

AMENDMENTS SUBMITTED AND PROPOSED

SA 1591. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 35, to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes; which was ordered to lie on the table.

SA 1592. Mr. MCCONNELL (for Mr. UDALL (for himself, Mr. MORAN, and Mr. ROMNEY)) proposed an amendment to the bill S. 886, to amend the Omnibus Public Land Management Act of 2009 to make the Reclamation Water Settlements Fund permanent.

TEXT OF AMENDMENTS

SA 1591. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 35, to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes; which was ordered to lie on the table; as follows:

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 250. Lynching

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully conspires with another person to cause serious bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempt to cause serious bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully conspires with another person to cause serious bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempt to cause serious bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(iii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iv) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(v) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

“(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys’ Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

“(b) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title;

“(3) the term ‘gender identity’ means actual or perceived gender-related characteristics;

“(4) the term ‘serious bodily injury’ has the meaning given such term in section 1365(h)(3) of this title; and

“(5) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

“(d) STATUTE OF LIMITATIONS.—

“(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an of-

fense under this section resulted in death may be found or instituted at any time without limitation.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.

SA 1592. Mr. MCCONNELL (for Mr. UDALL (for himself, Mr. MORAN, and Mr. ROMNEY)) proposed an amendment to the bill S. 886, to amend the Omnibus Public Land Management Act of 2009 to make the Reclamation Water Settlements Fund permanent; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Water Rights Settlement Extension Act”.

SEC. 2. TRIBAL WATER RIGHTS.

(a) DEFINITION OF 611(g) AGREEMENT.—Section 602 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3134) is amended—

(1) by redesignating paragraphs (1) through (23) as paragraphs (2) through (24), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) 611(g) AGREEMENT.—The term ‘611(g) Agreement’ means the agreement dated July 2, 2019, to be executed by the United States, the State, the Pueblos, the County, and the City pursuant to section 611(g).”.

(b) FINAL PROJECT DESIGN.—Section 611(b) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3137) is amended, in the matter preceding paragraph (1), by striking “within 90 days of” and inserting “as soon as feasible after”.

(c) CONSTRUCTION COSTS FOR PUEBLO WATER FACILITIES.—Section 611(f) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3138) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “\$106,400,000” and inserting “\$243,400,000”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) EXCEPTION.—Of the amount described in subparagraph (A)—

“(i) the initial \$106,400,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices; and

“(ii) any amounts made available in excess of the amount described in clause (i) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2018, as determined using applicable engineering cost indices.”; and

(2) in paragraph (3), by inserting “and the 611(g) Agreement” after “the Cost-Sharing and System Integration Agreement”.

(d) FUNDING FOR REGIONAL WATER SYSTEM.—Section 617(a)(1) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended—

(1) in subparagraph (B)—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “section 616 \$50,000,000” and inserting the following: “section 616—

“(i) \$50,000,000”; and

(C) by adding at the end the following:

“(ii) subject to the availability of appropriations and in addition to the amounts