

(2) OTHER LAW.—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

**SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.**

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY’S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) SHORT TITLE.—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer’s or judge’s performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

**SA 353.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 7, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 512, the Nuclear Power 2021 Act, and S. 937, the American Alternative Fuels Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jonathan Epstein or Abby Campbell.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 9, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on bills to promote energy efficiency and alternative fuel vehicles as described in S. 963, S. 1000, and S. 1001.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Deborah Estes at (202) 224-5360 or Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 9 a.m., to hold a hearing entitled, “Al Qaeda, the Taliban and Other Extremist Groups in Afghanistan and Pakistan.”

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

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

**COMMITTEE ON THE JUDICIARY**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

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