

Calendar No. 677

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2536**

---

---

**A BILL**

To protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

---

---

OCTOBER 1 (legislative day, SEPTEMBER 29), 1998

Read twice and placed on the calendar

# Calendar No. 677

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2536

To protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 29), 1998

Mr. HATCH, from the Committee on the Judiciary, reported the following original bill; which was read twice and placed on the calendar

---

## A BILL

To protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “International Crime and Anti-Terrorism Amendments of  
6 1998”.

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

Sec. 1. Short title; table of contents.

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES  
 AGAINST UNITED STATES NATIONALS ABROAD

Sec. 101. Murder and extortion against United States nationals abroad in furtherance of organized crime.

Sec. 102. Murder or serious assault of a State or local official abroad.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED  
 STATES

Sec. 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL  
 CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Sec. 301. Inadmissibility of persons fleeing prosecution in other countries.

Sec. 302. Inadmissibility of persons involved in racketeering and arms trafficking.

Sec. 303. Clarification of inadmissibility of persons who have benefited from illicit activities of drug traffickers.

Sec. 304. Inadmissibility of persons involved in international alien smuggling.

Sec. 305. Seizure of assets of persons arrested abroad.

Sec. 306. Administrative summons authority under the Bank Secrecy Act.

Sec. 307. Criminal and civil penalties under the International Emergency Economic Powers Act.

Sec. 308. Attempted violations of the Trading With the Enemy Act.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME  
 THREATS

Sec. 401. Enhanced authority to investigate computer fraud and attacks on computer systems.

Sec. 402. Jurisdiction over certain financial crimes committed abroad.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT  
 AGAINST INTERNATIONAL CRIME

Sec. 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies.

Sec. 502. Streamlined procedures for execution of MLAT requests.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

Sec. 601. Reimbursement of State and local law enforcement agencies in international crime cases.

Sec. 602. Facilitating the admission of foreign records in United States courts.

Sec. 603. Prohibiting fugitives from benefiting from time served abroad.

1 **TITLE I—INVESTIGATING AND**  
2 **PUNISHING VIOLENT CRIMES**  
3 **AGAINST UNITED STATES NA-**  
4 **TIONALS ABROAD**

5 **SEC. 101. MURDER AND EXTORTION AGAINST UNITED**  
6 **STATES NATIONALS ABROAD IN FURTHER-**  
7 **ANCE OF ORGANIZED CRIME.**

8 Section 2332 of title 18, United States Code, is  
9 amended—

10 (1) by redesignating subsection (d) as sub-  
11 section (e);

12 (2) by inserting after subsection (c) the follow-  
13 ing:

14 “(d) EXTORTION OF UNITED STATES NATIONALS  
15 ABROAD.—Whoever commits or attempts to commit extor-  
16 tion against a national of the United States, while the na-  
17 tional is outside the United States, shall be fined under  
18 this title, imprisoned not more than 20 years, or both.”;

19 (3) in subsection (e), as redesignated, by insert-  
20 ing “, or was intended to further the objectives of  
21 an organized criminal group. A certification under  
22 this paragraph shall not be subject to judicial re-  
23 view” before the period at the end; and

24 (4) by adding at the end the following:

1       “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed as indicating an intent on the part  
3 of Congress—

4               “(1) to interfere with the exercise of criminal  
5 jurisdiction by the nation or nations in which the  
6 criminal act occurred; or

7               “(2) to mandate that each potential violation  
8 should be the subject of investigation or prosecution  
9 by the United States.

10       “(g) DEFINITIONS.—In this section—

11               “(1) the term ‘extortion’ means the obtaining of  
12 property worth \$100,000 or more from another by  
13 threatening or placing another person in fear that  
14 any person will be subjected to bodily injury or kid-  
15 napping or that any property will be damaged or de-  
16 stroyed; and

17               “(2) the term ‘organized criminal group’ means  
18 a group that has a hierarchical structure or is a con-  
19 tinuing enterprise, and that is engaged in or has as  
20 a purpose the commission of an act or acts that  
21 would constitute racketeering activity (as defined in  
22 section 1961) if committed within the United  
23 States.”.

1 **SEC. 102. MURDER OR SERIOUS ASSAULT OF A STATE OR**  
 2 **LOCAL OFFICIAL ABROAD.**

3 (a) IN GENERAL.—Chapter 51 of title 18, United  
 4 States Code, is amended by adding at the end the follow-  
 5 ing:

6 **“§ 1123. Murder or serious assault of a State or local**  
 7 **law enforcement, judicial, or other offi-**  
 8 **cial abroad**

9 “(a) DEFINITIONS.—In this section:

10 “(1) SERIOUS BODILY INJURY.—The term ‘seri-  
 11 ous bodily injury’ has the meaning given the term in  
 12 section 2119.

13 “(2) STATE.—The term ‘State’ has the mean-  
 14 ing given the term in section 245(d).

15 “(b) PENALTIES.—Whoever, in the circumstance de-  
 16 scribed in subsection (c)—

17 “(1) kills or attempts to kill an official of a  
 18 State or a political subdivision thereof shall be pun-  
 19 ished as provided in sections 1111, 1112, and 1113;  
 20 or

21 “(2) assaults an official of a State or a political  
 22 subdivision thereof, if that assault results in serious  
 23 bodily injury shall be punished as provided in section  
 24 113.

1       “(c) CIRCUMSTANCE DESCRIBED.—The circumstance  
2 described in this subsection is that the official of a State  
3 or political subdivision—

4               “(1) is outside the territorial jurisdiction of the  
5 United States; and

6               “(2) is engaged in, or the prohibited activity oc-  
7 curs on account of the performance by that official  
8 of training, technical assistance, or other assistance  
9 to the United States or a foreign government in con-  
10 nection with any program funded, in whole or in  
11 part, by the Federal Government.

12       “(d) LIMITATIONS ON PROSECUTION.—No prosecu-  
13 tion may be instituted against any person under this sec-  
14 tion except upon the written approval of the Attorney Gen-  
15 eral, the Deputy Attorney General, or an Assistant Attor-  
16 ney General, which function of approving prosecutions  
17 may not be delegated and shall not be subject to judicial  
18 review.

19       “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion may be construed to indicate an intent on the part  
21 of Congress—

22               “(1) to interfere with the exercise of criminal  
23 jurisdiction by the nation or nations in which the  
24 criminal act occurred; or

1           “(2) to mandate that each potential violation  
2           should be the subject of investigation or prosecution  
3           by the United States.”.

4           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
5           The analysis for chapter 51 of title 18, United States  
6           Code, is amended by adding at the end the following:

          “1123. Murder or serious assault of a State or local law enforcement, judicial,  
          or other official abroad.”.

7           **TITLE II—STRENGTHENING THE**  
8           **BORDERS OF THE UNITED**  
9           **STATES**

10          **SEC. 201. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**  
11                                   **STRUCTING A LAWFUL BOARDING, AND PRO-**  
12                                   **VIDING FALSE INFORMATION.**

13          (a) IN GENERAL.—Chapter 109 of title 18, United  
14          States Code, is amended by adding at the end the follow-  
15          ing:

16          **“§ 2237. Sanctions for failure to heave to; sanctions**  
17                                   **for obstruction of boarding or providing**  
18                                   **false information**

19          “(a) DEFINITIONS.—In this section:

20                               “(1) FEDERAL LAW ENFORCEMENT OFFICER.—  
21                               The term ‘Federal law enforcement officer’ has the  
22                               meaning given that term in section 115(e).

23                               “(2) HEAVE TO.—The term ‘heave to’ means,  
24                               with respect to a vessel, to cause that vessel to slow



1 or come to a stop to facilitate a law enforcement  
2 boarding by adjusting the course and speed of the  
3 vessel to account for the weather conditions and the  
4 sea state.

5 “(3) VESSEL OF THE UNITED STATES; VESSEL  
6 SUBJECT TO THE JURISDICTION OF THE UNITED  
7 STATES.—The terms ‘vessel of the United States’  
8 and ‘vessel subject to the jurisdiction of the United  
9 States’ have the meanings given those terms in sec-  
10 tion 3 of the Maritime Drug Law Enforcement Act  
11 (46 U.S.C. App. 1903).

12 “(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

13 “(1) IN GENERAL.—It shall be unlawful for the  
14 master, operator, or person in charge of a vessel of  
15 the United States or a vessel subject to the jurisdic-  
16 tion of the United States, to fail to obey an order  
17 to heave to that vessel on being ordered to do so by  
18 an authorized Federal law enforcement officer.

19 “(2) IMPEDING BOARDING; PROVIDING FALSE  
20 INFORMATION IN CONNECTION WITH A BOARDING.—  
21 It shall be unlawful for any person on board a vessel  
22 of the United States or a vessel subject to the juris-  
23 diction of the United States knowingly or willfully  
24 to—

1           “(A) fail to comply with an order of an au-  
2           thorized Federal law enforcement officer in con-  
3           nection with the boarding of the vessel;

4           “(B) impede or obstruct a boarding or ar-  
5           rest, or other law enforcement action authorized  
6           by any Federal law; or

7           “(C) provide false information to a Federal  
8           law enforcement officer during a boarding of a  
9           vessel regarding the destination, origin, owner-  
10          ship, registration, nationality, cargo, or crew of  
11          the vessel.

12          “(c) STATUTORY CONSTRUCTION.—Nothing in this  
13          section may be construed to limit the authority granted  
14          before the date of enactment of the International Crime  
15          and Anti-Terrorism Amendments of 1998 to—

16                 “(1) a customs officer under section 581 of the  
17                 Tariff Act of 1930 (19 U.S.C. 1581) or any other  
18                 provision of law enforced or administered by the  
19                 United States Customs Service; or

20                 “(2) any Federal law enforcement officer under  
21                 any Federal law to order a vessel to heave to.

22          “(d) CONSENT OR WAIVER OF OBJECTION BY A FOR-  
23          EIGN COUNTRY.—

24                 “(1) IN GENERAL.—A foreign country may con-  
25                 sent to or waive objection to the enforcement of

1 United States law by the United States under this  
2 section by international agreement or, on a case-by-  
3 case basis, by radio, telephone, or similar oral or  
4 electronic means.

5 “(2) PROOF OF CONSENT OR WAIVER.—The  
6 Secretary of State or a designee of the Secretary of  
7 State may prove a consent or waiver described in  
8 paragraph (1) by certification.

9 “(e) PENALTIES.—Any person who intentionally vio-  
10 lates any provision of this section shall be fined under this  
11 title, imprisoned not more than 5 years, or both.

12 “(f) SEIZURE OF VESSELS.—

13 “(1) IN GENERAL.—A vessel that is used in vio-  
14 lation of this section may be seized and forfeited.

15 “(2) APPLICABILITY OF LAWS.—

16 “(A) IN GENERAL.—Subject to subpara-  
17 graph (C), the laws described in subparagraph  
18 (B) shall apply to seizures and forfeitures un-  
19 dertaken, or alleged to have been undertaken,  
20 under any provision of this section.

21 “(B) LAWS DESCRIBED.—The laws de-  
22 scribed in this subparagraph are the laws relat-  
23 ing to the seizure, summary, judicial forfeiture,  
24 and condemnation of property for violation of  
25 the customs laws, the disposition of the prop-

1           erty or the proceeds from the sale thereof, the  
2           remission or mitigation of the forfeitures, and  
3           the compromise of claims.

4           “(C) EXECUTION OF DUTIES BY OFFICERS  
5           AND AGENTS.—Any duty that is imposed upon  
6           a customs officer or any other person with re-  
7           spect to the seizure and forfeiture of property  
8           under the customs laws shall be performed with  
9           respect to a seizure or forfeiture of property  
10          under this section by the officer, agent, or other  
11          person that is authorized or designated for that  
12          purpose.

13          “(3) IN REM LIABILITY.—A vessel that is used  
14          in violation of this section shall, in addition to any  
15          other liability prescribed under this subsection, be  
16          liable in rem for any fine or civil penalty imposed  
17          under this section.”.

18          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19          The analysis for chapter 109 of title 18, United States  
20          Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding  
or providing false information.”.

1 **TITLE III—DENYING SAFE HA-**  
2 **VENS TO INTERNATIONAL**  
3 **CRIMINALS AND ENHANCING**  
4 **NATIONAL SECURITY RE-**  
5 **SPONSES**

6 **SEC. 301. INADMISSIBILITY OF PERSONS FLEEING PROS-**  
7 **ECUTION IN OTHER COUNTRIES.**

8 (a) NEW GROUNDS OF INADMISSIBILITY.—Section  
9 212(a)(2) of the Immigration and Nationality Act (8  
10 U.S.C. 1182(a)(2)) is amended by adding at the end the  
11 following:

12 “(G) UNLAWFUL FLIGHT TO AVOID PROS-  
13 ECUTION.—Any alien who is coming to the  
14 United States solely, principally, or incidentally  
15 to avoid lawful prosecution in a foreign country  
16 for a crime involving moral turpitude (other  
17 than a purely political offense) is inadmis-  
18 sible.”.

19 (b) COUNTRIES TO WHICH ALIENS MAY BE RE-  
20 MOVED.—Section 241(b) of the Immigration and Nation-  
21 ality Act (8 U.S.C. 1231(b)) is amended—

22 (1) in paragraph (3)(A), by striking “(1) and  
23 (2)” and inserting “(1), (2), and (4)”; and

24 (2) by adding at the end the following:

1           “(4) ALIENS SOUGHT FOR PROSECUTION.—  
2       Notwithstanding paragraphs (1) and (2) of this sub-  
3       section, any alien who is found removable under sec-  
4       tion 212(a)(2)(G) (or section 212(a)(2)(G) as ap-  
5       plied pursuant to section 237(a)(1)(A)), shall be re-  
6       moved to the country seeking prosecution of that  
7       alien unless, in the discretion of the Attorney Gen-  
8       eral, the removal is determined to be impracticable,  
9       inadvisable, or impossible. In that case, removal  
10      shall be directed according to paragraphs (1) and  
11      (2) of this subsection.”.

12 **SEC. 302. INADMISSIBILITY OF PERSONS INVOLVED IN**  
13                                   **RACKETEERING AND ARMS TRAFFICKING.**

14       (a) NEW GROUNDS OF INADMISSIBILITY.—Section  
15       212(a)(2) of the Immigration and Nationality Act (8  
16       U.S.C. 1182) is amended by adding at the end the follow-  
17       ing:

18                           “(H) RACKETEERING ACTIVITIES.—Any  
19       alien is inadmissible if the consular officer or  
20       the Attorney General knows or has reason to  
21       believe that the alien is or has been engaged in  
22       activities that, if engaged in within the United  
23       States, would constitute ‘pattern of racketeering  
24       activity’ (as defined in section 1961 of title 18,  
25       United States Code) or has been a knowing as-

1 sister, abettor, conspirator, or colluder with oth-  
2 ers in any such illicit activity.

3 “(I) TRAFFICKING IN FIREARMS OR NU-  
4 CLEAR OR EXPLOSIVE MATERIALS.—Any alien  
5 inadmissible if the consular officer or the Attor-  
6 ney General knows or has reason to believe that  
7 the alien is or has been engaged in illicit traf-  
8 ficking of firearms (as defined in section 921 of  
9 title 18, United States Code), nuclear materials  
10 (as defined in section 831 of title 18, United  
11 States Code), or explosive materials (as defined  
12 in section 841 of title 18, United States Code);  
13 or has been a knowing assister, abettor, con-  
14 spirator, or colluder with others in the illicit ac-  
15 tivity.”.

16 (b) WAIVER AUTHORITY.—Section 212(h) of the Im-  
17 migration and Nationality Act (8 U.S.C. 1182) is amend-  
18 ed, in the matter preceding paragraph (1)—

19 (1) by striking “The Attorney General” and all  
20 that follows through “of subsection (a)(2)” and in-  
21 serting the following: “The Attorney General may,  
22 as a matter of discretion, waive the application of  
23 subparagraphs (A)(i)(I), (B), (D), and (E) of sub-  
24 section (a)(2),”; and

1           (2) by inserting before “if—” the following: “,  
2           and subparagraph (H) of that subsection insofar as  
3           it relates to an offense other than an aggravated fel-  
4           ony”.

5 **SEC. 303. CLARIFICATION OF INADMISSIBILITY OF PER-**  
6                                   **SONS WHO HAVE BENEFITED FROM ILLICIT**  
7                                   **ACTIVITIES OF DRUG TRAFFICKERS.**

8           Section 212(a)(2)(C) of the Immigration and Nation-  
9           ality Act (8 U.S.C. 1182 (a)(2)(C)) is amended to read  
10          as follows:

11                               “(C) CONTROLLED SUBSTANCE TRAFFICK-  
12                               ERS.—Any alien is inadmissible if the consular  
13                               officer or the Attorney General knows or has  
14                               reason to believe that the alien is or has been  
15                               an illicit trafficker in any controlled substance  
16                               or in any listed chemical or listed precursor  
17                               chemical (as defined in section 102 of the Con-  
18                               trolled Substances Act (21 U.S.C. 802)), or is  
19                               or has been a knowing assister, abettor, con-  
20                               spirator, or colluder with others in the illicit  
21                               trafficking in any such controlled or listed sub-  
22                               stance or chemical.”.



1 **SEC. 304. INADMISSIBILITY OF PERSONS INVOLVED IN**  
2 **INTERNATIONAL ALIEN SMUGGLING.**

3 Section 212 of the Immigration and Nationality Act  
4 (8 U.S.C. 1182) is amended—

5 (1) in subsection (a)(6), by striking subpara-  
6 graph (E) and inserting the following:

7 “(E) SMUGGLERS.—Any alien is inadmis-  
8 sible if, at any time, the alien has knowingly en-  
9 couraged, induced, assisted, abetted, or aided  
10 any other alien—

11 “(i) to enter or try to enter the  
12 United States in violation of law; or

13 “(ii) to enter or try to enter any other  
14 country, if that alien knew or reasonably  
15 should have known that the entry or at-  
16 tempted entry was likely to be in further-  
17 ance of the entry or attempted entry by  
18 that alien into the United States in viola-  
19 tion of law.”; and

20 (2) in subsection (d)(11)—

21 (A) by striking “clause (i) of”; and

22 (B) by inserting “or to enter any other  
23 country in furtherance of an entry or attempted  
24 entry into the United States in violation of law”  
25 before the period at the end.

1 **SEC. 305. SEIZURE OF ASSETS OF PERSONS ARRESTED**  
2 **ABROAD.**

3 Section 981(b) of title 18, United States Code, is  
4 amended by adding at the end the following:

5 “(3)(A) If any person is arrested or charged in a for-  
6 eign country in connection with an offense that would give  
7 rise to the forfeiture of property in the United States  
8 under this section or under the Controlled Substances Act,  
9 the Attorney General may apply to any Federal judge or  
10 magistrate judge in the district in which the property is  
11 located for an ex parte order restraining the property sub-  
12 ject to forfeiture for not more than 30 days, except that  
13 the time may be extended for good cause shown at a hear-  
14 ing conducted in the manner provided in Rule 43(e), Fed-  
15 eral Rules of Civil Procedure.

16 “(B) An application for a restraining order under  
17 subparagraph (A) shall—

18 “(i) set forth the nature and circumstances of  
19 the foreign charges and the basis for belief that the  
20 person arrested or charged has property in the  
21 United States that would be subject to forfeiture;  
22 and

23 “(ii) contain a statement that the restraining  
24 order is necessary to preserve the availability of  
25 property for such time as is necessary to receive evi-  
26 dence from the foreign country or elsewhere in sup-

1 port of probable cause for the seizure of the property  
2 under this subsection.”.

3 **SEC. 306. ADMINISTRATIVE SUMMONS AUTHORITY UNDER**  
4 **THE BANK SECRECY ACT.**

5 Section 5318(b) of title 31, United States Code, is  
6 amended by striking paragraph (1) and inserting the fol-  
7 lowing:

8 “(1) SCOPE OF POWER.—The Secretary of the  
9 Treasury may take any action described in para-  
10 graph (3) or (4) of subsection (a) for the purpose  
11 of—

12 “(A) determining compliance with the rules  
13 of this subchapter or any regulation issued  
14 under this subchapter; or

15 “(B) civil enforcement of violations of this  
16 subchapter, section 21 of the Federal Deposit  
17 Insurance Act, section 411 of the National  
18 Housing Act, or chapter 2 of Public Law 91–  
19 508 (12 U.S.C. 1951 et seq.), or any regulation  
20 issued under any such provision.”.

21 **SEC. 307. CRIMINAL AND CIVIL PENALTIES UNDER THE**  
22 **INTERNATIONAL EMERGENCY ECONOMIC**  
23 **POWERS ACT.**

24 (a) INCREASED CIVIL PENALTY.—Section 206(a) of  
25 the International Emergency Economic Powers Act (50

1 U.S.C. 1705(a)), is amended by striking “\$10,000” and  
2 inserting “\$50,000”.

3 (b) INCREASED CRIMINAL FINE.—Section 206(b) of  
4 the International Emergency Economic Powers Act (50  
5 U.S.C. 1705(b)), is amended to read as follows:

6 “(b) Whoever willfully violates any license, order, or  
7 regulation issued under this chapter shall be fined not  
8 more than \$1,000,000 if an organization (as defined in  
9 section 18 of title 18, United States Code), and not more  
10 than \$250,000, imprisoned not more than 10 years, or  
11 both, if an individual.”

12 **SEC. 308. ATTEMPTED VIOLATIONS OF THE TRADING WITH**  
13 **THE ENEMY ACT.**

14 Section 16 of the Trading with the Enemy Act (50  
15 U.S.C. App. 16) is amended—

16 (1) in subsection (a), by inserting “or attempt  
17 to violate” after “violate” each time it appears; and

18 (2) in subsection (b)(1), by inserting “or at-  
19 tempts to violate” after “violates”.

1 **TITLE IV—RESPONDING TO**  
2 **EMERGING INTERNATIONAL**  
3 **CRIME THREATS**

4 **SEC. 401. ENHANCED AUTHORITY TO INVESTIGATE COM-**  
5 **PUTER FRAUD AND ATTACKS ON COMPUTER**  
6 **SYSTEMS.**

7 Section 2516(1)(c) of title 18, United States Code,  
8 is amended by inserting “, a felony violation of section  
9 1030 (relating to computer fraud and attacks on computer  
10 systems)” before “section 1992 (relating to wrecking  
11 trains)”.

12 **SEC. 402. JURISDICTION OVER CERTAIN FINANCIAL**  
13 **CRIMES COMMITTED ABROAD.**

14 Section 1029 of title 18, United States Code, is  
15 amended by adding at the end the following:

16 “(g) **JURISDICTION OVER CERTAIN FINANCIAL**  
17 **CRIMES COMMITTED ABROAD.**—Any person who, outside  
18 the jurisdiction of the United States, engages in any act  
19 that, if committed within the jurisdiction of the United  
20 States, would constitute an offense under subsection (a)  
21 or (b), shall be subject to the same penalties as if that  
22 offense had been committed in the United States, if the  
23 act—

24 “(1) involves an access device issued, owned,  
25 managed, or controlled by a financial institution, ac-

1 count issuer, credit card system member, or other  
2 entity within the jurisdiction of the United States;  
3 and

4 “(2) causes, or if completed would have caused,  
5 a transfer of funds from or a loss to an entity listed  
6 in paragraph (1).”.

7 **TITLE V—PROMOTING GLOBAL**  
8 **COOPERATION IN THE FIGHT**  
9 **AGAINST INTERNATIONAL**  
10 **CRIME**

11 **SEC. 501. SHARING PROCEEDS OF JOINT FORFEITURE OP-**  
12 **ERATIONS WITH COOPERATING FOREIGN**  
13 **AGENCIES.**

14 (a) IN GENERAL.—Section 981(i)(1) of title 18,  
15 United States Code, is amended by striking “this chapter”  
16 and inserting “any provision of Federal law”.

17 (b) CONFORMING AMENDMENT.—Section 511(e)(1)  
18 of the Controlled Substances Act (21 U.S.C. 881(e)(1))  
19 is amended—

20 (1) in subparagraph (C), by adding “or” at the  
21 end;

22 (2) in subparagraph (D), by striking “; or” and  
23 inserting a period; and

24 (3) by striking subparagraph (E).

1 **SEC. 502. STREAMLINED PROCEDURES FOR EXECUTION OF**  
2 **MLAT REQUESTS.**

3 (a) IN GENERAL.—Chapter 117 of title 28, United  
4 States Code, is amended by adding at the end the follow-  
5 ing:

6 **“§ 1790. Assistance to foreign authorities**

7 “(a) IN GENERAL.—

8 “(1) PRESENTATION OF REQUESTS.—The At-  
9 torney General may present a request made by a  
10 foreign government for assistance with respect to a  
11 foreign investigation, prosecution, or proceeding re-  
12 garding a criminal matter pursuant to a treaty, con-  
13 vention, or executive agreement for mutual legal as-  
14 sistance between the United States and that govern-  
15 ment or in accordance with section 1782, the execu-  
16 tion of which requires or appears to require the use  
17 of compulsory measures in more than 1 judicial dis-  
18 trict, to a judge or judge magistrate of—

19 “(A) any 1 of the districts in which per-  
20 sons who may be required to appear to testify  
21 or produce evidence or information reside or are  
22 found, or in which evidence or information to be  
23 produced is located; or

24 “(B) the United States District Court for  
25 the District of Columbia.

1           “(2) AUTHORITY OF COURT.—A judge or judge  
2           magistrate to whom a request for assistance is pre-  
3           sented under paragraph (1) shall have the authority  
4           to issue those orders necessary to execute the re-  
5           quest including orders appointing a person to direct  
6           the taking of testimony or statements and the pro-  
7           duction of evidence or information, of whatever na-  
8           ture and in whatever form, in execution of the re-  
9           quest.

10          “(b) AUTHORITY OF APPOINTED PERSONS.—A per-  
11         son appointed under subsection (a)(2) shall have the au-  
12         thority to—

13                 “(1) issue orders for the taking of testimony or  
14                 statements and the production of evidence or infor-  
15                 mation, which orders may be served at any place  
16                 within the United States;

17                 “(2) administer any necessary oath; and

18                 “(3) take testimony or statements and receive  
19                 evidence and information.

20          “(c) PERSONS ORDERED TO APPEAR.—A person or-  
21         dered pursuant to subsection (b)(1) to appear outside the  
22         district in which that person resides or is found may, not  
23         later than 10 days after receipt of the order—

24                 “(1) file with the judge or judge magistrate who  
25                 authorized execution of the request a motion to ap-



1        appear in the district in which that person resides or  
2        is found or in which the evidence or information is  
3        located; or

4                “(2) provide written notice, requesting appear-  
5        ance in the district in which the person resides or  
6        is found or in which the evidence or information is  
7        located, to the person issuing the order to appear,  
8        who shall advise the judge or judge magistrate au-  
9        thorizing execution.

10       “(d) TRANSFER OF REQUESTS.—

11                “(1) IN GENERAL.—The judge or judge mag-  
12        istrate may transfer a request under subsection (c),  
13        or that portion requiring the appearance of that per-  
14        son, to the other district if—

15                        “(A) the inconvenience to the person is  
16        substantial; and

17                        “(B) the transfer is unlikely to adversely  
18        affect the effective or timely execution of the re-  
19        quest or a portion thereof.

20                “(2) EXECUTION.—Upon transfer, the judge or  
21        judge magistrate to whom the request or a portion  
22        thereof is transferred shall complete its execution in  
23        accordance with subsections (a) and (b).”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 2 The analysis for chapter 117 of title 28, United States  
 3 Code, is amended by adding at the end the following:

“1790. Assistance to foreign authorities.”.

4 **TITLE VI—STREAMLINING THE**  
 5 **INVESTIGATION AND PROS-**  
 6 **ECUTION OF INTERNATIONAL**  
 7 **CRIMES IN UNITED STATES**  
 8 **COURTS**

9 **SEC. 601. REIMBURSEMENT OF STATE AND LOCAL LAW EN-**  
 10 **FORCEMENT AGENCIES IN INTERNATIONAL**  
 11 **CRIME CASES.**

12 The Attorney General may obligate, as necessary ex-  
 13 penses, from any appropriate appropriation account avail-  
 14 able to the Department of Justice in fiscal year 1998 or  
 15 any fiscal year thereafter, the cost of reimbursement to  
 16 State or local law enforcement agencies for translation  
 17 services and related expenses, including transportation ex-  
 18 penses, in cases involving extradition or requests for mu-  
 19 tual legal assistance from foreign governments.

20 **SEC. 602. FACILITATING THE ADMISSION OF FOREIGN**  
 21 **RECORDS IN UNITED STATES COURTS.**

22 (a) IN GENERAL.—Chapter 163 of title 28, United  
 23 States Code, is amended by adding at the end the follow-  
 24 ing:

1 **“§ 2466. Foreign records**

2 “(a) DEFINITIONS.—In this section:

3 “(1) BUSINESS.—The term ‘business’ includes  
4 business, institution, association, profession, occupa-  
5 tion, and calling of every kind whether or not con-  
6 ducted for profit.

7 “(2) FOREIGN CERTIFICATION.—The term ‘for-  
8 eign certification’ means a written declaration made  
9 and signed in a foreign country by the custodian of  
10 a record of regularly conducted activity or another  
11 qualified person, that if falsely made, would subject  
12 the maker to criminal penalty under the law of that  
13 country.

14 “(3) FOREIGN RECORD OF REGULARLY CON-  
15 DUCTED ACTIVITY.—The term ‘foreign record of reg-  
16 ularly conducted activity’ means a memorandum, re-  
17 port, record, or data compilation, in any form, of  
18 acts, events, conditions, opinions, or diagnoses,  
19 maintained in a foreign country.

20 “(4) OFFICIAL REQUEST.—The term ‘official  
21 request’ means a letter rogatory, a request under an  
22 agreement, treaty or convention, or any other re-  
23 quest for information or evidence made by a court  
24 of the United States or an authority of the United  
25 States having law enforcement responsibility, to a  
26 court or other authority of a foreign country.

1       “(b) FOREIGN RECORDS.—In a civil proceeding in a  
2 court of the United States, including civil forfeiture pro-  
3 ceedings and proceedings in the United States Claims  
4 Court and the United States Tax Court, unless the source  
5 of information or the method or circumstances of prepara-  
6 tion indicate lack of trustworthiness, a foreign record of  
7 regularly conducted activity, or copy of the record, ob-  
8 tained pursuant to an official request, shall not be ex-  
9 cluded as evidence by the hearsay rule if the foreign cer-  
10 tification is obtained pursuant to subsection (c).

11       “(c) FOREIGN CERTIFICATION.—A foreign certifi-  
12 cation meeting the requirements of this subsection is a for-  
13 eign certification, obtained pursuant to an official request,  
14 that adequately identifies the foreign record and attests  
15 that—

16               “(1) the record was made, at or near the time  
17 of the occurrence of the matters set forth, by (or  
18 from information transmitted by) a person with  
19 knowledge of those matters;

20               “(2) the record was kept in the course of a reg-  
21 ularly conducted business activity;

22               “(3) the business activity made or kept such a  
23 record as a regular practice; and

24               “(4) if the record is not the original, the record  
25 is a duplicate of the original.

1       “(d) AUTHENTICATION.—A foreign certification  
2 under this section shall authenticate the record or dupli-  
3 cate.

4       “(e) CONSIDERATION OF MOTION.—

5           “(1) NOTICE.—As soon as practicable after a  
6 responsive pleading has been filed, a party intending  
7 to offer in evidence under this section a foreign  
8 record of regularly conducted activity shall provide  
9 written notice of that intention to each other party.

10          “(2) OPPOSING MOTION.—A motion opposing  
11 admission in evidence of the record under paragraph  
12 (1) shall be made by the opposing party and deter-  
13 mined by the court before trial. Failure by a party  
14 to file that motion before trial shall constitute a  
15 waiver of objection to the record or duplicate, but  
16 the court for cause shown may grant relief from the  
17 waiver.”.

18       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19 The analysis for chapter 163 of title 28, United States  
20 Code, is amended by adding at the end the following:

“2466. Foreign records.”.

21 **SEC. 603. PROHIBITING FUGITIVES FROM BENEFITING**  
22 **FROM TIME SERVED ABROAD.**

23       Section 3585 of title 18, United States Code, is  
24 amended by adding at the end the following:

1           “(c) EXCLUSION FOR TIME SERVED ABROAD.—Not-  
2 withstanding subsection (b), a defendant shall receive no  
3 credit for any time spent in official detention in a foreign  
4 country if—

5           “(1) the defendant fled from, or remained out-  
6 side of, the United States to avoid prosecution or  
7 imprisonment;

8           “(2) the United States officially requested the  
9 return of the defendant to the United States for  
10 prosecution or imprisonment; and

11           “(3) the defendant is in custody in the foreign  
12 country pending surrender to the United States for  
13 prosecution or imprisonment.”.