passing of our first President, George Washington, the proceeds to be used for the restoration and enhancement of his home at Mount Vernon.

I appreciate the efforts of Senator D'AMATO and the others who have worked to see that this legislation is adopted. There are many thousands of people who will be very pleased at this action we are about to take.

I thank my colleagues for this very significant step.

Mr. LOTT. Mr. President, I yield to Senator D'AMATO, who, as chairman of the Banking Committee, has certainly been intimately involved in this. As a general rule, they do not let a lot of these coin bills go through without a lot of very serious consideration and careful thought and preparation. But these are good ones. You have certainly done an excellent job bringing it to this point, and we congratulate you.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank the leader for his patience and help, and our Democratic leader as well, for joining Senator GRAHAM and all those Senators who worked to bring us to this point.

This legislation not only accomplishes some magnificent goals in commemorating some wonderful Americans and various events—Jackie Robinson, among those—but, in addition, will raise money for some very worthy causes like the Jackie Robinson Foundation to help needy students. It has already provided scholarships for 400 children.

One last thought. This package is a very carefully worked out reform package that Congressman CASTLE, our colleague in the House, has worked on to achieve what I think will streamline this process so it will be a credit to the Congress in future deliberations as they relate to which coins should we be commemorating and how do we go about this, instead of a haphazard scattergun manner.

I thank both of the leaders. Not only do we mint various coins—it does provide for that—but also sets up a procedure which will bring much more order to this House as well as to the House of Representatives. I thank both leaders.

Mr. DASCHLE. Mr. President, the majority leader has spoken, I think, well for all of us. This was a major undertaking. I applaud the leadership of the distinguished chairman of the committee, the Senator from Florida, and so many others who have had a part to play in making this happen.

This was the first of a series of bills that we are able to pass this afternoon. It is passing in large measure because of the extraordinary work and cooperation on both sides of the aisle.

This is a good bill. It is important that we pass it today. I am delighted that one of the last things we are doing is passing H.R. 1776.

Mr. LOTT. Mr. President, I congratulate one and all who have been involved in development of this legislation—Senator D'AMATO, Senator WARNER, and Senator GRAHAM of Florida. They have all been very interested in this. We are glad we were able to get it cleared and through this process.

I think it is good legislation and a good effort.

Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The amendment (No. 5428) was agreed to.

The bill (H.R. 1776), as amended, was deemed read for a third time and passed.

## DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. LOTT. Mr. President I ask unanimous consent the Senate immediately proceed to the consideration of H.R. 4137, a bill to combat drug-facilitated crimes of violence, including sexual assaults, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5429

(Purpose: To propose a substitute)

Mr. LOTT. Mr. President, Senators HATCH, BIDEN, and COVERDELL have a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. HATCH, for himself, Mr. BIDEN, and Mr. COVERDELL, proposes an amendment numbered 5429.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

**SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.**

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

''(7) PENALTIES FOR DISTRIBUTION.—

''(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

''(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.''.

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting '', and

(B) in subsection (b)(1)(D), by inserting ''or 30 milligrams of flunitrazepam,'' after ''schedule III,''.

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting ''or flunitrazepam'' after ''I or II''.

(B) Section 1010(b)(3) of the Controlled substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting ''or flunitrazepam,'' after ''I or II,''.

(C) Section 1010(b)(4) of the Controlled Substance Import and Export Act is amended by inserting ''(except a violation involving flunitrazepam)'' after ''III, IV, or V,''.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASES PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after ''exceeds 1 gram.'' the following: ''Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both.''

**SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.**

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

**SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.**

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the Unites States.

Mr. HATCH. Mr. President, the bill we are considering today is a substitute offered by Senators COVERDELL, BIDEN and myself to the House-passed Drug-Induced Rape Prevention and Punishment Act, H.R. 4137, authored by my good friend and colleague, Representative GERRY SOLOMON of New York, chairman of the Rules Committee.

It is my understanding that this amendment has been cleared on both sides, and is acceptable to the House, so I am hopeful it can quickly win final approval and be sent to the President for signature.

Mr. President, it is clear to this member that the Congress must address the horrible problem of date rape before we adjourn for the year. Reports of date rapes appear to be on the rise. These cases are not confined to Rohypnol—other drugs have also been implicated—but many of the instances brought to our attention do involve ''roofies,'' as they are called on the street. These offenses are violent crimes against women. I find the situation deplorable.

Our amendment is a strike back at those who would use controlled substances to engage in what can only be considered a most reprehensible crime, to sedate, then violate, unsuspecting women. We must redouble our efforts to discourage and punish illegal behavior that can have such drastic consequences.

Accordingly, the bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons with the intent to commit a crime of violence—including rape—by distributing any controlled substance to another individual without that person's knowledge.

In addition, additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or 5 years for 30 milligrams. The bill also enhances penalties for the simple possession or illegal importation of flunitrazepam.

Since many versions of this bill have been proposed, I wanted to take this opportunity to review the history of this legislation. As my colleagues are aware, on August 2, Senator HUTCHINSON and I introduced S. 2040, the Drug-Induced Rape Prevention Act. Our bill was cosponsored by Senators MOSELEY-BRAUN and SPECTER.

During consideration of the Treasury-Postal appropriations bill, Senator BIDEN offered an amendment to reschedule Rohypnol to schedule I of the Controlled Substances Act. Senator COVERDELL and I—believing that it was inappropriate to reschedule Rohypnol, a drug legally marketed in over 60 countries, to a category defined as ''no medical use,'' offered a substitute amendment to that bill, neither of which had been voted upon when the Senate suspended debate on the Treasury-Postal bill and subsequently folded it into the omnibus appropriations bill.

On the topic of reschheduling, it is important for my colleagues to be aware that Rohypnol is not sold legally in the United States. However, it is sold legally overseas. A unilateral effort on the part of the United States to reschedule the drug to the category of ''no medical use'' could negatively affect the legitimate access to this drug oversees. Since schedule I is the most restrictive category, which is reserved for the drugs which have a high potential for abuse, drugs which have no currently accepted medical use in treatment, and drugs for which there is a lack of accepted safety for use under medical supervision, I believe it would be improper for Congress to place Rohypnol in schedule I. The regulations and controls placed on schedule I substances—controls, I might add, which are warranted for drugs which fall into this category—effectively remove these substances from the health care market.

The schedule I standards clearly do not apply to Rohypnol, a member of the benzodiazepene class, which generally falls within the less restrictive schedule IV. Congressional rescheduling—an action seldom taken—of this drug would indicate to other countries that the United States believes there is no medical use for Rohypnol. In fact, there are legitimate medical uses for Rohypnol. So, too, are there legitimate medical uses of many other drugs not currently approved for sale in the United States. To make any medically accepted drug a schedule I substance because it is being used illegally would be a troubling precedent for our Nation's health care system. What drugs would be next? What other drugs will be put beyond the reach of doctors and their patients because Congress chose to act hastily?

On September 26, the House passed, 421 to 1, H.R. 4137, a compromise bill authored by Representative SOLOMON, which many of us on this side of the aisle respected for its tough penalties.

However, as we encountered with the recently passed bill to curb methamphetamine abuse, certain Senators on the Democratic side refused to clear any bill with mandatory minimum sentences, and thus we were forced to amend the House bill.

For the record, I continue to prefer mandatory minimum sentences as a sure deterrent to crime. However, in this case as with the meth bill, I believe it is preferable to yield temporarily on that point in order to get a final agreement before adjournment.

The bill we consider today contains the text of the Hatch/Coverdell amendment from September 12, with three provisions taken from the House bill. It includes the House language requiring the U.S. Sentencing Commission to review and amend the sentencing guidelines for offenses involving Rohypnol. It also includes the House provision calling for a study on rescheduling of Rohypnol, and an educational program for police departments on the use of controlled substances in the furtherance of rapes and sexual assaults.

The substitute is similar to the House-passed measure, in that it increases penalties for possession of Rohypnol and use of the drug in violent crimes, including rape. It does not, however, reschedule the drug, or impose mandatory minimum sentences.

In closing, Mr. President, I must underscore that the intent of our effort is simple: to fortify our arsenal so that law enforcement has the tools it needs to fight the heinous crime of date rape. The Federal Government must show that it will not tolerate the use of any drug to facilitate rape. It is necessary and prudent that the Congress act on this important legislation.

I want to thank my colleagues for their work on this important, bipartisan bill. I urge the Senate to pass this important measure.

Mr. President, I ask unanimous consent that a summary of the legislation which passed be printed in the RECORD.

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

SUMMARY OF H.R. 4137, THE DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT AS PASSED BY THE SENATE, OCTOBER 2, 1996

Short title: The title of the bill is the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

Provisions relating to use of any controlled substance with intent to commit a crime of violence: The bill provides new penalties of up to 20 years imprisonment, and fines in accordance with Title 18, U.S.C., for persons who intend to commit a crime of violence (including rape), by distributing a controlled substance to another individual without that individual's knowledge.

Specific penalties for rohypnol: Additional penalties are also imposed with specific reference to flunitrazepam, sold under the trade name Rohypnol. In general, these penalties are equivalent to those of Schedule I controlled substances, which generally include the possibility of imprisonment up to 20 years for individuals who knowingly or intentionally manufacture, distribute, or dispense one gram of flunitrazepam, or up to 5 years for 30 milligrams. [Note: the penalties are higher if the person has a prior conviction or if death or serious bodily injury results from the use of the substance.]

Penalties for import and export of flunitrazepam: The Controlled Substances Act provision relating to import or export are also amended, so that penalties for violations involving Rohypnol, are equivalent to penalties for Schedule I drugs.

Sentencing guidelines: The United States Sentencing Commission is directed to review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam so that the guidelines reflect the serious nature of such crimes.

Simple possession of Rohypnol: A new penalty is added of up to three years' imprisonment, or a fine, or both, for simple possession of Rohypnol.

Education program for police officers: A new program is established to provide police

departments with educational materials on the use of controlled substances during rapes and sexual assaults.

Study: A Federal/State study on whether Rohypnol should be scheduled in a more restrictive category under the Controlled Substances Act will be submitted to the Congress within six months of the bill's enactment.

Mr. BIDEN. Mr. President, I rise in support of the substitute language offered by myself and Senator HATCH. This substitute is offered for a simple reason, the House-passed bill cannot and will not pass the Senate. I must also point out that while I obviously support the language I am co-sponsoring with Senator HATCH and others, this bill leaves a serious shortfall that must be addressed next year.

This shortfall is the failure of this legislation to take the single most important step we can to combat the rise of Rohypnol, the ''date-rape'' drug—that step is to shift this drug to schedule 1 of the Federal Controlled Substances Act. Why is rescheduling so important?

Rescheduling is important for three simple reasons: First, Federal rescheduling triggers increases in State drug law penalties, and since we all know that more than 95 percent of all drug cases are prosecuted at the State level, not by the Federal Government, it is vitally important that we re-schedule. Second, Federal rescheduling to schedule 1 triggers the toughest Federal penalties. And, third, rescheduling has proven to work, in 1984, I worked to reschedule Quaaludes, Congress passed the law, and the Quaalude epidemic was greatly reduced and, in 1990, I worked to re-schedule steroids, Congress passed the law, and again a drug epidemic that had been on the rise was reversed.

Still, despite the fact that this bill does not reschedule Rohypnol, I believe that it is important to pass this legislation because it takes the necessary and needed step of adding a new Federal offense for the crime of using a drug to commit any crime of violence—an offense that is punishable by up to 20 years behind bars.

This bill also calls on the DEA Administrator to make a recommendation on rescheduling Rohypnol to the Congress within 180 days. I am confident that the DEA Administrator will recommend the step I have been calling for more than a year—rescheduling Rohypnol to schedule 1. The fact is that the DEA Administrator has already formally recommended schedule 1 to the Department of Health and Human Services which is now beginning the lengthy process of its formal review of the recommendation. This is the standard process for an administrative rescheduling, and in most cases, I believe it is appropriate—but, when we are faced with immediate and clear dangers, I do not believe that it is wise for Congress to refuse to take action.

To offer a few more details about the importance of rescheduling Rohypnol, allow me to make a few more points.

First, rescheduling Rohypnol is the most effective way to get State and local law enforcement to focus on Rohypnol—given the limited amount of resources for fighting drugs, cops focus on those deemed most dangerous and these are the drugs found in schedules 1 and 2.

Second, and as I have stated, many State drug laws are triggered by the Federal Government's scheduling system. The Uniform Controlled Substances Act provides that when the Federal Government reschedules a drug, the States which have signed this Uniformity Act will automatically have their State drug penalties changed to match the Federal penalties.

In other words, without action on our part to reschedule, many States will not be able to address this problem until it is too late and Rohypnol has already infiltrated their communities.

Third, I have heard some critics of my rescheduling proposal argue that rescheduling is wrong because Rohypnol is a medically accepted drug in other parts of the world. In response, I would simply point out that in 1984 when Congress rescheduled Quaaludes, they were a medically accepted drug right here in the United States.

What is more, unlike the action taken on Quaaludes—in which Congress saw fit to go so far as to ban previously legal sales of the drug in this country—the rescheduling of Rohypnol in the United States will not hurt medical use here in America because there is no legal use of Rohypnol in America now. Doctors cannot prescribe this drug.

The bottom line is that the Congress will be debating the rescheduling issue all over again in 6 months. I regret this delay. I abhor this delay. This delay has the potential of leaving more children in danger. But, this is the reality of the situation we face because of one simple reason—a huge, foreign company that manufactures Rohypnol does not want America to reschedule their drug, even though this company does not—indeed cannot—sell this drug in America.

It is just as simple as that, because a company is afraid of losing some money, the effort to bring the maximum power of Federal law against the date rape drug has been defeated. I think we should take the partial step we are taking today, I think it is a positive that the Congress has agreed to accept a formal recommendation from the DEA Administrator, I believe that will ultimately be persuasive enough to gain a majority to support rescheduling, but let no one be under any misunderstanding that what we do today is all we should be doing to control the epidemic of the date rape drug.

Mr. HELMS. Mr. President, I am gratified that the U.S. Senate today passed S. 1612, a bill I introduced on March 13, 1996, stipulating that a 5-year mandatory minimum sentence shall be imposed upon any criminal possessing a firearm during and in relation to the commission of a violent or drug trafficking crime.

I'm informed that this bill will be approved by the House this afternoon, unless there is strong opposition by a Member of that body. If and when signed by the President, it will obviously crack down on criminals who possess a gun while committing violent felonies and/or drug trafficking offenses. In short, it will ensure that criminals possessing a firearm while committing a violent or drug trafficking felony shall receive stern and inescapable punishment.

This is common sense, Mr. President; violent felons who possess firearms are more dangerous than those who don't

This legislation builds upon existing Federal law providing that a person who, during a Federal crime of violence and/or drug trafficking crime, uses or carries a firearm shall be sentenced to 5 years in prison, a law that has been used effectively by Federal prosecutors across the country.

However, a December 1995 U.S. Supreme Court decision undermined the efforts of prosecutors to use this statute effectively—the Supreme Court's decision, Bailey versus United States, interpreted the law to require that a violent felon actively employ a firearm as a precondition of receiving an additional 5-year sentence. The Court in Bailey held that the firearm must be brandished, fired, or otherwise actively used before the additional 5-year sentence may be imposed. So, if a criminal merely possesses a firearm, but doesn't fire or otherwise use it, he gets off without the additional 5-year penalty.

Mr. President, this Supreme Court decision posed serious problems for law enforcement. It weakened the Federal criminal law and lead to the early release of hundreds of violent criminals. Before this Supreme Court's error of judgment—in the Bailey versus United States decision—armed criminals committing violent or drug trafficking felonies were jailed for an additional 5 years, regardless of whether they actively employed their weapons.

But when the Court's decision was announced, hardened criminals across America were overjoyed by the prospect of prison doors swinging open for them. And sure enough, since the Bailey decision last December 6, hundreds of criminals have indeed been set free.

As a result of the Court's decision, any thug who hid a gun under the back seat of his car, or who stashed a gun with his drugs, escaped the additional 5-year penalty. But in fact, Mr. President, firearms are the tools of the trade of most drug traffickers. Weapons clearly facilitate the criminal transactions and embolded violent thugs to commit their crimes.

I believe that mere possession of a firearm, during the commission of a violent felony—even if the weapon is not actively used—should nonetheless be punished—because of the heightened risk of violence when firearms are present. In its opinion, the Supreme

Court observed, ''Had Congress intended possession alone to trigger liability * * * it easily could have so provided.'' That, Mr. President, is precisely the intent of this legislation—to make clear that possession alone does indeed trigger liability.

So this legislation retains the 5 year mandatory—repeat, mandatory—sentences for violent armed felons, and it expands the penalty to apply in the case of possession. In addition, it directs the United States Sentencing Commission to consider strengthening the penalty when a criminal discharges a firearm in furtherance of a heinous crime.

As originally introduced, S. 1612 would have boosted the mandatory sentence to 10 years; 20 years if the weapon was discharged; and the death penalty or a mandatory life sentence if someone was killed during the crime. However, some Senators—perhaps responding to blandishments from the lobbyists at A.C.L.U.—objected to heightened mandatory sentences. So I scaled them back—reluctantly—and with the leadership and expertise of the distinguished Senator from Ohio [Mr. DEWINE], this essential legislation was passed. Representative SUE MYRICK'S guidance in the House of Representatives also has been indispensable.

Mr. President, this bill is a necessary and appropriate response to the Supreme Court's judicial limitation of the mandatory penalty for gun-toting criminals. According to Sentencing Commission statistics, more than 9,000 armed violent felons were convicted from April, 1991, through October, 1995. In North Carolina alone, this statute was used to help imprison over 800 violent criminals. We must strengthen law enforcement's ability to use this strong anti-crime provision.

Fighting crime is, and must be, a top concern in America. It has been estimated that one violent crime is committed every 16 seconds in the United States. We must fight back with the most severe punishment possible for those who terrorize law-abiding citizens. Enactment of this legislation removes one of the roadblocks between a savage criminal act and swift, certain punishment. It is a necessary step toward recommitting our Government and our citizens to a real honest-to-God war on crime.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The amendment (No. 5429) was agreed to.

The bill (H.R. 4137), as amended, was deemed read for a third time and passed.

## FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 547, S. 1887, to make improvements in the operation and administration of the Federal courts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1887) to make improvements in the operation and administration of the Federal courts and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1881

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:


Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.
Sec. 102. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Consent to trial in certain criminal actions.
Sec. 203. Venue in civil actions.
Sec. 204. Registration of judgments for enforcement in other districts.
Sec. 205. Vacancy in clerk position; absence of clerk.
Sec. 206. Diversity jurisdiction.
Sec. 207. Bankruptcy Administrator Program.
Sec. 208. Removal of cases against the United States and Federal officers or agencies.
Sec. 209. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 210. Reports by judicial councils relating to misconduct and disability orders.
*Sec. 211. Protective orders; sealing of cases; disclosure of information.*

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Bankruptcy judges reappointment procedure.
Sec. 305. Carrying of firearms.
Sec. 306. Technical correction related to commencement date of temporary judgeships.
Sec. 307. Full-time status of court reporters.
Sec. 308. Court interpreters.
Sec. 309. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 310. Contribution rate for senior judges under the judicial survivors' annuities system.
*Sec. 311. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.*

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.
Sec. 502. Qualification of Chief Judge of Court of International Trade.
Sec. 503. Judicial cost-of-living adjustments.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
Sec. 603. Removal of action from State court.
Sec. 604. Federal judicial center employee retirement provisions.
Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 606. Place of holding court in the District Court of Utah.
Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
Sec. 609. Extension of arbitration.
*Sec. 610. State Justice Institute.*


## TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

**SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.**

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

''(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

''(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.''.