

In the Senate of the United States,

October 13 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 3048) entitled “An Act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.”, do pass with the following

AMENDMENTS:

1 **(1)**Page 3, strike out lines 19 through 24 and insert:

2 “(e)(1) *When directed by the President, the United*
3 *States Secret Service is authorized to participate, under the*
4 *direction of the Secretary of the Treasury, in the planning,*
5 *coordination, and implementation of security operations at*
6 *special events of national significance, as determined by the*
7 *President.*

8 “(2) *At the end of each fiscal year, the President*
9 *through such agency or office as the President may des-*
10 *ignate, shall report to the Congress—*

1 “(A) *what events, if any, were designated special*
 2 *events of national significance for security purposes*
 3 *under paragraph (1); and*

4 “(B) *the criteria and information used in mak-*
 5 *ing each designation.*”.

6 **(2)**Page 7, line 6, after “offense” insert: *or apprehension*
 7 *of a fugitive*

8 **(3)**Page 8, strike out lines 17 through 19

9 **(4)**Page 9, strike out line 14 and insert:
 10 *issuance.*

11 “(11) *With respect to subpoenas issued under para-*
 12 *graph (1)(A)(i)(III), the Attorney General shall issue guide-*
 13 *lines governing the issuance of administrative subpoenas*
 14 *pursuant to that paragraph. The guidelines required by this*
 15 *paragraph shall mandate that administrative subpoenas*
 16 *may be issued only after review and approval of senior su-*
 17 *pervisory personnel within the respective investigative*
 18 *agency or component of the Department of Justice and of*
 19 *the United States Attorney for the judicial district in which*
 20 *the administrative subpoena shall be served.*”.

21 **(5)**Page 10, after line 8, insert:

1 **SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FU-**
 2 **GITIVES.**

3 (a) *AUTHORITY OF ATTORNEY GENERAL.*—Section
 4 3486(a)(1) of title 18, United States Code, as amended by
 5 section 5 of this Act is further amended in subparagraph
 6 (A)(i)—

7 (1) by striking “offense or” and inserting “of-
 8 fense,”; and

9 (2) by inserting “or (III) with respect to the ap-
 10 prehension of a fugitive,” after “children,”.

11 (b) *ADDITIONAL BASIS FOR NONDISCLOSURE*
 12 *ORDER.*—Section 3486(a)(6) of title 18, United States
 13 Code, as amended by section 5 of this Act, is further amend-
 14 ed in subparagraph (B)—

15 (1) by striking “or” and the end of clause (iii);

16 (2) by striking the period at the end of clause
 17 (iv) and inserting “; or”; and

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

19 “(v) otherwise seriously jeopardizing
 20 an investigation or undue delay of a trial.”.

21 (c) *DEFINITIONS.*—Section 3486 of title 18, as amend-
 22 ed by section 5 of this Act, is further amended by adding
 23 at the end the following:

24 “(g) *DEFINITIONS.*—In this section—

25 “(1) the term ‘fugitive’ means a person who—

1 “(A) having been accused by complaint, in-
2 formation, or indictment under Federal law of a
3 serious violent felony or serious drug offense, or
4 having been convicted under Federal law of com-
5 mitting a serious violent felony or serious drug
6 offense, flees or attempts to flee from, or evades
7 or attempts to evade the jurisdiction of the court
8 with jurisdiction over the felony;

9 “(B) having been accused by complaint, in-
10 formation, or indictment under State law of a
11 serious violent felony or serious drug offense, or
12 having been convicted under State law of com-
13 mitting a serious violent felony or serious drug
14 offense, flees or attempts to flee from, or evades
15 or attempts to evade, the jurisdiction of the court
16 with jurisdiction over the felony;

17 “(C) escapes from lawful Federal or State
18 custody after having been accused by complaint,
19 information, or indictment of a serious violent
20 felony or serious drug offense or having been con-
21 victed of committing a serious violent felony or
22 serious drug offense; or

23 “(D) is in violation of subparagraph (2) or
24 (3) of the first undesignated paragraph of section
25 1073;

1 “(2) the terms ‘serious violent felony’ and ‘seri-
2 ous drug offense’ shall have the meanings given those
3 terms in section 3559(c)(2) of this title; and

4 “(3) the term ‘investigation’ means, with respect
5 to a State fugitive described in subparagraph (B) or
6 (C) of paragraph (1), an investigation in which there
7 is reason to believe that the fugitive fled from or
8 evaded, or attempted to flee from or evade, the juris-
9 diction of the court, or escaped from custody, in or af-
10 fecting, or using any facility of, interstate or foreign
11 commerce, or as to whom an appropriate law enforce-
12 ment officer or official of a State or political subdivi-
13 sion has requested the Attorney General to assist in
14 the investigation, and the Attorney General finds that
15 the particular circumstances of the request give rise to
16 a Federal interest sufficient for the exercise of Federal
17 jurisdiction pursuant to section 1075.”.

18 **SEC. 7. FUGITIVE APPREHENSION TASK FORCES.**

19 (a) *IN GENERAL.*—The Attorney General shall, upon
20 consultation with appropriate Department of Justice and
21 Department of the Treasury law enforcement components,
22 establish permanent Fugitive Apprehension Task Forces
23 consisting of Federal, State, and local law enforcement au-
24 thorities in designated regions of the United States, to be
25 directed and coordinated by the United States Marshals

1 *Service, for the purpose of locating and apprehending fugi-*
2 *tives.*

3 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
4 *authorized to be appropriated to the Attorney General for*
5 *the United States Marshals Service to carry out the provi-*
6 *sions of this section \$30,000,000 for the fiscal year 2001,*
7 *\$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal*
8 *year 2003.*

9 (c) *OTHER EXISTING APPLICABLE LAW.*—*Nothing in*
10 *this section shall be construed to limit any existing author-*
11 *ity under any other provision of Federal or State law for*
12 *law enforcement agencies to locate or apprehend fugitives*
13 *through task forces or any other means.*

14 **SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUB-**
15 **POENAS.**

16 (a) *STUDY ON USE OF ADMINISTRATIVE SUB-*
17 *POENAS.*—*Not later than December 31, 2001, the Attorney*
18 *General, in consultation with the Secretary of the Treasury,*
19 *shall complete a study on the use of administrative sub-*
20 *poena power by executive branch agencies or entities and*
21 *shall report the findings to the Committees on the Judiciary*
22 *of the Senate and the House of Representatives. Such report*
23 *shall include—*

1 (1) *a description of the sources of administrative*
 2 *subpoena power and the scope of such subpoena power*
 3 *within executive branch agencies;*

4 (2) *a description of applicable subpoena enforce-*
 5 *ment mechanisms;*

6 (3) *a description of any notification provisions*
 7 *and any other provisions relating to safeguarding*
 8 *privacy interests;*

9 (4) *a description of the standards governing the*
 10 *issuance of administrative subpoenas; and*

11 (5) *recommendations from the Attorney General*
 12 *regarding necessary steps to ensure that administra-*
 13 *tive subpoena power is used and enforced consistently*
 14 *and fairly by executive branch agencies.*

15 (b) *REPORT ON FREQUENCY OF USE OF ADMINISTRA-*
 16 *TIVE SUBPOENAS.—*

17 (1) *IN GENERAL.—The Attorney General and the*
 18 *Secretary of the Treasury shall report in January of*
 19 *each year to the Committees on the Judiciary of the*
 20 *Senate and the House of Representatives on the num-*
 21 *ber of administrative subpoenas issued by them under*
 22 *this section, whether each matter involved a fugitive*
 23 *from Federal or State charges, and the identity of the*
 24 *agency or component of the Department of Justice or*

1 *the Department of the Treasury issuing the subpoena*
2 *and imposing the charges.*

3 (2) *EXPIRATION.*—*The reporting requirement of*
4 *this subsection shall terminate in 3 years after the*
5 *date of enactment of this section.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 3048

AMENDMENTS