cal-
11 endar year about crimes and incidents of threats of vio-
12 lence and acts of violence against Federal, State, and local
13 government employees in performance of their lawful du-
14 ties. Such data shall include—

15 (1) in the case of crimes against such employ-
16 ees, the nature of the crime; and

17 (2) in the case of incidents of threats of vio-
18 lence and acts of violence, including verbal and im-
19 plicit threats against such employees, whether or not
20 criminally punishable, which deter the employees
21 from the performance of their jobs.

22 (c) GUIDELINES.—The Attorney General shall estab-
23 lish guidelines for the collection of such data, including
24 what constitutes sufficient evidence of noncriminal inci-
25 dents required to be reported.

1 (d) ANNUAL PUBLISHING.—The Attorney General
2 shall publish an annual summary of the data acquired
3 under this section. Otherwise such data shall be used only
4 for research and statistical purposes.

5 (e) EXEMPTION.—The United States Secret Service
6 is not required to participate in any statistical reporting
7 activity under this section with respect to any direct or
8 indirect threats made against any individual for whom the
9 United States Secret Service is authorized to provide pro-
10 tection.

11 **SEC. 805. VICTIM RESTITUTION ACT.**

12 (a) ORDER OF RESTITUTION.—Section 3663 of title
13 18, United States Code, is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by striking “may order, in addition
17 to or, in the case of a misdemeanor, in lieu
18 of any other penalty authorized by law”
19 and inserting “shall order”; and

20 (ii) by adding at the end the follow-
21 ing: “The requirement of this paragraph
22 does not affect the power of the court to
23 impose any other penalty authorized by
24 law. In the case of a misdemeanor, the

1 court may impose restitution in lieu of any
2 other penalty authorized by law.”;

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

4 “(4) In addition to ordering restitution to the victim
5 of the offense of which a defendant is convicted, a court
6 may order restitution to any person who, as shown by a
7 preponderance of evidence, was harmed physically, emo-
8 tionally, or pecuniarily, by unlawful conduct of the defend-
9 ant during—

10 “(A) the criminal episode during which the of-
11 fense occurred; or

12 “(B) the course of a scheme, conspiracy, or pat-
13 tern of unlawful activity related to the offense.”;

14 (2) in subsection (b)(1)(B) by striking “imprac-
15 tical” and inserting “impracticable”;

16 (3) in subsection (b)(2) by inserting “emotional
17 or” after “resulting in”;

18 (4) in subsection (b)—

19 (A) by striking “and” at the end of para-
20 graph (4);

21 (B) by redesignating paragraph (5) as
22 paragraph (6); and

23 (C) by inserting after paragraph (4) the
24 following new paragraph:

1 “(5) in any case, reimburse the victim for lost
2 income and necessary child care, transportation, and
3 other expenses related to participation in the inves-
4 tigation or prosecution of the offense or attendance
5 at proceedings related to the offense; and”;

6 (5) in subsection (c) by striking “If the court
7 decides to order restitution under this section, the”
8 and inserting “The”;

9 (6) by striking subsections (d), (e), (f), (g), and
10 (h);

11 (7) by redesignating subsection (i) as subsection
12 (m); and

13 (8) by inserting after subsection (c) the follow-
14 ing:

15 “(d)(1) The court shall order restitution to a victim
16 in the full amount of the victim’s losses as determined by
17 the court and without consideration of—

18 “(A) the economic circumstances of the of-
19 fender; or

20 “(B) the fact that a victim has received or is
21 entitled to receive compensation with respect to a
22 loss from insurance or any other source.

23 “(2) Upon determination of the amount of restitution
24 owed to each victim, the court shall specify in the restitu-

1 tion order the manner in which and the schedule according
2 to which the restitution is to be paid, in consideration of—

3 “(A) the financial resources and other assets of
4 the offender;

5 “(B) projected earnings and other income of
6 the offender; and

7 “(C) any financial obligations of the offender,
8 including obligations to dependents.

9 “(3) A restitution order may direct the offender to
10 make a single, lump-sum payment, partial payment at
11 specified intervals, or such in-kind payments as may be
12 agreeable to the victim and the offender. A restitution
13 order shall direct the offender to give appropriate notice
14 to victims and other persons in cases where there are mul-
15 tiple victims or other persons who may receive restitution,
16 and where the identity of such victims and other persons
17 can be reasonably determined.

18 “(4) An in-kind payment described in paragraph (3)
19 may be in the form of—

20 “(A) return of property;

21 “(B) replacement of property; or

22 “(C) services rendered to the victim or to a per-
23 son or organization other than the victim.

24 “(e) When the court finds that more than 1 offender
25 has contributed to the loss of a victim, the court may make

1 each offender liable for payment of the full amount of res-
2 titution or may apportion liability among the offenders to
3 reflect the level of contribution and economic cir-
4 cumstances of each offender.

5 “(f) When the court finds that more than 1 victim
6 has sustained a loss requiring restitution by an offender,
7 the court shall order full restitution to each victim but
8 may provide for different payment schedules to reflect the
9 economic circumstances of each victim.

10 “(g)(1) If the victim has received or is entitled to re-
11 ceive compensation with respect to a loss from insurance
12 or any other source, the court shall order that restitution
13 be paid to the person who provided or is obligated to pro-
14 vide the compensation, but the restitution order shall pro-
15 vide that all restitution to victims required by the order
16 be paid to the victims before any restitution is paid to
17 such a provider of compensation.

18 “(2) The issuance of a restitution order shall not af-
19 fect the entitlement of a victim to receive compensation
20 with respect to a loss from insurance or any other source
21 until the payments actually received by the victim under
22 the restitution order fully compensate the victim for the
23 loss, at which time a person that has provided compensa-
24 tion to the victim shall be entitled to receive any payments
25 remaining to be paid under the restitution order.

1 “(3) Any amount paid to a victim under an order of
2 restitution shall be set off against any amount later recov-
3 ered as compensatory damages by the victim in—

4 “(A) any Federal civil proceeding; and

5 “(B) any State civil proceeding, to the extent
6 provided by the law of the State.

7 “(h) A restitution order shall provide that—

8 “(1) all fines, penalties, costs, restitution pay-
9 ments and other forms of transfers of money or
10 property made pursuant to the sentence of the court
11 shall be made by the offender to an entity des-
12 ignated by the Director of the Administrative Office
13 of the United States Courts for accounting and pay-
14 ment by the entity in accordance with this sub-
15 section;

16 “(2) the entity designated by the Director of
17 the Administrative Office of the United States
18 Courts shall—

19 “(A) log all transfers in a manner that
20 tracks the offender’s obligations and the cur-
21 rent status in meeting those obligations, unless,
22 after efforts have been made to enforce the res-
23 titution order and it appears that compliance
24 cannot be obtained, the court determines that

1 continued recordkeeping under this subpara-
2 graph would not be useful; and

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

6 “(3) the offender shall advise the entity des-
7 igned by the Director of the Administrative Office
8 of the United States Courts of any change in the of-
9 fender’s address during the term of the restitution
10 order.

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

15 “(j) Compliance with the schedule of payment and
16 other terms of a restitution order shall be a condition of
17 any probation, parole, or other form of release of an of-
18 fender. If a defendant fails to comply with a restitution
19 order, the court may revoke probation or a term of super-
20 vised release, modify the term or conditions of probation
21 or a term of supervised release, hold the defendant in con-
22 tempt of court, enter a restraining order or injunction,
23 order the sale of property of the defendant, accept a per-
24 formance bond, or take any other action necessary to ob-
25 tain compliance with the restitution order. In determining

1 what action to take, the court shall consider the defend-
2 ant's employment status, earning ability, financial re-
3 sources, the willfulness in failing to comply with the res-
4 titution order, and any other circumstances that may have
5 a bearing on the defendant's ability to comply with the
6 restitution order.

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

8 “(1) by the United States—

9 “(A) in the manner provided for the collec-
10 tion and payment of fines in subchapter B of
11 chapter 229 of this title; or

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

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

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

21 (b) PROCEDURE FOR ISSUING ORDER OF RESTITU-
22 TION.—Section 3664 of title 18, United States Code, is
23 amended—

24 (1) by striking subsection (a);

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

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

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

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

17 “(e) The court may refer any issue arising in connec-
18 tion with a proposed order of restitution to a magistrate
19 or special master for proposed findings of fact and rec-
20 ommendations as to disposition, subject to a de novo de-
21 termination of the issue by the court.”.

○