



1 priation Acts as passed by the House of Representatives as  
2 of October 1, 1984:

3           **Agriculture, Rural Development, and Related**  
4           **Agencies Appropriation Act, 1985;**

5           *(a) Such sums as may be necessary for programs,*  
6 *projects, or activities provided for in the Agriculture, Rural*  
7 *Development and Related Agencies Appropriation Act, 1985*  
8 *(H.R. 5743), to the extent and in the manner provided for in*  
9 *the conference report and joint explanatory statement of the*  
10 *Committee of Conference (House Report Numbered 98-*  
11 *1071), filed in the House of Representatives on September*  
12 *25, 1984, as if such Act had been enacted into law.*

13           **(3) District of Columbia Appropriation Act,**  
14           **1985;**

15           *(b) Such amounts as may be necessary for projects or*  
16 *activities, not otherwise specifically provided for in this joint*  
17 *resolution, at a rate for operations and to the extent and in*  
18 *the manner provided for in H.R. 5899, the District of Co-*  
19 *lumbia Appropriation Act, 1985, as passed by the Senate on*  
20 *August 10, 1984.*

21           **(4) Department of the Interior and Related**  
22           **Agencies Appropriation Act, 1985;**

23           *(c) Such amounts as may be necessary for projects or*  
24 *activities, not otherwise specifically provided for in this joint*  
25 *resolution, at a rate for operations and to the extent and in*

1 *the manner provided for in H.R. 5973, the Department of the*  
2 *Interior and Related Agencies Appropriation Act, 1985, as*  
3 *passed by the Senate as of October 1, 1984: Provided, That*  
4 *for the purposes of this subsection, if such Act has been re-*  
5 *ported to the Senate but not passed the Senate as of October*  
6 *1, 1984, it shall be deemed as having been passed by the*  
7 *Senate. Provided further, That of the amount provided for*  
8 *Mines and Minerals, Bureau of Mines, \$400,000, which*  
9 *shall be equally matched by non-Federal funds, shall be*  
10 *available to conduct a study on subsidence and its impact on*  
11 *prime farmland: Provided further, That notwithstanding any*  
12 *other provision of this joint resolution the amount for "Na-*  
13 *tional Forest System, Forest Service" be \$1,064,710,000:*  
14 *Provided further, That the Secretary of the Interior may not*  
15 *contract for the establishment or operation of a school not*  
16 *currently operated by the Bureau of Indian Affairs or assist-*  
17 *ed by the Bureau under contract: Provided further, That an*  
18 *additional \$400,000 shall be appropriated to the United*  
19 *States Fish and Wildlife Service to initiate operations at the*  
20 *Cape Charles National Wildlife Refuge, Virginia: Provided*  
21 *further, That notwithstanding any other provision in this*  
22 *joint resolution on page 34, line 8, of H.R. 5973 as reported*  
23 *by the Senate Committee on Appropriations strike*  
24 *"76,670,000" and insert "\$77,170,000" and on line 9 strike*  
25 *"\$73,842,000" and insert "\$74,342,000": Provided further,*

1 *That to express the sense of the Congress that the Continen-*  
2 *tal Scientific Drilling Program is an important national sci-*  
3 *entific endeavor, benefiting the commerce of the Nation,*  
4 *which should be vigorously pursued by government and the*  
5 *private sector.*

6 *The Continental Scientific Drilling Program is an im-*  
7 *portant national scientific endeavor that is vital to the under-*  
8 *standing of the geologic evolution of the Earth and the eco-*  
9 *nomie value of its resources;*

10 *The most effective and efficient means of realizing the*  
11 *fullest potential in the Continental Scientific Drilling Pro-*  
12 *gram is through a cooperative effort by the Department of*  
13 *Energy, the National Science Foundation, and the United*  
14 *States Geological Survey;*

15 *Many important commercial and scientific advances*  
16 *may result from the Continental Scientific Drilling Pro-*  
17 *gram; and*

18 *Many foreign nations are engaged in a comparable deep*  
19 *drilling program, and cooperation and coordination would be*  
20 *beneficial to United States efforts.*

21 *It is the sense of the Congress that—*

22 *(1) the Continental Scientific Drilling Program*  
23 *an important national scientific endeavor by the*  
24 *United States which should be enthusiastically imple-*  
25 *mented through a joint cooperative effort among the*

1 *United States Department of Energy, the National*  
2 *Science Foundation, and the United States Geological*  
3 *Survey;*

4 *(2) the private sector should be encouraged to sup-*  
5 *port the Continental Scientific Drilling Program and*  
6 *the participating agencies should solicit appropriate*  
7 *private sector participation in such Program; and*

8 *(3) the United States Government should cooper-*  
9 *ate to the extent practicable with the international com-*  
10 *munity in developing this important scientific and*  
11 *technical activity;*

12 *Provided further, That notwithstanding any other provision*  
13 *of law, funds available to the Forest Service may be obligated*  
14 *for cooperative Federal-State noxious weed control: Provided*  
15 *further, That worst case analysis requirements developed*  
16 *under the National Environmental Policy Act shall not*  
17 *apply to the application of approved weed pesticides used on*  
18 *Federal lands. Provided further, That notwithstanding any*  
19 *other provision of law, within sixty days of enactment of this*  
20 *joint resolution, Secretary of the Interior shall employ in the*  
21 *Flathead Irrigation and Power Project of the Bureau of*  
22 *Indian Affairs twenty-eight employees of the Joint Board of*  
23 *Control of the Flathead, Mission, and Jocko Valley Irriga-*  
24 *tion Districts at appropriate rates of pay which shall not be*  
25 *less than their rates of pay as of September 27, 1984: Pro-*

1 *vided further, That the amount available for direct loans pur-*  
2 *suant to the Indian Financing Act of 1974 (88 Stat. 77; 25*  
3 *U.S.C. 1451 et seq.), shall not exceed \$18,600,000: Provid-*  
4 *ed further, That no funds may be used for the condemnation*  
5 *of property, without the consent of the owner of the property,*  
6 *for addition to the Cache River Arkansas project: Provided*  
7 *further, That of the funds appropriated for the Minerals*  
8 *Management Service, \$50,000 shall be available for admin-*  
9 *istrative, travel, communications, per diem, and other neces-*  
10 *say expenses incurred by a nonprofit interindustry organiza-*  
11 *tion in conducting meetings and workshops related to outer*  
12 *Continental Shelf activities off Alaska: Provided further,*  
13 *That \$3,500,000 is appropriated for deposit into the Eco-*  
14 *nomie Development and Tribal Government Fund, to be held*  
15 *in trust for the benefit of the White Earth Band of Chippewa*  
16 *Indians: Provided further, That such funds shall become*  
17 *available for obligation only upon enactment of authorizing*  
18 *legislation and approval by the Secretary of the Interior of*  
19 *the Tribal Financial Ordinance and Investment Plan estab-*  
20 *lished pursuant to the White Earth Reservation Land Settle-*  
21 *ment of 1984.*

22 **(5)** *Notwithstanding any other provision of this joint*  
23 *resolution, \$100,000 is appropriated for the Mary McLeod*  
24 *Bethune "Council House" National Historic Site.*

1       **(6)** *Notwithstanding any other provision of this sub-*  
2 *section, H.R. 5973, as reported, is considered to include the*  
3 *following:*

4       *"SEC. 321. Section 5542(b)(2)(B)(iv) of title 5, United*  
5 *States Code, is amended by inserting immediately before the*  
6 *period at the end thereof a comma and the following: 'includ-*  
7 *ing travel by an employee to such an event and the return of*  
8 *such employee from such event to his or her official duty*  
9 *station'."*

10       **(7)** *Notwithstanding any other provision of this sub-*  
11 *section, section 318 of H.R. 5973 as reported, is considered*  
12 *to include the following:*

13       *"Notwithstanding any other provision of law, the Secre-*  
14 *tary shall not issue any geothermal lease pursuant to the*  
15 *Geothermal Steam Act of 1970 (Public Law 91-581, as*  
16 *amended) in the Island Park Known Geothermal Resource*  
17 *Area adjacent to Yellowstone National Park."*

18       **(8)** *Notwithstanding any other provision of section*  
19 *101(c) of this resolution, \$200,000 shall be made available to*  
20 *the Department of the Interior for assisting the development*  
21 *of the North Key Largo Habitat Conservation Plan.*

22       **(9)** *Notwithstanding any other provision of this joint*  
23 *resolution, \$536,000 shall be available to the Fish and Wild-*  
24 *life Service for the Des Plaines River wetlands demonstra-*  
25 *tion project.*

1       **(10)** *Not less than \$500,000 shall be allocated by the*  
2 *National Park Service for restoration of the William*  
3 *Howard Taft Birthplace in Cincinnati, Ohio, during fiscal*  
4 *1985.*

5       **(11)** *Notwithstanding any other provision of this sub-*  
6 *section, the section dealing with Bureau of Indian Affairs*  
7 *construction of H.R. 5973, as reported, is considered to read*  
8 *as follows:*

9       *“For construction, major repair and improvement of ir-*  
10 *rigation and power systems, buildings, utilities, and other*  
11 *facilities, including architectural and engineering services by*  
12 *contract; acquisition of lands and interests in land; prepara-*  
13 *tion of lands for farming; and construction, repair, and im-*  
14 *provement of Indian housing, \$104,243,000, to remain*  
15 *available until expended: Provided, That such amounts as*  
16 *may be available for the construction of the Navajo Indian*  
17 *Irrigation Project may be transferred to the Bureau of Recla-*  
18 *mation.”.*

19       **(12)** *Notwithstanding any other provision of this sub-*  
20 *section, section 315 of the reported bill is amended to read as*  
21 *follows:*

22       *“None of the funds provided in this Act may be used for*  
23 *the augmentation of grizzly bear populations in currently oc-*  
24 *cupied areas of Forest Service grizzly bear habitat or the*  
25 *preparation of specific augmentation proposals to establish*



1 *new grizzly bear populations in areas identified as suitable*  
2 *grizzly bear habitat in any unit of the National Park System*  
3 *or National Forest System unless the appropriate General*  
4 *Management Plan or Forest Plan provides for such augmen-*  
5 *tation and has been adopted, including having been available*  
6 *for public comment and review: Provided, That such activi-*  
7 *ties may be conducted only with funds specifically justified*  
8 *for such purpose in an agency budget justification and subse-*  
9 *quently approved in a report accompanying an appropriation*  
10 *bill making appropriations for that agency, or with funds*  
11 *provided for through reprogramming procedures: Provided*  
12 *further, That this is not intended to prohibit the emergency*  
13 *relocation of nuisance bears into currently occupied areas of*  
14 *congressionally designated wilderness areas within Forest*  
15 *Service boundaries, or into other currently occupied situation*  
16 *one areas where conflict between bears and humans is not*  
17 *likely to occur: Provided further, That the Secretaries of In-*  
18 *terior and Agriculture shall provide for a public meeting at*  
19 *each affected National Forest and National Park Headquar-*  
20 *ters and the subsequent publication of the 'Guidelines for*  
21 *Management Involving Grizzly Bears in the Greater Yellow-*  
22 *stone Area' in the Federal Register, reflecting the public com-*  
23 *ments: Provided further, That notwithstanding any other pro-*  
24 *vision of law, agencies included in this Act are authorized to*  
25 *reimburse permittees for such reasonable expenses as may be*

1 *incurred as a result of moving permitted animals from one*  
2 *location to another, as may be required by the permitting*  
3 *agency, in order to prevent harrassment and attacks by griz-*  
4 *zly bears. Such expenses are to be determined by the agency*  
5 *responsible for the permitted action.”.*

6       **(13)** *The segregative effect of the Department of the*  
7 *Navy withdrawal application N—37171, covering approxi-*  
8 *mately 181,323 acres of public lands in Churchill County,*  
9 *Nevada, shall continue until such withdrawal is acted upon*  
10 *by the Congress. Segregation shall not prevent compatible*  
11 *public land uses which would be allowed under the terms of*  
12 *the proposed withdrawal.*

13       **(14)** *The following may be cited as “The John F. Ken-*  
14 *nedy Center Act Amendments of 1984”.*

15       *Section 9 of the Kennedy Center Act (20 U.S.C. 76 )*  
16 *is amended—*

17               *(1) by inserting “(a)” immediately after “SEC.*  
18               *9.”, and by striking out the third, fourth, and seventh*  
19               *sentences thereof; and*

20               *(2) by adding at the end thereof the following new*  
21               *subsections:*

22               *“(b) Effective as of the date of enactment of this subsec-*  
23 *tion the obligations of the Board incurred under subsection*  
24 *(a) of this section shall bear no interest, and the requirement*

1 of the Board to pay the unpaid interest which has accrued on  
2 such obligations is terminated.

3       “(c) There is hereby established in the Treasury of the  
4 United States a sinking fund, the Kennedy Center Revenue  
5 Bond Sinking Fund (hereinafter referred to as the ‘Fund’),  
6 which shall be used to retire the obligations of the Board  
7 incurred under subsection (a) of this section upon the respec-  
8 tive maturities of such obligations. The Board shall pay into  
9 the Fund, beginning on January 1, 1987 and ending on  
10 January 1, 2016, the annual sum of \$200,000 in amortiza-  
11 tion of the principal amount of the obligations. Such sums  
12 shall be invested by the Secretary of the Treasury in public  
13 debt securities with maturities suitable for the needs of the  
14 Fund and bearing interest at rates determined by the Secre-  
15 tary of the Treasury, taking into consideration the current  
16 average market yield on outstanding marketable obligations  
17 of the United States of comparable maturities. The interest  
18 on such investments shall be credited to and form a part of  
19 the Fund. Moneys in the Fund shall be used exclusively to  
20 retire the obligations of the Board incurred under subsection  
21 (a) of this section. Adjustments of not greater than plus or  
22 minus 5 per centum may be made from time to time in the  
23 annual payments to the Fund in order to correct any gains or  
24 deficiencies as a result of fluctuations in interest rates over  
25 the life of the investments: Provided, however, That a final

1 *adjustment shall be made between the Board and the Secre-*  
2 *tary of the Treasury at the end of the amortization period to*  
3 *correct any overall gain or deficiency in the Fund. The terms*  
4 *of this adjustment shall be covered by a memorandum of un-*  
5 *derstanding between the Board and the Secretary of the*  
6 *Treasury to be consummated on or before the time the initial*  
7 *payment into the Fund is made."*

8       **(15)** *For conduct of a study regarding salmon stock*  
9 *production of hatcheries in the Pacific Northwest \$500,000*  
10 *will be provided from available funds, in accordance with the*  
11 *provisions of this paragraph. In consultation with the Na-*  
12 *tional Marine Fisheries Service and the Bureau of Indian*  
13 *Affairs, the Fish and Wildlife Service (hereinafter in this*  
14 *parāgraph referred to as the "Service") shall, to the extent*  
15 *provided in advance by appropriations Acts, enter into a con-*  
16 *tract within 60 days after the date of enactment of this joint*  
17 *resolution with a private entity for a study of State and Fed-*  
18 *erally funded salmon hatcheries in the States of Washington,*  
19 *Oregon and Idaho, in accordance with the provisions of this*  
20 *paragraph. The purpose of such study is to develop informa-*  
21 *tion to assist in evaluating the production and effectiveness of*  
22 *such hatcheries in increasing salmon stock levels as expedi-*  
23 *tiously and cost-effectively as possible, and in providing for a*  
24 *more effective system of disseminating the information neces-*  
25 *sary to improve future enhancement activities for salmon*

1 *stock at such hatcheries. In carrying out this paragraph, the*  
2 *Service shall enter into such a contract only with an entity*  
3 *whose personnel—(1) possess expertise in (A) salmon pro-*  
4 *duction and management in the Pacific Northwest, (B)*  
5 *mathematical and statistical data systems used by the Feder-*  
6 *al, State and tribal governments, and (C) international*  
7 *interception problems; (2) are not presently employees of (A)*  
8 *any entity involved in the operation, management or develop-*  
9 *ment of hatcheries or (B) any entity engaged in hydropower*  
10 *production; and (3) do not represent any organized salmon*  
11 *recreational or commercial fishing activity. Such study*  
12 *shall—*

13           *(A) evaluate existing salmon stock production ac-*  
14 *tivities at such hatcheries, including consideration of*  
15 *such factors regarding survival of hatchery-produced*  
16 *salmon stocks as management practices and environ-*  
17 *mental constraints; (B) formulate recommendations for*  
18 *any necessary changes in salmon stock production, al-*  
19 *ternative strategies for major production units, and*  
20 *small-scale experiments; and (C) develop objective cri-*  
21 *teria, including cost criteria, to assess proposals for the*  
22 *improvement of existing hatcheries and the development*  
23 *of new hatcheries. Such study shall also consider the*  
24 *consequences of the interaction of salmon stock produc-*  
25 *tion activities and international salmon interception*

1        *problems. The study to be conducted under this para-*  
2        *graph shall also devise a system to; (A) develop expe-*  
3        *ditated methods for assessing difficulties in increasing*  
4        *salmon stock production at such hatcheries; and (B)*  
5        *collect, organize and analyze information on any*  
6        *changes in salmon stock production due to the imple-*  
7        *mentation of recommendations formulated under this*  
8        *paragraph. (4) Such study shall also consider other*  
9        *studies to assess wild and natural salmon stocks and*  
10       *the potential for natural salmon production. The Direc-*  
11       *tor of the Service shall establish an Advisory Commit-*  
12       *tee to assist in carrying out the purposes of this para-*  
13       *graph. The Advisory Committee shall be composed of*  
14       *representatives of; (A) agencies within the Federal*  
15       *Government and the governments of the States of*  
16       *Washington, Oregon and Idaho which have responsi-*  
17       *bilities for the management and enhancement of*  
18       *salmon; (B) Treaty Indian tribes; (C) the Northwest*  
19       *Power Planning Council; and (D) the Salmon and*  
20       *Steelhead Advisory Committee established pursuant to*  
21       *the Salmon and Steelhead Conservation and Enhance-*  
22       *ment Act of 1980 (16 U.S.C. 3301 et seq.). The Advi-*  
23       *sory Committee shall conduct an ongoing review of the*  
24       *study to be conducted under this paragraph, and shall*  
25       *submit to the Director its recommendations for issues*

1        *to be included as part of such study, methodologies to*  
2        *be employed in such study, and any preliminary and*  
3        *final drafts of the study required to be submitted under*  
4        *this paragraph. Neither the Director nor the entity con-*  
5        *ducting the study under this paragraph shall be bound*  
6        *by such recommendations. The Advisory Committee*  
7        *shall not be subject to the Federal Advisory Committee*  
8        *Act (5 App. U.S.C. 1 et seq.). The study required by*  
9        *this paragraph shall be submitted to the Service not*  
10       *later than 18 months after the date of enactment of this*  
11       *joint resolution. The Service shall immediately trans-*  
12       *mit such study to the Congress without change. The*  
13       *Comptroller General of the United States, and any of*  
14       *the Comptroller General's duly authorized representa-*  
15       *tives, shall have access, for the purpose of audit and*  
16       *examination, to any books, documents, papers and*  
17       *records of the entity conducting the study required by*  
18       *this paragraph that are pertinent to the funds received*  
19       *under this paragraph. Employees of such entity shall*  
20       *not, by reason of such employment, be considered to be*  
21       *employees of the Federal Government for any purpose.*

22        **(16)** *"Of the funds provided in this resolution under*  
23        *the head "Land Acquisition, Forest Service", \$2,000,000*  
24        *shall be available for the acquisition of oil, gas, and other*  
25        *mineral interests in the Allegheny National Forest: Provided,*

1 *That such funds shall be available for obligation only to the*  
2 *extent that the Secretary of Agriculture deems necessary to*  
3 *carry out the purposes of the Pennsylvania Wilderness Act of*  
4 *1984.*

5       **(17)** *The land acquisition and relocation for Centra-*  
6 *lia, Pennsylvania, authorized in the Abandoned Mine Recla-*  
7 *mation fund under chapter IV of Public Law 98-191 shall*  
8 *not require any matching share of funding from Pennsylva-*  
9 *nia under section 407 (e) of the Surface Mining Control and*  
10 *Reclamation Act of 1977.*

11       **(18)** ~~Departments of Labor, Health and Human~~  
12 ~~Services, and Education, and Related Agencies~~  
13 ~~Appropriation Act, 1985;~~

14       *(d) Such amounts as may be necessary for projects or*  
15 *activities, not otherwise specifically provided for in this joint*  
16 *resolution, at a rate for operations and to the extent and in*  
17 *the manner provided for in H.R. 6028, the Departments of*  
18 *Labor, Health and Human Services, and Education, and*  
19 *Related Agencies Appropriation Act, 1985, as passed by the*  
20 *Senate on September 25, 1984: Provided, That notwith-*  
21 *standing any other provision of this joint resolution, there is*  
22 *appropriated \$4,000,000 for the United States Institute of*  
23 *Peace as authorized in the United States Institute of Peace*  
24 *Act*



1       **(19)** *Notwithstanding any other provision of this joint*  
2 *resolution, there is appropriated to the National Library of*  
3 *Medicine, an additional \$7,400,000 for carrying out section*  
4 *301 with respect to health information communications and*  
5 *parts I and J of title III of the Public Health Service Act.*

6       **(20)** *Notwithstanding any other provision of law,*  
7 *\$500,000 shall be made available for the National Summit*  
8 *Conference on Education Act of 1984, as authorized by the*  
9 *conference report on H.R. 4164.*

10       **(21)** *Notwithstanding any other provision of this joint*  
11 *resolution, and in addition to amounts appropriated else-*  
12 *where, there are appropriated \$9,000,000 for fiscal year*  
13 *1985 for the Alcohol, Drug Abuse, and Mental Health Ad-*  
14 *ministration.*

15       **(22)** *Section 412 (e) of the Immigration and National-*  
16 *ity Act (8 U.S.C. 1522 (e)) is amended by adding at the end*  
17 *thereof the following new paragraph:*

18               *“(7) (A) The Secretary shall develop and imple-*  
19               *ment alternative projects for refugees who have been in*  
20               *the United States less than thirty-six months, under*  
21               *which refugees are provided interim support, medical*  
22               *services, support services, and case management, as*  
23               *needed, in a manner that encourages self-sufficiency,*  
24               *reduces welfare dependency, and fosters greater coordi-*

1        *nation among the resettlement agencies and service pro-*  
2        *viders.*

3            *“(B) Refugees covered under such alternative*  
4        *projects shall be precluded from receiving cash or medi-*  
5        *cal assistance under any other paragraph of this sub-*  
6        *section or under title XIX or part A of title IV of the*  
7        *Social Security Act.*

8            *“(C) The Secretary, in consultation with the*  
9        *United States Coordinator for Refugee Affairs, shall*  
10       *report to Congress not later than October 31, 1985, on*  
11       *the results of these projects and on any recommenda-*  
12       *tions respecting changes in the refugee assistance pro-*  
13       *gram under this section to take into account such re-*  
14       *sults.*

15           *“(D) To the extent that the use of such funds is*  
16        *consistent with the purposes of such provisions, funds*  
17        *appropriated under paragraph (1) or (2) of section 414*  
18        *(a) of this Act, part A of title IV of the Social Securi-*  
19        *ty Act, or title XIX of such Act, may be used for the*  
20        *purpose of implementing and evaluating alternative*  
21        *projects under this paragraph.”.*

22        *The amendment made by this paragraph shall take effect on*  
23        *October 1, 1984.*

24            **(23)** *Military Construction Appropriation Act,*  
25        *1985; and*

1       (e) *Such amounts as may be necessary for projects or*  
2 *activities, not otherwise specifically provided for in this joint*  
3 *resolution, at a rate for operations and to the extent and in*  
4 *the manner provided for in H.R. 5898, the Military Con-*  
5 *struction Appropriation Act, 1985, as passed by the Senate*  
6 *as of October 1, 1984: Provided, That for the purposes of this*  
7 *subsection, if such Act has been reported to the Senate but*  
8 *not passed the Senate as of October 1, 1984, it shall be*  
9 *deemed as having been passed by the Senate: Provided fur-*  
10 *ther, That from within the total amount made available by*  
11 *this joint resolution for family housing construction, Army,*  
12 *an amount not to exceed \$1,081,000 is provided for the con-*  
13 *struction of 70 trailer pads at Fort Ord, California.*

14       **(24)** *Notwithstanding any other provision of this joint*  
15 *resolution, funds appropriated by this joint resolution for the*  
16 *United States share of the North Atlantic Treaty Organiza-*  
17 *tion infrastructure program may be obligated or expended*  
18 *only to the extent that one dollar (or its equivalent) has been*  
19 *recouped by the United States for North Atlantic Treaty Or-*  
20 *ganization eligible projects prefinanced with United States*  
21 *funds for every four dollars (or their equivalent) obligated or*  
22 *expended from funds made available under this joint resolu-*  
23 *tion for such purpose.*

24       **(25)** *Water Resource Development Appropriation*  
25 *Act, 1984.*

1           (f)(1) *Notwithstanding any other provision of this*  
2           *joint resolution, there is appropriated an additional*  
3           *amount for Department of Defense—Civil, Department*  
4           *of the Army, Corps of Engineers—Civil, “Construc-*  
5           *tion, general” for the prosecution of river and harbor,*  
6           *flood control, shore protection, and related projects au-*  
7           *thorized by laws; and detailed studies, and plans and*  
8           *specifications, of projects (including those for develop-*  
9           *ment with participation or under consideration for par-*  
10           *ticipation by State, local governments, or private*  
11           *groups) authorized or made available for selection by*  
12           *law (but such studies shall not constitute a commit-*  
13           *ment of the Government to construction), to remain*  
14           *available until expended, \$72,800,000; of which*  
15           *\$8,500,000 shall be derived from the Inland Water-*  
16           *ways Trust Fund; except that the Chief of Engineers*  
17           *is authorized and directed to proceed with planning,*  
18           *design, engineering, and construction of: Atchafalaya*  
19           *Basin Floodway System, Louisiana; Baltimore*  
20           *Harbor and Channel, Maryland and Virginia; Bassett*  
21           *Creek, Minnesota; Bodega Bay, California; Bonneville*  
22           *Navigation Lock, Oregon and Washington; Dade*  
23           *County, Florida (north of Haulover Beach Park);*  
24           *Eight Mile Creek, Arkansas; Ellicott Creek, New*  
25           *York; Freeport Harbor, Texas (North Jetty); Gallip-*

1        *olis Locks and Dam, Ohio and West Virginia; Gulf-*  
2        *port Harbor, Mississippi; Jonesport Harbor, Maine;*  
3        *Kahoma Stream, Hawaii; Liberty State Park Levee*  
4        *and Seawall, New Jersey; Little Dell Lake, Utah;*  
5        *Locks and Dam 26, Illinois and Missouri (Second*  
6        *Lock), including environmental management along the*  
7        *Upper Mississippi River Basin; Merced County*  
8        *Streams, California; Mississippi River Ship Channel,*  
9        *Gulf to Baton Rouge, Louisiana; Mobile Harbor, Ala-*  
10       *bama; Moriches Inlet, New York; Norfolk Harbor,*  
11       *Virginia; Richmond Filtration Plant, Virginia; Sacra-*  
12       *mento River Deep Water Ship Channel, California.*  
13       *In the event the Congress subsequently enacts legisla-*  
14       *tion specifying the requirements of local cooperation for*  
15       *water resources development projects under the juris-*  
16       *isdiction of the Department of the Army, such require-*  
17       *ments shall be applicable to projects for which funds*  
18       *are herein provided, notwithstanding any agreement for*  
19       *local cost sharing in excess of amounts specified in the*  
20       *relevant project authorizations. The initiation of inland*  
21       *waterways projects identified for planning, design, en-*  
22       *gineering, and construction in this Act may be funded*  
23       *from sums available in the Inland Waterways Trust*  
24       *Fund, established by the Inland Waterways Revenue*  
25       *Act of 1978 (title II of Public Law 95-502) notwith-*

1        *standing the second sentence of section 204 of such*  
2        *Act.*

3        *(2) Notwithstanding any other provision of this joint*  
4        *resolution, there is appropriated an additional amount for the*  
5        *Department of the Interior, Bureau of Reclamation, "Con-*  
6        *struction program", for the design and construction of the*  
7        *Animas-La Plata Project, Colorado and New Mexico; Buffa-*  
8        *lo Bill Dam Project, Wyoming; and the Headgate Rock*  
9        *Project, Arizona, to remain available until expended,*  
10       *\$9,300,000; of which \$1,000,000 shall be available for trans-*  
11       *fers to the Upper Colorado River Basin Fund as authorized*  
12       *by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d):*  
13       *Provided, That of the total appropriated, the amount for pro-*  
14       *gram activities which can be financed by the Reclamation*  
15       *Fund may be derived from that Fund: Provided further, That*  
16       *of the total appropriated, \$5,000,000 is appropriated pursu-*  
17       *ant to the Snyder Act (25 U.S.C. 13), to be expended by the*  
18       *Bureau of Reclamation for the purpose of designing and ini-*  
19       *tiating construction of the Headgate Rock Hydroelectric*  
20       *Project, Arizona.*

21        **(26)(b) Such amounts as may be necessary for**  
22        **projects or activities at the rate for operations and to the**  
23        **extent and in the manner provided for in H.R. 6287, the**  
24        **Foreign Assistance and Related Programs Appropriations**  
25        **Act, 1985, as reported to the House of Representatives on**

1 September 13, 1984: *Provided*, That 2 percent of the  
2 aggregate amount of new budget authority provided for in  
3 each of the first three titles of H.R. 6287 shall be withheld  
4 from obligation, and all earmarkings of funds in H.R. 6287  
5 (except earmarkings for Israel and Egypt) shall be deemed to  
6 be reduced by 2 percent.

7       (g) *Such amounts as may be necessary for continuing*  
8 *the activities under the purview of the Foreign Assistance*  
9 *Appropriations Act as provided for in section 101(b)(1) of*  
10 *Public Law 98-151 and Public Law 98-396, under the rate*  
11 *provided for in S. 2793 as reported to the Senate on June*  
12 *26, 1984, and under the terms and conditions contained in*  
13 *section 101(b)(1) of Public Law 98-151, Public Law 98-*  
14 *396, and S. 2793, notwithstanding section 10 of Public Law*  
15 *91-672 and section 15(a) of the State Department Basic Au-*  
16 *thorities Act of 1956: Provided, That where the terms and*  
17 *conditions (including earmarkings, ceilings and transfers of*  
18 *funds) on the uses of funds contained in such Acts differ*  
19 *from, or are not included in, the provisions of S. 2793, the*  
20 *latter bill only shall be applicable: Provided further, That of*  
21 *the total amounts of credits (or participations in credits) ap-*  
22 *propriated in this subsection to carry out the purposes of sec-*  
23 *tion 23 of the Arms Export Control Act, Israel and Egypt*  
24 *shall be released from their contractual liability to repay the*  
25 *United States Government with respect to such credits (and*

1 participations in credits): Provided further, That in addition  
2 to funds appropriated or otherwise made available by this  
3 joint resolution, \$25,000,000 is hereby appropriated for nec-  
4 essary expenses to carry out the provisions of section 104(c)  
5 of the Foreign Assistance Act of 1961, as amended by  
6 S. 2582, section 403(a) (Child Survival Fund), as passed  
7 by the Senate Foreign Relations Committee on April 18,  
8 1984: Provided further, That in addition to amounts other-  
9 wise appropriated by this joint resolution for "International  
10 Organizations and Programs" there is hereby appropriated  
11 \$40,000,000 for the International Fund for Agriculture De-  
12 velopment: Provided further, That notwithstanding any other  
13 provision of law, up to \$10,000,000 of the funds appropri-  
14 ated under this subsection for "Agriculture, rural develop-  
15 ment and nutrition, Development Assistance" may be avail-  
16 able for agricultural activities in Poland which are managed  
17 by the Polish Catholic Church or other nongovernmental or-  
18 ganizations, which sum shall remain available until Septem-  
19 ber 30, 1986, except that \$5,000,000 of the funds made  
20 available by this proviso may not be obligated or expended  
21 until October 1, 1985: Provided further, That \$2,000,000 of  
22 the funds made available by this joint resolution for "Energy  
23 and selected development activities, Development Assistance"  
24 shall be transferred and made available for "Science and  
25 technology, Development Assistance", which sum shall be



1 *made available only for cooperative projects among the*  
2 *United States, Israel and developing countries: Provided fur-*  
3 *ther, That, of the funds made available by this joint resolu-*  
4 *tion for the "Economic Support Fund", \$20,000,000 shall*  
5 *be made available to Tunisia: Provided further, That in ad-*  
6 *dition to amounts appropriated by this joint resolution for*  
7 *"Agriculture, rural development and nutrition, Development*  
8 *Assistance" and "Health, Development Assistance" there is*  
9 *hereby appropriated \$75,000,000 for such headings, except*  
10 *that the funds provided by this proviso shall be available only*  
11 *for the delivery of primary and related health care services,*  
12 *nutrition, and basic health care education (primarily oral re-*  
13 *hydration and immunization programs) with such assistance*  
14 *to be provided through private and voluntary organizations*  
15 *and international organizations wherever appropriate, except*  
16 *that no more than one-third on the amount allocated to carry*  
17 *out this proviso may be used in any one country: Provided*  
18 *further, That notwithstanding any other provision of law, if*  
19 *at any time following the appropriation of funds herein the*  
20 *duly elected President of El Salvador should be deposed by*  
21 *military coup or decree all funds appropriated herein for El*  
22 *Salvador and not theretofore obligated or expended shall not*  
23 *thereafter be available for expenditure or obligation unless*  
24 *reappropriated by Congress: Provided further, That in addi-*  
25 *tion to amounts otherwise appropriated by this joint resolu-*

1 tion for "International Organizations and Programs" there  
2 is hereby appropriated \$5,700,000 for the International  
3 Atomic Energy Agency.

4       **(27)** *In addition to funds otherwise appropriated by*  
5 *this joint resolution for such purposes, there are hereby ap-*  
6 *propriated to the President to carry out section 301 of the*  
7 *Foreign Assistance Act of 1961, \$100,000 for the fiscal year*  
8 *1985, which amount shall be available only for the United*  
9 *Nations Voluntary Funds for Victims of Torture.*

10       **(28)** *Any of the funds provided for El Salvador by this*  
11 *joint resolution which are placed in the Central Reserve*  
12 *Bank of El Salvador shall be maintained in a separate ac-*  
13 *count and not commingled with any other funds: Provided,*  
14 *That such funds may be obligated or expended notwithstand-*  
15 *ing the provisions of section 604 of the Foreign Assistance Act*  
16 *of 1961, as amended, section 901(b)(1) of the Merchant*  
17 *Marine Act of 1936, as amended, section 5 of the Internation-*  
18 *al Air Transportation Fair Competitive Practice Act of 1974,*  
19 *section 644 of the Small Business Act, section 2711 of the*  
20 *Competition in Contracting Act of 1984, the provisions of the*  
21 *Federal Property and Administrative Services Act of 1949,*  
22 *as amended, and any other provision of law inconsistent with*  
23 *the cash transfer nature of this assistance.*

24       **(29)** *None of the funds made available by this joint*  
25 *resolution may be obligated or expended for the construction*

1 *of a Regional Military Training Center in Honduras unless,*  
2 *and until fifteen days after, the President provides to the*  
3 *Committees on Appropriations of the Senate and the House*  
4 *of Representatives—*

5           (1) *a report that the Government of Honduras has*  
6 *provided a site for such a Center and assumed respon-*  
7 *sibility for any competing claims to rights of use or*  
8 *ownership of such site, and has committed itself to*  
9 *make that site available on a long-term basis for train-*  
10 *ing by the armed forces of other friendly countries in*  
11 *the region as well as those of Honduras;*

12           (2) *a detailed plan, with specific cost estimates,*  
13 *for the construction of such a Center at the site provid-*  
14 *ed by the Government of Honduras; and*

15           (3) *a determination that the Government of Hon-*  
16 *duras recognizes the need to compensate as required by*  
17 *international law the United States citizen who claims*  
18 *injury from the establishment and operation of the ex-*  
19 *isting Center; and that it is taking appropriate steps to*  
20 *discharge its obligations under international law, in*  
21 *particular the Treaty of Friendship, Commerce and*  
22 *Consular Rights with the United States, as well as its*  
23 *letter of December 14, 1983, to the United States*  
24 *Trade Representative.*

1        *Moreover, the President shall report to the Committees*  
2 *sixty days after the passage of this resolution and again in*  
3 *one hundred and twenty days on progress in resolving this*  
4 *claim. In one hundred and eighty days, the President shall*  
5 *report on the resolution of the claim or, if Honduras has*  
6 *failed to resolve the claim, on the actions which he proposes to*  
7 *take in response to the situation and in particular actions*  
8 *with respect to the granting of preferential trade benefits*  
9 *under the Caribbean Basin Initiative, disbursement of eco-*  
10 *nomie support funds or any other funds provided under this*  
11 *resolution and review of the status of Honduras under other,*  
12 *expropriation-related legislation.*

13        **(30)** *No credits may be extended and no guarantees*  
14 *may be issued under the Arms Export Control Act for*  
15 *Turkey for the fiscal year 1985 if the extension of such cred-*  
16 *its or the issuance of such guarantees would cause the sum of*  
17 *such credits and guarantees provided for Turkey for such*  
18 *fiscal year to exceed \$500,000,000: Provided further, That,*  
19 *of the amounts appropriated or made available by this joint*  
20 *resolution for grant military assistance for fiscal year 1985,*  
21 *not to exceed \$215,000,000 may be available for Turkey*  
22 *only if the President certifies to the Congress that (1) the*  
23 *United States Government is in compliance with the provi-*  
24 *sions of Senate Resolution 278, as passed by the Senate on*  
25 *November 17, 1983, and (2) that Turkey is making efforts to*

1 *ensure that the Turkish Cypriot community is not taking*  
2 *any actions with regard to the region of Famagusta/Varosha*  
3 *which would prejudice the outcome or otherwise impede inter-*  
4 *communal talks on the future of Cyprus.*

5       **(31)** *The Congress finds that progress on the peace*  
6 *process in the Middle East is vitally important to United*  
7 *States security interests in the region. The Congress recog-*  
8 *nizes that, in fulfilling its obligations under the Treaty of*  
9 *Peace Between the Arab Republic of Egypt and the State of*  
10 *Israel, done at Washington on March 26, 1979, Israel in-*  
11 *curred severe economic burdens. Furthermore, the Congress*  
12 *recognizes that an economically and militarily secure Israel*  
13 *serves the security interests of the United States, for a secure*  
14 *Israel is an Israel which has the incentive and confidence to*  
15 *continue pursuing the peace process. Therefore, the Congress*  
16 *declares that it is the policy and the intention of the United*  
17 *States that the funds provided in annual appropriations for*  
18 *the Economic Support Fund which are allocated to Israel*  
19 *during the fiscal years 1985 through 1989 shall not be less*  
20 *than the annual debt repayment (interest and principal) from*  
21 *Israel to the United States Government in recognition that*  
22 *such a principle serves United States interests in the region.*

23       **(32)** ~~(e) Pending enactment of the Department of De-~~  
24 ~~fense Appropriation Act, 1985, such amounts as may be nec-~~  
25 ~~essary for continuing activities which were conducted in the~~

1 fiscal year 1984, for which provision was made in the De-  
2 partment of Defense Appropriation Act, 1984, under the cur-  
3 rent terms and conditions and at a rate for operations not in  
4 excess of the current rate or the rate provided for in the  
5 budget estimates, whichever is lower, until the Department  
6 of Defense Appropriation Act, 1985, is reported to or subse-  
7 quently passed by the House of Representatives, whereupon  
8 such amounts as may be necessary shall become available at  
9 a rate for operations for activities and under the terms and  
10 conditions as provided for in such Appropriation Act and ac-  
11 companying House report for fiscal year 1985, as reported to  
12 or subsequently passed by the House of Representatives, the  
13 latest action prevailing: *Provided*, That no appropriation or  
14 funds made available or authority granted pursuant to this  
15 subsection shall be used for new production of items not  
16 funded for production in fiscal year 1984 or prior years, for  
17 the increase in production rates above those sustained with  
18 fiscal year 1984 funds or to initiate, resume or continue any  
19 project, activity, operation or organization which are defined  
20 as any project, subproject, activity, budget activity, program  
21 element, and subprogram within a program element and for  
22 investment items are further defined as a P-1 line item in a  
23 budget activity within an appropriation account and an R-1  
24 line item which includes a program element and subprogram  
25 element within an appropriation account, for which appro-

1 appropriations, funds, or other authority were not available during  
2 the fiscal year 1984 until the Department of Defense Appro-  
3 priation Act, 1985, is reported to or subsequently passed by  
4 the House of Representatives: *Provided further,* That no ap-  
5 propriation or funds made available or authority granted pur-  
6 suant to this subsection shall be used to initiate multiyear  
7 procurements utilizing advance procurement funding for eco-  
8 nomic order quantity procurement unless specifically appro-  
9 priated later or until the Department of Defense Appropria-  
10 tion Act, 1985, is reported to or subsequently passed by the  
11 House of Representatives: *Provided further,* That during  
12 fiscal year 1985, no funds available to the Central Intelli-  
13 gence Agency, the Department of Defense, or any other  
14 agency or entity of the United States involved in intelligence  
15 activities may be obligated or expended for the purpose or  
16 which would have the effect of supporting, directly or indi-  
17 rectly, military or paramilitary operations in Nicaragua by  
18 any nation, group, organization, movement, or individual  
19 until the Department of Defense Appropriation Act, 1985, is  
20 reported to or subsequently passed by the House of Repre-  
21 sentatives: *Provided further,* That the appropriations or funds  
22 made available or authority granted pursuant to this subsec-  
23 tion for procurement of MX missiles shall be in accordance  
24 with and subject to all the limitations, restrictions, and condi-  
25 tions set forth in sections 110 and 1132 of the Department of

1 Defense Authorization Act, 1985 (H.R. 5167), as passed by  
2 the House of Representatives on June 1, 1984, until the De-  
3 partment of Defense Appropriation Act, 1985, is reported to  
4 or subsequently passed by the House of Representatives:  
5 *Provided further*, That the appropriations or funds made  
6 available or authority granted pursuant to this subsection for  
7 testing of the Space Defense System (anti-satellite weapon)  
8 shall be in accordance with and subject to all the limitations,  
9 restrictions and conditions set forth in section 207 of the De-  
10 partment of Defense Authorization Act, 1985 (H.R. 5167),  
11 as passed by the House of Representatives on June 1, 1984,  
12 until the Department of Defense Appropriation Act, 1985, is  
13 reported to or subsequently passed by the House of Repre-  
14 sentatives: *Provided further*, That the appropriations or funds  
15 made available or authority granted pursuant to this subsec-  
16 tion for possible deployment of any cruise missile designed to  
17 carry a nuclear warhead and to be launched from a naval  
18 vessel or for the assembly of nuclear warheads onto such a  
19 cruise missile shall be in accordance with and subject to all  
20 the limitations, restrictions and conditions set forth in section  
21 1130 of the Department of Defense Authorization Act, 1985  
22 (H.R. 5167), as passed by the House of Representatives on  
23 June 1, 1984, until the Department of Defense Appropria-  
24 tion Act, 1985, is reported to or subsequently passed by the  
25 House of Representatives: *Provided further*, That funds shall



1 be available for National Guard and Reserve Equipment and  
2 Retired Pay, Defense at the current rate until the Depart-  
3 ment of Defense Appropriation Act, 1985, is reported to or  
4 subsequently passed by the House of Representatives.

5       (h) Such amounts as may be necessary for projects or  
6 activities, not otherwise specifically provided for in this joint  
7 resolution, at a rate for operations and to the extent and in  
8 the manner provided for in the Department of Defense Appro-  
9 priation Act, 1985, as passed by the Senate as of October 1,  
10 1984: Provided, That for the purposes of this subsection, if  
11 such Act has been reported to the Senate but not passed the  
12 Senate as of October 1, 1984, it shall be deemed as having  
13 been passed by the Senate: Provided further, That amounts  
14 provided herein shall be subject to the terms and conditions of  
15 S. 3026, including the limitations on the use and availabil-  
16 ity of funds for MX procurement: Provided further, That in  
17 addition to funds appropriated or otherwise made available  
18 by this joint resolution, there are appropriated additional  
19 amounts for research, development, test, and evaluation for  
20 the triservice Training Data and Analysis Center program  
21 for fiscal year 1985 as follows: (1) for the Army, \$1,000,000;  
22 and (2) for the Air Force, \$1,100,000: Provided further,  
23 That in addition to amounts otherwise appropriated by this  
24 joint resolution, there is hereby appropriated to the Air Force  
25 for research, development, test, and evaluation the sum of

1 \$14,000,000 for the Autonomous Terminal Homing pro-  
2 gram: Provided further, That of the funds appropriated for  
3 "Research, Development, Test and Evaluation, Army" for  
4 Fiscal Year 1985, the sum of \$1,300,000 shall be available  
5 only for the purpose of carrying out the methanol car research  
6 program authorized in section 202(a) of the Department of  
7 Defense Authorization Act, 1985: Provided further, That ap-  
8 proximately 50 percent of the methanol used in this project  
9 shall be derived from coal and approximately 50 percent shall  
10 be derived from natural gas.

11       **(33)** At the end of section 887 of S. 3026, delete the  
12 period and insert the following: ", and these obligations shall  
13 be reported to the Congress on September 30, 1985."

14       **(34)** The Secretaries concerned (as defined in section  
15 101(5) of title 37, United States Code), under uniform regu-  
16 lations prescribed by them and to the extent that funds are  
17 available, may (1) increase the rate per mile for mileage al-  
18 lowance under section 404(d)(2) of title 37, United States  
19 Code, to 15 cents per mile, and (2) pay or reimburse an  
20 enlisted member of the uniformed services who is in a pay  
21 grade below E-8 and who is entitled to basic allowance for  
22 quarters (at the with dependents rate) for subsistence ex-  
23 penses actually incurred by the member and the member's  
24 dependents as provided in section 404a of title 37, United  
25 States Code, while occupying temporary quarters incident to

1 *a change of permanent station if travel for dependents to the*  
2 *next station is authorized and the dependent or dependents*  
3 *with respect to whom the expenses are incurred accompany*  
4 *the member at the time the member reports to his new duty*  
5 *station.*

6       **(35)** *(a) The Secretary of Defense shall provide for an*  
7 *objective study to supplement and update the report entitled*  
8 *“Military Spouse and Family Issues, Europe, 1982”.*

9       *(b) The study shall include within its scope all areas in*  
10 *which members of the uniformed services are assigned to per-*  
11 *manent duty stations and to which the dependents of mem-*  
12 *bers of the uniformed services are permitted to travel at Gov-*  
13 *ernment expense.*

14       *(c) The Secretary shall select an independent organiza-*  
15 *tion to conduct the study referred to in subsection (a) with*  
16 *such administrative support and technical advice as may be*  
17 *necessary for such organization to carry out the study. Such*  
18 *support and advice may be provided by the Secretary on an*  
19 *in-house basis and to reduce contractual expenditures to in-*  
20 *clude collating, tabulating, computer, word processor, print-*  
21 *ing, and similar routine services.*

22       *(d) A report containing the results of the study carried*  
23 *out under this section shall be submitted to the Committees*  
24 *on Appropriations and Armed Services of the Senate and the*  
25 *House of Representatives not later than May 1, 1985.*

1           (e) For the purpose of contracting out the study called  
2 for by this section, the Secretary of Defense may utilize not  
3 more than \$250,000 out of any funds available to the De-  
4 partment of Defense.

5           **(36)** Notwithstanding any other provision of this joint  
6 resolution, of the total amount appropriated by this joint reso-  
7 lution, or any other Act appropriating funds for the Depart-  
8 ment of Defense for fiscal year 1985, for programs and ac-  
9 tivities subject to the reporting requirements of the Federal  
10 Procurement Data System Individual Contract Action  
11 Report (SF-279), an amount not less than \$1,000,000,000  
12 may not be apportioned or utilized for the cost of consultants,  
13 studies, analyses, management support services or other advi-  
14 sory and assistance services which are included in such re-  
15 ported programs and activities. Not later than September 1,  
16 1985, the Secretary of Defense shall submit a report to the  
17 Congress indicating the manner in which compliance with  
18 this paragraph has been achieved.

19           **(37)** (d) Such amounts as may be necessary for con-  
20 tinuing activities, not otherwise specifically provided for in  
21 this joint resolution, which were conducted in the fiscal year  
22 1984, for which provision was made in the Department of  
23 Transportation and Related Agencies Appropriations Act,  
24 1984, under the current terms and conditions, and at a rate

1 *for operations not in excess of the current rate or the rate*  
2 *provided for in the budget estimates, whichever is lower.*

3       (i) *Such amounts as may be necessary for continuing*  
4 *activities, not otherwise specifically provided for in this joint*  
5 *resolution, under all the conditions and to the extent and in*  
6 *the manner as provided in S. 2852, the Transportation and*  
7 *Related Agencies Appropriation Act, 1985, as reported to the*  
8 *Senate on July 17, 1984, and the provisions of S. 2852 shall*  
9 *be effective as if enacted into law (with the exception of the*  
10 *following provisions contained in S. 2852, which shall not be*  
11 *enacted into law and shall have no force and effect: "Provid-*  
12 *ed further, That (a) effective October<sup>10</sup> 1, 1984, section*  
13 *10301(b) of title 49, United States Code, is amended (1) by*  
14 *striking out '7' and inserting in lieu thereof '5', and (2) by*  
15 *striking out '4 members' and inserting in lieu thereof '3*  
16 *members'.*

17       (b) *The office as member of the Interstate Commerce*  
18 *Commission, referred to in section 502(c) of the Omnibus*  
19 *Budget Reconciliation Act of 1982, Public Law 97-253,*  
20 *which is scheduled, pursuant thereto, to be abolished as of*  
21 *January 1, 1986, is hereby abolished, effective October 1,*  
22 *1984.*

23       (c) *The office as member of the Interstate Commerce*  
24 *Commission, the term for which is prescribed by law to*

1 *expire on December 31, 1988, is abolished, effective October*  
2 *1, 1984.*

3 *“(d) Effective October 1, 1984, section 502(d) of the*  
4 *Omnibus Budget Reconciliation Act of 1982 is repealed. Pro-*  
5 *vided, however, That the person serving in the office de-*  
6 *scribed in subparagraph (d) of section 502, on July 1, 1984,*  
7 *may be reappointed to fill that office for a term which would*  
8 *end on December 31, 1985, notwithstanding the provisions of*  
9 *section 10301(c) of title 49, United States Code, but may not*  
10 *be reappointed to fill that office for any term thereafter.”).*

11 **(38)(e) Such sums as may be necessary for programs,**  
12 **projects, or activities provided for in the Treasury, Postal**  
13 **Service and General Government Appropriations Act, 1985**  
14 **(H.R. 5798) to the extent and in the manner provided for in**  
15 **the conference report and joint explanatory statement of the**  
16 **committee of conference as passed by the House of Repre-**  
17 **sentatives on September 12, 1984, as if enacted into law:**  
18 ***Provided, That, notwithstanding section 102 of this joint res-***  
19 ***olution, the Department of the Treasury shall consolidate the***  
20 ***operations of the Bureau of Government Financial Oper-***  
21 ***ations in accordance with the language concerning amend-***  
22 ***ment numbered 9 in the joint explanatory statement of the***  
23 ***committee of conference (H. Rept. 98-993).***

24 *(j) Such sums as may be necessary for programs,*  
25 *projects, or activities provided for in the Treasury, Postal*

1 *Service and General Government Appropriations Act, 1985*  
 2 *(H.R. 5798), to the extent and in the manner provided for in*  
 3 *the conference report and joint explanatory statement of the*  
 4 *Committee of Conference (98-993), filed in the House of*  
 5 *Representatives on September 6, 1984 (with the exception of*  
 6 *the provisions involved in the amendments numbered 36, 42,*  
 7 *43, 44, 55, and 67, which shall not be effective), as if such*  
 8 *Act had been enacted into law.*

9 **(39)** *It is the sense of the Congress that—*

10 *(1) voter registration drives should be encouraged*  
 11 *by governmental entities at all levels; and,*

12 *(2) voter registration drives conducted by State*  
 13 *governments on a nonpartisan basis do not violate the*  
 14 *provisions of the Intergovernmental Personnel Act (42*  
 15 *U.S.C. 4728, 4763).*

16 **(40)** ~~(j)~~ *(k) Such amounts as may be necessary for con-*  
 17 *tinuing the following activities, not otherwise provided for in*  
 18 *this joint resolution, which were conducted in the fiscal year*  
 19 *1984, under the terms and conditions provided in applicable*  
 20 *appropriation Acts for the fiscal year 1984, at the current*  
 21 *rate:*

22 **(41)** ~~Activities under section 163 of the Federal-~~  
 23 ~~aid Highway Act of 1973, as amended;~~

24 ~~Activities under section 5(h)(2) of the Department~~  
 25 ~~of Transportation Act, as amended;~~

1           **Activities under title VII of the Railroad Revital-**  
2 **ization and Regulatory Reform Act of 1976, as**  
3 **amended;**

4           **Activities related to the United States Railway**  
5 **Association under the Regional Rail Reorganization**  
6 **Act of 1973, as amended;**

7           **Activities under the Public Health Service Act;**

8           **(42) and**

9           **(43) Activities under title V of the Social Secu-**  
10 **rity Act;**

11           **Activities under section 427(a) of the Federal**  
12 **Coal Mine Health and Safety Act;**

13           **Activities of the Regional Offices of Facilities En-**  
14 **gineering and Construction;**

15           **Activities under title XXVI of the Omnibus**  
16 **Budget Reconciliation Act of 1981;**

17           **Refugee and entrant assistance activities under**  
18 **the provisions of title IV of the Immigration and Na-**  
19 **tionality Act, title IV and part B of title III of the**  
20 **Refugee Act of 1980, and sections 501 (a) and (b) of**  
21 **the Refugee Education Assistance Act of 1980**

22 **(44),—except that such activities shall be continued**  
23 **at a rate for operations not in excess of the lower of**  
24 **the current rate or the rate authorized by H.R. 3720**  
25 **as passed the House of Representatives: *Provided,***



1 That such funds may be expended for individuals who  
2 would meet the definition of "Cuban and Haitian en-  
3 trant" under section 501(e) of the Refugee Education  
4 Assistance Act of 1980, but for the application of para-  
5 graph (2)(B) thereof;

6 (45) Head Start activities authorized by the  
7 Head Start Act;

8 Child abuse prevention and treatment and adop-  
9 tion opportunities activities authorized by the Child  
10 Abuse Prevention and Treatment Act, and title II of  
11 the Child Abuse Prevention and Treatment and Adop-  
12 tion Reform Act of 1978;

13 Runaway and homeless youth activities authorized  
14 by the Runaway and Homeless Youth Act;

15 Aging programs and activities authorized by the  
16 Older Americans Act of 1965;

17 Developmental disabilities program and activities  
18 authorized by the Developmental Disabilities Assist-  
19 ance and Bill of Rights Act;

20 Native American activities authorized by the  
21 Native American Programs Act of 1974;

22 Foster care activities authorized by section  
23 102(a)(1) and 102(e) of Public Law 96-272;

24 Foster care and adoption assistance activities au-  
25 thorized by title IV-E of the Social Security Act;

1           School assistance in federally affected areas au-  
2           thorized by title I of the Act of September 30, 1950,  
3           and the Act of September 23, 1950;

4           Payment to the Corporation for Public Broadcasting  
5           under the Communications Act of 1934 as amended for the  
6           fiscal year 1987: *Provided*, That for purposes of this pay-  
7           ment, the current rate shall be the amount of the payment  
8           provided in fiscal year 1986;

9           Emergency immigrant education activities author-  
10          ized by section 101(g) of Public Law 98-151; and

11          Activities under the Follow Through Act.

12          SEC. 102. Unless otherwise provided for in this joint  
13          resolution or in the applicable appropriation Act, appropria-  
14          tions and funds made available and authority granted pursu-  
15          ant to this joint resolution shall be available from October 1,  
16          1984, and shall remain available until (a) enactment into law  
17          of an appropriation for any project or activity provided for in  
18          this joint resolution, or (b) enactment of the applicable appro-  
19          priation Act by both Houses without any provision for such  
20          project or activity, or (c) September 30, 1985, whichever first  
21          occurs.

22          SEC. 103. Appropriations made and authority granted  
23          pursuant to this joint resolution shall cover all obligations or  
24          expenditures incurred for any project or activity during the

1 period for which funds or authority for such project or activi-  
2 ty are available under this joint resolution.

3       **SEC. 104.** Expenditures made pursuant to this joint res-  
4 olution shall be charged to the applicable appropriation, fund,  
5 or authorization whenever a bill in which such applicable ap-  
6 propriation, fund, or authorization is contained is enacted into  
7 law.

8       **SEC. 105.** Any appropriation for the fiscal year 1985  
9 required to be apportioned pursuant to subchapter II of chap-  
10 ter 15 of title 31, United States Code, may be apportioned on  
11 a basis indicating the need (to the extent any such increases  
12 cannot be absorbed within available appropriations) for a sup-  
13 plemental or deficiency estimate of appropriation to the  
14 extent necessary to permit payment of such pay increases as  
15 may be granted pursuant to law to civilian officers and em-  
16 ployees and to active and retired military personnel. Each  
17 such appropriation shall otherwise be subject to the require-  
18 ments of subchapter II of chapter 15 of title 31, United  
19 States Code.

20       **(46) SEC. 106.** There is appropriated an additional  
21 amount for Construction, general, \$6,000,000, to remain  
22 available until expended, of which \$4,000,000 shall be made  
23 available for the construction of the project for correction of  
24 the design deficiency of the navigation project for Barnegat  
25 Inlet, as described in the report of the Chief of Engineers

1 dated January 20, 1983, and the May 21, 1984, supplement  
2 thereto, which project shall be constructed at full Federal  
3 expense.

4       **(47) SEC. 107.** There is appropriated an additional  
5 amount for Flood Control, Mississippi River and Tributaries,  
6 Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missou-  
7 ri, and Tennessee, \$2,000,000, to remain available until ex-  
8 pended.

9       **(48) SEC. 108.** There is appropriated an additional  
10 amount to carry out the programs authorized by the Appa-  
11 lachian Regional Development Act of 1965, as amended,  
12 \$11,000,000, to remain available until expended.

13       **(49) SEC. 100. 106.** Notwithstanding any other provi-  
14 sion of this joint resolution:

15       (A) The Secretary of the Army, acting through the  
16 Chief of Engineers, shall take such action as may be neces-  
17 sary to remedy slope failures and erosion problems (1) along  
18 the banks of the Coosa River, Alabama, in order to protect  
19 the Fort Toulouse National Historic Landmark and Taskigi  
20 Indian Mound in Elmore County, Alabama, at an estimated  
21 cost of \$31,000,000, and (2) along the banks of the Black  
22 Warrior River, Alabama, in order to protect the Mound State  
23 Monument National Historic Landmark near Moundville,  
24 Alabama, at an estimated cost of \$4,860,000. Such actions

1 shall be coordinated with the Secretary of the Interior and  
2 the State of Alabama.

3 (a) Prior to initiation of construction of the projects au-  
4 thorized by subsection (A), appropriate non-Federal interests  
5 shall agree—

6 (1) to provide without cost to the United States  
7 all lands, easements, and rights-of-way necessary for  
8 construction and operation of the projects;

9 (2) to hold and save the United States free from  
10 damage due to construction, operation, and mainte-  
11 nance of the projects, not including damages due to the  
12 fault or negligence of the United States or its contrac-  
13 tors;

14 (3) to accomplish without cost to the United  
15 States all modifications or relocations of existing sew-  
16 erage and drainage facilities, buildings, utilities, and  
17 highways made necessary by construction of the  
18 projects; and

19 (4) to maintain and operate all features of the  
20 projects after completion, in accordance with regula-  
21 tions prescribed by the Secretary.

22 ~~(50)(B) Within available funds, the Secretary of the~~  
23 ~~Army, acting through the Chief of Engineers, is authorized~~  
24 ~~and directed to perform necessary channel and associated~~  
25 ~~work in connection with the Turtle Creek, Pennsylvania,~~

1 local protection project; and shall take such action as may be  
2 necessary to remove accumulated snags and other debris  
3 blocking the channel of the Hatchie River and its tributaries  
4 in the vicinity of Bridge Creek and the Little Hatchie River  
5 in Mississippi; and shall take such action as may be necessary  
6 to perform necessary channel and associated work in connec-  
7 tion with the Glencoe, Alabama, flood control project.

8       (51)(C) (B) Notwithstanding any existing agree-  
9 ments, within funds otherwise made available for the Yazoo  
10 Basin, the Corps of Engineers is directed to operate and  
11 maintain the McKinney Bayou Pumping Plant in accordance  
12 with the provisions of Public Law 678 of the Seventy-fourth  
13 Congress, approved June 15, 1936, as amended by Public  
14 Law 526 of the Seventy-ninth Congress, approved July 24,  
15 1946, effective upon the passage of this joint resolution.

16       (52)(D) The authorization for the Sardis Lake project,  
17 Oklahoma, contained in section 203 of the Flood Control Act  
18 of 1962, as amended by section 108 of the Energy and  
19 Water Development Appropriation Act of 1982 is hereby  
20 amended to authorize and direct the Secretary of the Army,  
21 acting through the Chief of Engineers, to plan, design, and  
22 construct access road improvements to the existing road from  
23 the west end of Sardis Lake to Daisy, Oklahoma, at an esti-  
24 mated Federal cost of \$10,000,000 and the State or political

1 subdivision shall agree to operate and maintain said facilities  
2 at their own expense.

3 (E) The Secretary of the Army, acting through the  
4 Chief of Engineers, is directed to utilize funds previously ap-  
5 propriated for the Meramee River Basin flood control study,  
6 to establish a demonstration project for flood forecasting/  
7 warning on the Lower Meramee River to demonstrate the  
8 capability of nonstructural means of flood control through the  
9 procurement and installation of commercially available equip-  
10 ment. The Chief of Engineers is to operate and maintain this  
11 system for a period of time sufficient to demonstrate its func-  
12 tioning during the occurrence of a one hundred year Meramee  
13 River flood or for a period of two years, whichever is less.  
14 After the system has been field-tested, the Chief of Engineers  
15 is to report to the Congress the results of this prototype test-  
16 ing.

17 (F) The Secretary of the Army, acting through the Chief  
18 of Engineers, shall grant, within ninety days of enactment of  
19 this joint resolution, to the University of Alabama at Hunts-  
20 ville the funds appropriated to the Secretary of the Army  
21 pursuant to title I of Public Law 98-50 for the design and  
22 construction of a Corps of Engineers learning facility at  
23 Huntsville, Alabama. This grant shall be made to the Uni-  
24 versity of Alabama at Huntsville subject to the conditions  
25 that the University will convey the grant funds to the Chief

1 of Engineers to design and construct the learning facility on  
2 lands owned by the University at Huntsville and the complet-  
3 ed facility is to be owned and maintained by the University  
4 and to be operated by the University and the corps as a joint-  
5 use facility, all according to such specifications, terms, and  
6 cost sharing arrangements for operation and maintenance as  
7 the University of Alabama at Huntsville and the Secretary of  
8 the Army, acting through the Chief of Engineers, may agree.  
9 The Secretary of the Army, acting through the Chief of En-  
10 gineers, shall report to the Committees on Appropriations of  
11 the United States House of Representatives and the United  
12 States Senate on a monthly basis on the status of the re-  
13 quired agreements and the construction of the learning facili-  
14 ty until such time as the facility is constructed and operation-  
15 al at the University of Alabama at Huntsville.

16 (G) The Secretary of the Army, acting through the  
17 Chief of Engineers, is authorized and directed to remove the  
18 Berkeley Pier, which extends into San Francisco Bay, Cali-  
19 fornia, approximately twelve thousand feet, at an estimated  
20 cost of \$3,200,000.

21 (53)(H) (C) The Secretary of the Army, acting  
22 through the Chief of Engineers, is authorized and directed to  
23 undertake such structural and nonstructural measures as he  
24 deems feasible to prevent flood damage to communities in the  
25 Pearl River Basin, Saint Tammany Parish, Louisiana.



1           **(54)(4) (a)** The Secretary of the Army, acting through  
2 the Chief of Engineers, shall, after consultation with the ad-  
3 visory committee established under subsection (b), carry out a  
4 demonstration project for the development, operation, and  
5 maintenance of a recreation and greenbelt area on and along  
6 the Des Moines River, Iowa, between the point at which the  
7 Des Moines River is intersected by United States Highway  
8 20 to the point downstream at which relocated United States  
9 Highway 92 intersects the Des Moines River. Subject to sub-  
10 section (b) and (c) of this section, such project shall include,  
11 but not be limited to—

12           (1) the construction, operation, and maintenance  
13 of recreational facilities and streambank stabilization  
14 structures;

15           (2) the operation and maintenance of all structures  
16 constructed before the date of enactment of this joint  
17 resolution (other than any such structure operated and  
18 maintained by any person under a permit or agreement  
19 with the Secretary) within the area described in the  
20 Des Moines Recreational River and Greenbelt Map and  
21 on file with the Committee on Public Works and  
22 Transportation of the House of Representatives; and

23           (3) such tree plantings, trails, vegetation, and  
24 wildlife protection and development and other activities

1 as will enhance the natural environment for recreation-  
2 al purposes.

3 (b)(1) The advisory committee referred to in subsection  
4 (a) shall be constituted as follows:

5 (A) five persons shall be appointed by the Gover-  
6 nor of Iowa;

7 (B) two persons shall be appointed by their re-  
8 spective board of supervisors to represent each of Ma-  
9 haska, Marion, Warren, Jasper, Polk, Dallas, Boone,  
10 and Webster Counties;

11 (C) one person shall be appointed by the mayor of  
12 the city of Des Moines and one additional person shall  
13 be appointed by the mayor of each other incorporated  
14 municipality within whose boundaries a portion of such  
15 recreation area lies; and

16 (D) three employees or officials of the Corps of  
17 Engineers shall be appointed by the Secretary.

18 (2) Each member of the advisory committee shall serve  
19 at the pleasure of the authority which appointed such  
20 member.

21 (3) No member of the advisory committee who is not an  
22 officer or employee of the United States shall receive com-  
23 pensation on account of his service on the committee or  
24 travel expenses or per diem in lieu of subsistence with re-  
25 spect to the performance of services for the committee. Mem-

1 bers of such advisory committee who are officers or employ-  
2 ees of the United States shall not receive additional compen-  
3 sation on account of their service on the committee.

4 (4) The advisory committee may elect such officers and  
5 spokesmen as it deems appropriate and may appoint such ad-  
6 hoc committees of interested citizens as it deems appropriate  
7 to assist the committee in advising the Secretary.

8 (e) The construction and maintenance of structures and  
9 plant and husbandry activities referred to in subsection (a) of  
10 this section shall be conditioned upon the ownership by the  
11 United States of the land or interests therein necessary for  
12 such purposes.

13 (d) In carrying out the project described in subsection (a)  
14 of this section, the Secretary may acquire by purchase, dona-  
15 tion, exchange, or otherwise land and interests therein, as  
16 the Secretary determines are necessary to carry out such  
17 project. If the Secretary purchases any land or interest there-  
18 in from any State or local agency, he shall not pay more than  
19 the original cost paid by such State or local agency for such  
20 land or interest therein. No land or interest therein may be  
21 acquired by the United States to carry out such project with-  
22 out the consent of the owner, and nothing herein shall consti-  
23 tute an additional restriction on the use of any land or any  
24 interest therein which is not owned by the United States.

1           (e) Notwithstanding any other provision of law, the Fed-  
2 eral share of the project to be carried out pursuant to this  
3 section shall be 100 per centum of the cost of the project.

4           (f) There is authorized to be appropriated to carry out  
5 this section \$6,000,000, for fiscal years beginning after Sep-  
6 tember 30, 1983.

7           (J) The project for navigation, Tampa Harbor, East Bay  
8 Channel, Florida, is hereby authorized to be prosecuted by  
9 the Secretary of the Army, acting through the Chief of Engi-  
10 neers, substantially in accordance with the plans and subject  
11 to the conditions recommended in the report of the Chief of  
12 Engineers, dated January 25, 1970, at an estimated initial  
13 cost of \$2,717,000. The Secretary shall monitor the effects  
14 of construction, operation, and maintenance of the project on  
15 water quality and the environment.

16           (K) The project for navigation, Newport News Creek,  
17 Virginia, authorized by the River and Harbor Act of 1946, is  
18 hereby modified to authorize the relocation and reconstruc-  
19 tion by the Commonwealth of Virginia of the project upon  
20 approval of plans for such relocation and reconstruction by  
21 the Secretary of the Army.

22           (54)(D)(a) *The project for mitigation, Replacement of*  
23 *Trimble Wildlife Area, Smithville Lake, Little Platte River,*  
24 *Missouri-Plan, is hereby authorized to be prosecuted by the*  
25 *Secretary of the Army, acting through the Chief of Engi-*

1 *neers, substantially in accordance with the plans and subject*  
2 *to the conditions recommended in the report of the Chief of*  
3 *Engineers dated September 22, 1977, at a Federal cost of*  
4 *\$7,770,000.*

5 *(b) There is hereby appropriated an additional amount*  
6 *for Department of Defense—Civil, Department of the Army,*  
7 *Corps of Engineers—Civil, “Construction, general”,*  
8 *\$7,770,000 to remain available until expended, to carry out*  
9 *this section.*

10 *(55)(E) Section 44 of the Water Resources Develop-*  
11 *ment Act of 1974 (Public Law 93-251, 88 Stat. 12) is*  
12 *amended by striking subsection (b)(2) and inserting in lieu*  
13 *thereof the following:*

14 *“(2) The lands conveyed pursuant to this section,*  
15 *including the Olson Second Addition, shall be used by*  
16 *the Mountrail County Park Commission, Mountrail*  
17 *County, North Dakota, for public park and recreation*  
18 *purposes: Provided, That the park commission may*  
19 *designate all of the lands conveyed for leasing of cabin*  
20 *sites. The Mountrail County Park Commission shall*  
21 *reimburse the Federal Government for lands so used at*  
22 *the fair market value for such property. If any lands*  
23 *used for public purposes are ever used for any other*  
24 *purpose, title thereto shall revert to, and become the*

1        *property of, the United States which shall have the*  
2        *right of immediate entry thereof.*

3                *“(3) The Secretary of the Army is authorized to*  
4        *execute and file an amended deed to reflect the provi-*  
5        *sions of this Act.”.*

6        **(56)** *(F) Of the funds appropriated to the Department*  
7        *of the Interior for water resources investigations, the Secre-*  
8        *tary of the Interior is authorized and directed, using such*  
9        *sums as may be necessary, to conduct a study of potential*  
10       *developments for the conservation and utilization of water*  
11       *and related land resources in the Little Bighorn River Basin*  
12       *in Montana, including such investigations as may be proper*  
13       *and necessary for the purposes of determining the feasibility*  
14       *of storing, regulating, and furnishing water for irrigation,*  
15       *municipal and industrial use, conserving and developing fish*  
16       *and wildlife resources, and providing outdoor recreation op-*  
17       *portunity.*

18               **(57)** *(G) Within available fiscal year 1985 appropri-*  
19       *ated funds, up to \$250,000, the Secretary of the Interior*  
20       *shall undertake phase I of the High Plains States Ground-*  
21       *water Demonstration Program.*

22               **(58)** *(H) The Secretary of the Army, acting through*  
23       *the Chief of Engineers, is directed to utilize \$6,000,000 of*  
24       *funds previously appropriated for the New Melones Reser-*

1 *rior, California, for the development of recreation facilities as*  
2 *authorized by Public Law 87-874.*

3       **(59)(I)** *The Dickey-Lincoln School project, Saint*  
4 *John River, Maine, as authorized by section 204 of the Flood*  
5 *Control Act of 1965, is hereby deauthorized.*

6       **(60)(J)** *Notwithstanding any other provision of law,*  
7 *lands in the vicinity of Bull Shoals Lake in Arkansas ad-*  
8 *ministered by the Army Corps of Engineers which have been*  
9 *declared excess to the Department of the Army needs shall*  
10 *remain under the administration of the Corps of Engineers*  
11 *and shall not be disposed of by the General Services admin-*  
12 *istration or the Bureau of Land Management.*

13       **(61)(K)** *Section 207 of an Act to provide for estab-*  
14 *lishment of Falls of the Ohio National Wildlife Conservation*  
15 *Area (Public Law 97-137) is hereby amended by striking*  
16 *\$300,000 after the word "exceed" and inserting in lieu there-*  
17 *of \$1,040,000.*

18       **(62)(L)** *Section 5 of Public Law 97-273 (96 Stat.*  
19 *1182) is amended by striking out the period at the end of the*  
20 *first sentence and inserting in lieu thereof a comma and "and*  
21 *the Hilltop and Gray Goose irrigation projects."*

22       **(63)(M)** *The Lowndesville Recreation Area, located*  
23 *within the Richard B. Russell Dam and Lake Project, South*  
24 *Carolina and Georgia, shall hereafter be known and desig-*  
25 *nated as the "Jim Rampey Recreation Area". Any reference*

1 *in any law, map, regulation, document, record, or other paper*  
2 *of the United States to such recreation area shall be deemed*  
3 *to be a reference to such area as the "Jim Rampey Recrea-*  
4 *tion Area".*

5       **(64)(N)** *The Secretary of the Army, acting through*  
6 *the Chief of Engineers, is authorized and directed to plan,*  
7 *design, engineer, and construct the Sowashee Creek, Missis-*  
8 *sippi, project for flood control substantially in accordance*  
9 *with the report of the District Engineer, dated July, 1983, at*  
10 *an estimated Federal cost of \$10,905,500.*

11       **(65)(O)** *The Secretary of Army acting through the*  
12 *Chief of Engineers is directed to utilize \$2,500,000 of funds*  
13 *previously appropriated for Felsenthal National Wildlife*  
14 *Refuge, Arkansas for the development of recreational facili-*  
15 *ties as authorized by law.*

16       **(66)(P)** (a) *The Secretary of the Army, acting*  
17 *through the Chief of Engineers, shall, after consultation with*  
18 *the advisory committee established under subsection (b),*  
19 *carry out a demonstration project for the development, oper-*  
20 *ation, and maintenance of a recreation and greenbelt area on*  
21 *and along the Des Moines River, Iowa, between the point at*  
22 *which the Des Moines River is intersected by United States*  
23 *Highway 20 to the point downstream at which relocated*  
24 *United States Highway 92 intersects the Des Moines River.*



1 *Subject to subsection (b) and (c) of this section, such project*  
2 *shall include, but not be limited to—*

3           (1) *the construction, operation, and maintenance*  
4 *of recreational facilities and streambank stabilization*  
5 *structures;*

6           (2) *the operation and maintenance of all struc-*  
7 *tures constructed before the date of enactment of this*  
8 *joint resolution (other than any such structure operated*  
9 *and maintained by any person under a permit or*  
10 *agreement with the Secretary) within the area de-*  
11 *scribed in the Des Moines Recreational River and*  
12 *Greenbelt Map and on file with the Committee on*  
13 *Public Works and Transportation of the House of*  
14 *Representatives; and*

15           (3) *such tree plantings, trails, vegetation, and*  
16 *wildlife protection and development and other activities*  
17 *as will enhance the natural environment for recreation-*  
18 *al purposes.*

19           **(b)(1)** *The advisory committee referred to in subsection*  
20 *(a) shall be constituted as follows:*

21           **(A)** *five persons shall be appointed by the Gover-*  
22 *nor of Iowa;*

23           **(B)** *two persons shall be appointed by their re-*  
24 *spective board of supervisors to represent each of Ma-*

1        *haska, Marion, Warren, Jasper, Polk, Dallas, Boone,*  
2        *and Webster Counties;*

3            *(C) one person shall be appointed by the mayor of*  
4        *the city of Des Moines and one additional person shall*  
5        *be appointed by the mayor of each other incorporated*  
6        *municipality within whose boundaries a portion of*  
7        *such recreation area lies; and*

8            *(D) three employees or officials of the Corps of*  
9        *Engineers shall be appointed by the Secretary.*

10        *(2) Each member of the advisory committee shall serve*  
11        *at the pleasure of the authority which appointed such*  
12        *member.*

13        *(3) No member of the advisory committee who is not an*  
14        *officer or employee of the United States shall receive compen-*  
15        *sation on account of his service on the committee or travel*  
16        *expenses or per diem in lieu of subsistence with respect to the*  
17        *performance of services for the committee. Members of such*  
18        *advisory committee who are officers or employees of the*  
19        *United States shall not receive additional compensation on*  
20        *account of their service on the committee.*

21        *(4) The advisory committee may elect such officers and*  
22        *spokesmen as it deems appropriate and may appoint such ad*  
23        *hoc committees of interested citizens as it deems appropriate*  
24        *to assist the committee in advising the Secretary.*

1           (c) *The construction and maintenance of structures and*  
2 *plant and husbandry activities referred to in subsection (a) of*  
3 *this section shall be conditioned upon the ownership by the*  
4 *United States of the land or interests therein necessary for*  
5 *such purposes.*

6           (d) *In carrying out the project described in subsection*  
7 *(a) of this section, the Secretary may acquire by purchase,*  
8 *donation, exchange, or otherwise land and interests therein,*  
9 *as the Secretary determines are necessary to carry out such*  
10 *project. If the Secretary purchases any land or interest there-*  
11 *in from any State or local agency, he shall not pay more*  
12 *than the original cost paid by such State or local agency for*  
13 *such land or interest therein. No land or interest therein may*  
14 *be acquired by the United States to carry out such project*  
15 *without the consent of the owner, and nothing herein shall*  
16 *constitute an additional restriction on the use of any land or*  
17 *any interest therein which is not owned by the United States.*

18           (e) *Notwithstanding any other provision of law, the*  
19 *Federal share of the project to be carried out pursuant to this*  
20 *section shall be 100 per centum of the cost of the project.*

21           (f) *There is authorized to be appropriated to carry out*  
22 *this section \$6,000,000, for fiscal years beginning after Sep-*  
23 *tember 30, 1983.*

24           **(67)(Q)** *Notwithstanding any other provision of this*  
25 *joint resolution, the Secretary of the Army, acting through*

1 *the Chief of Engineers, is directed to use \$6,000,000 of*  
2 *available funds for detailed planning and initial design of the*  
3 *permanent solution (single retention structure) to the prob-*  
4 *lems caused by the eruption of Mount St. Helens on the*  
5 *Cowlitz River and its tributaries in Washington.*

6       **(68)(R)** *Notwithstanding any other provision of this*  
7 *joint resolution, there is hereby appropriated an additional*  
8 *amount for the Department of Defense—Civil—Department*  
9 *of the Army, Corps of Engineers—“Construction—Gener-*  
10 *al,” \$740,000 to remain available until expended to complete*  
11 *plan of development and conservation of Falls of the Ohio*  
12 *National Wildlife Conservation Area in accordance with ap-*  
13 *proved plan by the Chief of Engineers.*

14       **(69) SEC. 110.** ~~Notwithstanding any other provision of~~  
15 ~~this joint resolution, all rates for the sale of electric power~~  
16 ~~generated at facilities constructed pursuant to 38 Stat. 242,~~  
17 ~~1913, shall be based upon the costs of generating and trans-~~  
18 ~~mitting such power and shall be approved by the Secretary of~~  
19 ~~the Interior.~~

20       **(70) SEC. 106A.** *(a) The Secretary of the Army, is*  
21 *authorized and directed to design and construct, at an esti-*  
22 *mated cost of \$96,000,000, a flood control project, or projects,*  
23 *consisting of, but not limited to, dredging, clearing, impound-*  
24 *ments, levees, or other appropriate measures to provide com-*  
25 *prehensive flood control from the upper region to the lower*

1 *region of the Pearl River Basin in Mississippi, all of which*  
2 *may be constructed independently or concurrently, to provide*  
3 *for the greatest possible flood protection, subject to the report*  
4 *or reports as recommended by the Chief of Engineers, with*  
5 *such measures to be implemented by the United States Army*  
6 *Corps of Engineers, Vicksburg, Mississippi.*

7 *(b) Nothing in this section shall be construed as affect-*  
8 *ing the authority contained in Public Law 98-63 (97 Stat.*  
9 *313) for emergency flood control in the Pearl River Basin in*  
10 *the vicinity of Jackson, Mississippi.*

11 **(71)** *SEC. 106B. In addition to funds appropriated in*  
12 *Public Law 98-360 for Energy Supply, Research and De-*  
13 *velopment Activities of the Department of Energy, there is*  
14 *hereby allocated \$6,200,000 out of available funds which*  
15 *shall be allocated by the Secretary of Energy to the Hanford*  
16 *Engineering Development Laboratory to allow for the orderly*  
17 *completion of the Secure Automated Fabrication Line and*  
18 *the Core Demonstration Experiment and for operation of the*  
19 *Fast Flux Test Facility.*

20 **(72)** *SEC. 106C. (a) The portion described in subsec-*  
21 *tion (b) of the uncompleted portion of the Federal navigation*  
22 *project in the Milwaukee north outer harbor, authorized in*  
23 *the River and Harbor Act of 1935, is hereby deauthorized.*

24 *(b)(1) The portion of such project deauthorized is the*  
25 *parcel of submerged land in Lake Michigan, lying within the*

1 lakebed grant from the State of Wisconsin to the city of Mil-  
2 waukee, as defined in chapter 76 of the laws of 1973, such  
3 parcel also being in the southwest  $\frac{1}{4}$  of section 28 and in the  
4 northwest  $\frac{1}{4}$  of section 33, all in T 7 N, R 22 E, city of  
5 Milwaukee, Milwaukee County, Wisconsin, more particular-  
6 ly described as follows: commencing at the  $\frac{1}{4}$  corner between  
7 such sections 28 and 33, thence east 88.29 feet to the center-  
8 line of the rubble mound; thence along such centerline S  
9  $08^{\circ}41'37''$  W, 819.58 feet; thence S  $00^{\circ}45'01''$  E 1165.24  
10 feet to a point in the line of the United States monuments  
11 305 and 307, being a point on the north pier of the inner  
12 harbor entrance; thence along such United States monument  
13 line, N  $87^{\circ}16'39''$  E 249.11 feet to United States monument  
14 307; thence along such United States monument line ex-  
15 tended, N  $87^{\circ}16'39''$  E 465.02 feet to the southwest corner of  
16 such lakebed grant; thence continuing along such United  
17 States monument line extended, N  $87^{\circ}16'39''$  E 50.03 feet to  
18 the west line of the existing Federal navigation channel;  
19 thence along such west line, N  $00^{\circ}45'01''$  W 850.51 feet to  
20 the point of beginning; thence continuing along such west  
21 line, N  $00^{\circ}45'01''$  308.88 feet; thence continuing along such  
22 west line N  $08^{\circ}41'37''$  E 1746.82 feet; thence S  $26^{\circ}40'00''$   
23 E 844.98 feet; thence S  $08^{\circ}41'37''$  W 720.00 feet; thence S  
24  $43^{\circ}00'00''$  W 777.70 feet to the point of beginning, such  
25 parcel containing 15.753 acres.

1           (2) *Bearings for the description in paragraph (1) are*  
 2 *based on local grid bearings as used by city of Milwaukee,*  
 3 *Board of Harbor Commissioners for the North Harbor Tract.*

4           SEC. (73) ~~111~~. 107. Notwithstanding any other provi-  
 5 sion of this joint resolution, no part of the funds provided  
 6 under this joint resolution or any other provisions of law may  
 7 hereafter be used by the Comptroller General to review or  
 8 decide any protest submitted under subchapter V of chapter  
 9 35 of title 31, United States Code, involving the nonappro-  
 10 priated fund procurement of property or services by the Ten-  
 11 nessee Valley Authority.

12           (74) SEC. 112. There is appropriated an additional  
 13 \$5,000,000, to remain available until expended, for the  
 14 "Tennessee Valley Authority" for the conduct of a demon-  
 15 stration project for the construction of a main water trans-  
 16 mission line for the city of Bristol, Tennessee, in the vicinity  
 17 of the Authority's Boone Lake.

18           (75) SEC. 113. Section 1201(b)(1) of the National  
 19 Housing Act is amended—

20           (1) by striking out "September 30, 1984" and in-  
 21 serting in lieu thereof "September 30, 1985"; and

22           (2) in subparagraph (A), by inserting after "1985"  
 23 the following: " , and September 30, 1986, respec-  
 24 tively".

1           **(76) SEC. 108.** *Notwithstanding any other provision*  
2 *of this joint resolution, for an additional amount for "Abate-*  
3 *ment, control and compliance, Environmental Protection*  
4 *Agency", \$13,000,000, to remain available until expended,*  
5 *which shall be available to the city of Akron, Ohio, to refi-*  
6 *nance the bond debt of the recycle energy system of such city:*  
7 *Provided, That such sum may not exceed 60 percent of such*  
8 *debt: Provided further, That the facilities of such recycle*  
9 *energy system shall be made available to the Federal Govern-*  
10 *ment as a laboratory facility for municipal waste to energy*  
11 *research.*

12           **(77) SEC. 108A.** *The Federal Emergency Manage-*  
13 *ment Agency, in consultation with other departments and*  
14 *agencies, shall submit to the Congress, no later than June 1,*  
15 *1985, a compilation of major findings and recommendations*  
16 *by such departments and agencies which might be taken to*  
17 *modernize and strengthen the defense industrial base of the*  
18 *United States. The compilation shall include those steps nec-*  
19 *essary to cope with surge, mobilization, and conventional*  
20 *warfare scenarios, and shall be based on existing studies, re-*  
21 *ports, and other evaluations made within the past five years.*  
22 *For the purposes of this section the term "defense industrial*  
23 *base" shall mean those industries which are necessary to the*  
24 *manufacture, transport, or supply of materials, as defined by*  
25 *section 702 of the Defense Production Act of 1950.*



1       **(78) SEC. 108B.** *For expenses necessary to carry out*  
2 *loan guaranty and insurance operations, as authorized by*  
3 *law (38 U.S.C. Chapter 37, except administrative expenses,*  
4 *as authorized by section 1824 of such title), \$306,600,000 is*  
5 *hereby appropriated for "Loan guaranty revolving fund, Vet-*  
6 *erans' Administration", to remain available until expended.*

7       **SEC. (79) ~~114~~ 109.** The penultimate proviso in the  
8 paragraph under the heading "Rent Supplement" in the Sup-  
9 plemental Appropriations Act, 1983 (Public Law 98-63, 97  
10 Stat. 301, 320) is amended to read as follows: "*Provided*  
11 *further, That upon the completion of each contract under*  
12 *such sections 101 or 236(f)(2) on behalf of qualified tenants*  
13 *on a State-aided, noninsured rental housing project, the bal-*  
14 *ance of the contract authority provided in appropriation Acts*  
15 *for such contract shall be rescinded:". Any amounts of au-*  
16 *thority for contracts under section 236 of the National Hous-*  
17 *ing Act (12 U.S.C. 1715z-1) or under section 101 of the*  
18 *Housing and Urban Development Act of 1965 (12 U.S.C.*  
19 *1701s) which would otherwise become available at the time*  
20 *of cancellation of any such contract as a result of a foreclo-*  
21 *sure action, or a transfer of a deed in lieu of foreclosure, of a*  
22 *State-aided, noninsured rental housing project having any*  
23 *contracts under such sections shall remain available for such*  
24 *project for the balance of the term which remains at the time*  
25 *of cancellation of such a contract as a result of a foreclosure*

1 action or such transfer of deed, and the Secretary of Housing  
2 and Urban Development shall offer to execute new contracts  
3 under such sections, subject to compliance with the require-  
4 ments of sections 236 (b) and (f)(2) of the National Housing  
5 Act, or such section 101, respectively.

6       **SEC. (80) ~~115~~. 110.** The item relating to "Department  
7 of Housing and Urban Development—Housing Programs—  
8 Annual Contributions for Assisted Housing" in the Depart-  
9 ment of Housing and Urban Development-Independent  
10 Agencies Appropriation Act, 1984 (Public Law 98-45; 97  
11 Stat. 219, 220), is amended by adding at the end thereof the  
12 following new paragraph:

13       "Notwithstanding any other provision of this Act or any  
14 other law regarding the availability of recaptured budget au-  
15 thority, \$9,000,000 of budget authority recaptured and be-  
16 coming available for obligation in fiscal year 1984 shall be  
17 made available only to provide assistance under the new con-  
18 struction program of section 8 of the United States Housing  
19 Act of 1937 for 40 dwelling units in the Carmel Plaza North  
20 Project Numbered 000-32028-PM/L8, in the District of Co-  
21 lumbia, which project was terminated by the Secretary of  
22 Housing and Urban Development on July 26, 1984. Such  
23 budget authority shall remain available for obligation for  
24 fiscal year 1985, and the provisions repealed by section  
25 209(a) of the Housing and Urban-Rural Recovery Act of

1 1983 (Public Law 98-181; 97 Stat. 1153, 1183) shall  
 2 remain in effect with respect to such project and budget au-  
 3 thority.”.

4       **SEC. (81) ~~116~~: 111.** The Administrator of the Environ-  
 5 mental Protection Agency shall make a grant not to exceed  
 6 \$2,337,000 from construction grant funds allotted to the  
 7 State of Ohio for fiscal year 1985 to the owners of the Rocky  
 8 River Wastewater Treatment Plant in Rocky River, Ohio,  
 9 for reimbursement of such owners for the cost of construction  
 10 of such plant.

11       **(82) ~~SEC. 117.~~ (a)** Notwithstanding any other provision  
 12 of law, rule, or regulation, for purposes of section 7(b) of the  
 13 Small Business Act (15 U.S.C. 636(b)), the Administrator of  
 14 the Small Business Administration shall, with respect to small  
 15 business concerns involved in the fishing industry and with  
 16 respect to agricultural enterprises, treat the recent drought  
 17 and El Nino-related ocean conditions as disasters under such  
 18 section:

19       (1) disaster loan assistance shall be provided to  
 20 the fishing industry pursuant to paragraph (2) of such  
 21 section —

22       (A) the term “recent El Nino-related ocean  
 23 conditions” means the ocean conditions (including  
 24 high water temperatures, scarcity of prey, and ab-  
 25 sence of normal upwellings) which occurred in the

1 eastern Pacific Ocean off the west coast of the  
2 North American Continent during the period be-  
3 ginning with June 1982 and ending at the close  
4 of December 1982, and which resulted from the  
5 climatic conditions occurring in the Equatorial Pa-  
6 cific during 1982 and 1983;

7 (B) the term "fishing industry" means any  
8 trade or business involved in—

9 (i) the catching, taking, or harvesting of  
10 fish (whether or not sold on a commercial  
11 basis);

12 (ii) any operation at sea or on land, in  
13 preparation for, or substantially dependent  
14 upon, the catching, taking, or harvesting of  
15 fish; and

16 (iii) the processing or canning of fish  
17 (including storage, refrigeration and transpor-  
18 tation of fish before processing or canning);  
19 and

20 (C) the term "fish" means finfish, mollusks,  
21 crustaceans, and all other forms of marine animal  
22 and plant life other than marine mammals and  
23 birds; and

24 (2) disaster loan assistance shall be provided to  
25 agricultural enterprises on account of drought com-

1       mencing during the dates specified in (a)(1)(A) above  
2       pursuant to paragraph (1) of such section—

3               (A) at a rate of interest equal to the based  
4       upon computations of eligibility pursuant to rules  
5       in effect for emergency loans from the Farmers  
6       Home Administration, both as of January 1,  
7       1984;

8               (B) the Small Business Administration shall  
9       not impose on such enterprises any loss threshold  
10       or other type of minimum loss test which is not  
11       imposed on non-agricultural enterprises on the  
12       commencement date of the drought, either to de-  
13       termine the eligibility for such loans or to deter-  
14       mine the amount of eligibility for loan assistance;  
15       and

16              (C) the determination of a natural disaster by  
17       the Secretary of Agriculture pursuant to subtitle  
18       C of the Consolidated Farm and Rural Develop-  
19       ment Act (7 U.S.C. 1961) shall be deemed a dis-  
20       aster declaration by the Small Business Adminis-  
21       tration for purposes of determining eligibility for  
22       assistance under section 7(b)(1) of the Small Busi-  
23       ness Act as amended herein.

24       **(83)** *SEC. 112. The limitation otherwise applicable to*  
25       *the maximum payments that may be required in any fiscal*

1 year by all contracts entered into under section 236 of the  
2 National Housing Act, as amended (12 U.S.C. 1715z-1),  
3 reduced in fiscal year 1985 by not more than \$7,631,000 in  
4 uncommitted balances of authorizations provided for this pur-  
5 pose in appropriation Acts pursuant to the paragraph under  
6 this heading in the Department of Housing and Urban De-  
7 velopment—Independent Agencies Appropriation Act, 1985  
8 (Public Law 98-371, 98 Stat. 1213, 1215), shall not be  
9 reduced by more than \$4,331,000 in fiscal year 1985: Pro-  
10 vided, That \$3,300,000 in such uncommitted balances shall  
11 be made available in fiscal year 1985 and remain available  
12 thereafter until used as needed to replace amounts pooled for  
13 interest reduction payments for State-aided, noninsured  
14 rental housing projects under such section 236, but used  
15 during fiscal year 1982 for amendments to contracts for  
16 rental assistance payments: And provided further, That  
17 amounts made available under this joint resolution and prior  
18 appropriation Acts to fund interest reduction subsidies and  
19 rental assistance payments under section 236 of the National  
20 Housing Act (12 U.S.C. 1715z-1) for State aided, nonin-  
21 sured rental housing projects, which amounts were used to  
22 fund the pools to be available to the State agencies, project  
23 owners and tenants, shall be made available by the Secretary  
24 of the Department of Housing and Urban Development for  
25 fiscal year 1985 and thereafter, under the original terms and

1 *conditions of the agreements which established such pools or*  
2 *as such agreements are mutually amended by the parties*  
3 *thereto.*

4       **(84)** *SEC. 113. The head of any department or agency*  
5 *of the Federal Government in carrying out any loan guaran-*  
6 *tee or insurance program for the fiscal year 1985 shall enter*  
7 *into commitments to guarantee or insure loans pursuant to*  
8 *such program in the full amount provided by law subject only*  
9 *to (1) the availability of qualified applicants for such guaran-*  
10 *tee or insurance, and (2) limitations on such amount con-*  
11 *tained in appropriation Acts.*

12       **(85)** *SEC. 113A. Notwithstanding any other provision*  
13 *of this joint resolution, there is appropriated to the Treasury*  
14 *\$300,000,000, to be made available to cover the additional*  
15 *interest expenses incurred on borrowings by the Secretary of*  
16 *Housing and Urban Development from the Treasury that are*  
17 *necessary to extend direct loans to local public housing agen-*  
18 *cies as authorized under section 4(a) of the United States*  
19 *Housing Act of 1937, for the purposes of financing public*  
20 *housing projects as authorized under section 5(c) of the*  
21 *United States Housing Act of 1937: Provided, That the fore-*  
22 *going appropriation shall be available only in connection*  
23 *with additional interest expenses incurred on Treasury bor-*  
24 *rowings having maturities not in excess of seven months from*  
25 *the date that such borrowings occur: Provided further, That*

1 *no such Treasury borrowings in connection with the forego-*  
2 *ing appropriation shall take place after April 3rd: Provided*  
3 *further, That the foregoing \$300,000,000 shall be available*  
4 *until expended on interest incurred pursuant to the Treasury*  
5 *borrowings. Provided further, That direct loan proceeds shall*  
6 *be made available for continuation of public housing develop-*  
7 *ment, modernization and Indian housing, including new loan*  
8 *commitments.*

9       **SEC. (86) ~~118~~ 114.** None of the funds appropriated or  
10 made available by this joint resolution or any other Act may  
11 be used by the United States Customs Service to propose  
12 **(87)** *or promulgate* any rule or regulation relating to the  
13 subject matter of the Advanced Notice of Proposed Regula-  
14 tions published in the Federal Register on July 21, 1983 (48  
15 Fed. Reg. 33318): *Provided, That nothing shall prevent the*  
16 *expenditure of funds to propose any rule or regulation relat-*  
17 *ing to duty-free stores which implements or conforms to stat-*  
18 *utory standards hereafter enacted by Congress.*

19       **(88) SEC. 115.** *Section 404 of the Small Business*  
20 *Investment Act of 1958 (15 U.S.C. 694-1) is amended as*  
21 *follows:*

22               *(1) by striking out "may be issued" in paragraph*  
23               *(1) of subsection (b) and inserting in lieu thereof*  
24               *"shall be issued";*



1           (2) by inserting before the period at the end of  
2 paragraph (1) of subsection (b) the following: “, and  
3 the Administration is expressly prohibited from deny-  
4 ing such guarantee due to the property being so ac-  
5 quired”; and

6           (3) by striking out “exceed 3½ per centum” in  
7 subsection (c) and inserting in lieu thereof “be less  
8 than 1 per centum or more than 3½ per centum”.

9           **(89) SEC. 116.** *Of the funds appropriated to the De-*  
10 *partment of State in Public Law 97-257, Supplemental Ap-*  
11 *propriations Act, 1982 (96 Stat. 824), \$3,500,000 in “Sala-*  
12 *ries and expenses” and \$3,000,000 in “Acquisition, oper-*  
13 *ations and maintenance of buildings abroad” shall remain*  
14 *available until September 30, 1985.*

15           **(90) SEC. 117.** *Notwithstanding any other provision*  
16 *of this joint resolution, the Administrator of the General*  
17 *Services Administration is to provide an additional*  
18 *\$3,611,000 from the Federal Buildings Fund for repairs and*  
19 *alterations of the Blair House.*

20           **(91) SEC. 118.** *Notwithstanding any other provision*  
21 *of this joint resolution, \$348,000 is appropriated to the State*  
22 *of Arizona to be available for expenses in connection with the*  
23 *San Luis, Arizona Border Station.*

24           **(92) SEC. 119.** *Pursuant to the recommendation of the*  
25 *United States Claims Court in G.E. Amick, et al. against*

1 *United States, (a)(1) the Secretary of the Treasury is au-*  
 2 *thorized and directed to pay, out of any money in the Treas-*  
 3 *ury not otherwise appropriated, to each of the individuals*  
 4 *named in subsection (b) the amount set forth opposite the*  
 5 *name of each such individual in full settlement of all claims*  
 6 *of each such individual against the United States for dam-*  
 7 *ages arising in connection with the flooding of certain lands*  
 8 *as the result of the unnecessary release of excess amounts of*  
 9 *waters from the Stockton Dam and Reservoir during the*  
 10 *period from November 1972 through June 1974, at which*  
 11 *time such dam and reservoir were in operation under the*  
 12 *control of the United States Army Corps of Engineers.*

13       *(2) The individuals referred to in subsection (a) and the*  
 14 *amounts of money due each such individual are as follows:*

<i>R. Dean Dawes of Stockton, Missouri.....</i>	<i>\$2,700</i>
<i>Harlen Chism of Stockton, Missouri.....</i>	<i>6,596</i>
<i>Ray and Clara Pinkman of Stockton, Missouri.....</i>	<i>4,211</i>
<i>Perrin Masters of Stockton, Missouri.....</i>	<i>2,394</i>
<i>Ray M. Pinkman of Stockton, Missouri.....</i>	<i>3,819</i>
<i>A.W. Spillers of El Dorado Springs, Missouri.....</i>	<i>3,500</i>
<i>Hester E. Simrell of Stockton, Missouri.....</i>	<i>2,200</i>
<i>G.E. Amick of El Dorado Springs, Missouri.....</i>	<i>3,200</i>
<i>T.M. Montgomery of Stockton, Missouri.....</i>	<i>3,087</i>
<i>T.M. and Berla Montgomery of Stockton, Missouri.....</i>	<i>190</i>
<i>A.C. and Virginia I. Montgomery of Stockton, Missouri.....</i>	<i>4,500</i>
<i>Irene Larson of Aurora, Missouri and Virginia Montgomery of Stock-</i>	
<i>ton, Missouri.....</i>	<i>7,796</i>
<i>Ruby Dean Leffler of Stockton, Missouri.....</i>	<i>4,982</i>
<i>Edward C. and Frances Pyle of Stockton, Missouri.....</i>	<i>1,545</i>
<i>Gilbert and Pansy Pyle and Ronnie and Kay Pyle of Stockton, Mis-</i>	
<i>souri.....</i>	<i>4,422</i>
<i>Gilbert and Ronnie Pyle of Stockton, Missouri.....</i>	<i>11,458</i>
<i>Lageta Cowan of Stockton, Missouri.....</i>	<i>3,200</i>
<i>Swangel Estate of Stockton, Missouri.....</i>	<i>12,123</i>
<i>W.H. Eslinger of Stockton, Missouri.....</i>	<i>5,668</i>
<i>J.C. Eslinger of Stockton, Missouri.....</i>	<i>5,668</i>
<i>Max A. and Betty Lee Smith of Stockton, Missouri.....</i>	<i>310</i>
<i>Lat and Zella Lee Smith of Stockton, Missouri.....</i>	<i>384</i>
<i>Riley Carver of El Dorado Springs, Missouri.....</i>	<i>6,800</i>

1           **(b) No part of each amount appropriated in this Act in**  
2 *excess of 10 per centum thereof shall be paid or delivered to*  
3 *or received by any agent or attorney on account of services*  
4 *rendered in connection with this claim, any contract to the*  
5 *contrary notwithstanding. A violation in this section is a*  
6 *misdemeanor punishable by a fine in an amount not to*  
7 *exceed \$10,000.*

8           **(93) SEC. 119A. (a) For purposes of any provision of**  
9 *Federal law, the Director of the Office of Management and*  
10 *Budget shall rescind the designation of the St. Louis pri-*  
11 *mary metropolitan statistical area, the designation of the*  
12 *Alton-Granite City, Illinois, primary metropolitan statistical*  
13 *area, and the designation of the East St. Louis-Belleville,*  
14 *Illinois, primary metropolitan statistical area, and shall not*  
15 *take any action to designate such three primary metropolitan*  
16 *statistical areas as a consolidated metropolitan statistical*  
17 *area.*

18           **(b) The Director of the Office of Management and**  
19 *Budget shall designate a single metropolitan statistical area*  
20 *which includes the following:*

21                   **(1) The city of St. Louis, Missouri.**

22                   **(2) The counties of St. Louis, Franklin, Jeffer-**  
23 *son, and St. Charles in Missouri.*

1           (3) *The counties of Monroe, Madison, Jersey,*  
2           *Clinton, and St. Clair in Illinois.*

3 *The metropolitan statistical area designation pursuant to this*  
4 *subsection shall be known as the "St. Louis Metropolitan*  
5 *Statistical Area".*

6           **(94)** *SEC. 120. (a) Section 5723(a)(1)(C) of title 5,*  
7 *United States Code, is amended by striking out " , by and*  
8 *with the advice and consent of the Senate,".*

9           **(b)** *Subchapter II of chapter 57 of such title is amended*  
10 *by striking out sections 5724b and 5724c and inserting in*  
11 *lieu thereof the following:*

12           **"§ 5724b. Taxes on reimbursements for travel, transporta-**  
13                           **tion, and relocation expenses of employees**  
14                           **transferred**

15           **"(a) Under such regulations as the President may pre-**  
16 *scribe and to the extent considered necessary and appropri-*  
17 *ate, as provided therein, appropriations or other funds avail-*  
18 *able to an agency for administrative expenses are available*  
19 *for the reimbursement of substantially all of the Federal,*  
20 *State, and local income taxes incurred by an employee, or by*  
21 *an employee and such employee's spouse (if filing jointly),*  
22 *for any moving or storage expenses furnished in kind, or for*  
23 *which reimbursement or an allowance is provided (but only*  
24 *to the extent of the expenses paid or incurred). Reimburse-*  
25 *ments under this subsection shall also include an amount*

1 equal to all income taxes for which the employee and spouse,  
2 as the case may be, would be liable due to the reimbursement  
3 for the taxes referred to in the first sentence of this subsec-  
4 tion.

5       “(b) For the purposes of this section, ‘moving or storage  
6 expenses’ means travel and transportation expenses (includ-  
7 ing storage of household goods and personal effects under sec-  
8 tion 5724 of this title) and other relocation expenses under  
9 sections 5724a and 5724c of this title.

10 **“§ 5724c. Relocation services**

11       “Under such regulations as the President may pre-  
12 scribe, each agency is authorized to enter into contracts to  
13 provide relocation services to agencies and employees for the  
14 purpose of carrying out the provisions of this subchapter.  
15 Such services include but need not be limited to arranging  
16 for the purchase of a transferred employee’s residence.”.

17       **(95) SEC. 121.** Notwithstanding any other provision  
18 of this joint resolution, except section 102, there is an addi-  
19 tional amount appropriated for “Military construction,  
20 Army”, \$14,950,000; for “Military construction, Navy”,  
21 \$17,570,000; for “Military construction, Air Force”,  
22 \$35,100,000; for “Family housing construction, Army”,  
23 \$4,800,000; for “Family housing construction, Air Force”,  
24 \$20,086,000: Provided, That notwithstanding section 101 of  
25 this joint resolution the rate of operations for ‘Military con-

1 *struction, Navy" shall be \$1,550,242,000; and for 'Military*  
 2 *construction, Defense Agencies", \$351,010,000.*

3       **(96) SEC. 122.** *In the case of pay for pay periods com-*  
 4 *mencing on or after the first day of the month after the month*  
 5 *in which this section is enacted, the pay for any period of an*  
 6 *attorney in the Office of the Legislative Counsel of the*  
 7 *Senate shall not be reduced by more than 50 percent because*  
 8 *of deductions made pursuant to section 8344 of title 5,*  
 9 *United States Code, if such attorney, as of the date of enact-*  
 10 *ment of this section, has attained age 55 and has completed*  
 11 *30 years of service as an attorney in such Office. The preced-*  
 12 *ing sentence shall cease to be effective in the case of pay for*  
 13 *pay periods commencing after October 1, 1989."*

14       **(97) SEC. 123.** *The first sentence of section 101(e) of*  
 15 *the joint resolution entitled "Making continuing appropria-*  
 16 *tions for the fiscal year 1983, and for other purposes", ap-*  
 17 *proved October 9, 1982 (96 Stat. 1189), is amended by in-*  
 18 *serting "(1)" after "except that" and by striking out the*  
 19 *period at the end thereof and inserting in lieu thereof the*  
 20 *following: ", and (2) the proviso contained in the paragraph*  
 21 *under the heading 'Acquisition of Property as an Addition to*  
 22 *the Capitol Grounds' in S. 2939 shall not be effective after*  
 23 *the date of enactment of this clause."*

24       **(98) SEC. 123A.** *(a) The provisions of the third para-*  
 25 *graph under the heading "Clerical assistance to Senators" of*

1 *the first section of the Legislative Branch Appropriation Act*  
2 *for the fiscal year ending June 30, 1928 (2 U.S.C. 92a)*  
3 *shall not be applicable to any employee of the Senate.*

4 (b) *The following provisions of law are hereby repealed:*

5 (1) *the last paragraph under the heading "Clerical assistance*  
6 *to Senators" of the first section of the Legislative Branch*  
7 *Appropriation Act, 1944 (2 U.S.C. 92e), (2) the last para-*  
8 *graph under the heading "Clerical assistance to Senators" of*  
9 *the first section of the Legislative Branch Appropriation Act,*  
10 *1945 (2 U.S.C. 92e), (3) the next-to-last paragraph under*  
11 *the heading "Clerical assistance to Senators" of the first sec-*  
12 *tion of the Legislative Branch Appropriation Act, 1946 (2*  
13 *U.S.C. 92e), and (4) the next-to-last paragraph under the*  
14 *heading "Clerical assistance to Senators" of the first section*  
15 *of the Legislative Branch Appropriation Act, 1947 (2*  
16 *U.S.C. 92e).*

17 (c) *The second proviso of the paragraph of section 101 of*  
18 *the Legislative Branch Appropriation Act, 1974, which ap-*  
19 *pears under the heading "Committee Employees" (2 U.S.C.*  
20 *68-1) is amended by striking out "the committee Auditor*  
21 *and the committee Assistant Auditor" and inserting in lieu*  
22 *thereof "any employee or employees of such Committee".*

23 (99) *SEC. 124. Notwithstanding any other provision*  
24 *of this joint resolution, the Secretary of the Department of*  
25 *Transportation shall grant an exemption from the January*

1 1, 1985 deadline for compliance with the provisions of Public  
2 Law 96-193, if an applicant for such exemption submits to  
3 the Secretary prior to January 1, 1985 an application for  
4 exemption which complies with the provisions of subsection  
5 (b) or (c) of this section.

6 (b) The Secretary shall specify the form and manner in  
7 which any application shall be made. Any such application  
8 from a person operating aircraft for which equipment to  
9 assure compliance with the provisions of Public Law 96-193  
10 ("hush kits") is currently under development shall include a  
11 copy of a contract entered into by the applicant and a known  
12 supplier of equipment which would bring the applicant into  
13 compliance with the provisions of Public Law 96-193.

14 (c) Applicants currently operating equipment obtained  
15 prior to January, 1980 for which no such compliance equip-  
16 ment is currently under development shall accompany their  
17 application with a sworn commitment to enter into a contract  
18 not later than June 1, 1985, for aircraft which will comply  
19 with the provisions of Public Law 96-193.

20 (d) Nothing in this section shall be construed to limit  
21 the power of the Secretary to deny any application or revoke  
22 any exemption granted under this section if, after examining  
23 any contract submitted under subsection (b) or (c) of this  
24 section, the Secretary determines that the applicant or holder  
25 of such exemption will not be able to comply with the require-



1 ments of Public Law 96-193 within the timeframe set forth  
2 in such exemption.

3 (e) Any exemption granted under this section shall  
4 expire not later than December 31, 1985 except that, if the  
5 Secretary determines that equipment to insure compliance  
6 with the provisions of Public Law 96-193 which has been  
7 certified by the Department for that purpose will not be avail-  
8 able to the holder of the exemption by that date, the Secretary  
9 may extend such exemption for such period as the Secretary  
10 determines is necessary to insure compliance with such provi-  
11 sions.

12 (f) No person receiving an exemption under the provi-  
13 sions of this section may increase either the frequency of op-  
14 erations into the place for which the exemption was granted,  
15 or increase the number of non-compliant aircraft operated at  
16 the place for which the exemption was granted beyond that  
17 existing in the 12 months prior to the granting of the exemp-  
18 tion.

19 (g) The provisions of this section shall be applicable to  
20 persons submitting applications for international operations  
21 at Miami International Airport, Florida, and Bangor,  
22 Maine.

23 (100) SEC. 125. Notwithstanding any other provi-  
24 sions of law or this joint resolution, unexpended balances of  
25 funds appropriated by the Department of Transportation And

1 *Related Agencies Appropriations Act of 1984, for employee*  
2 *protection as authorized by the Rock Island Railroad Transi-*  
3 *tion and Employee Assistance Act as amended (45 U.S.C.*  
4 *1001 et seq.), shall continue to remain available for such*  
5 *purpose until not later than April 1, 1985; and, such funds*  
6 *shall be expended in accordance with the amendment made*  
7 *by section 201 of H.R. 3648 as passed by the House of Rep-*  
8 *resentatives on March 6, 1984.*

9       **(101) SEC. 125A.** *Notwithstanding any other provi-*  
10 *sion of this joint resolution to the contrary, none of the funds*  
11 *in this joint resolution shall be available for the planning or*  
12 *execution of programs, the total obligations for which are in*  
13 *excess of \$126,500,000 in fiscal year 1985 for "State and*  
14 *community highway safety" authorized under 23 U.S.C.*  
15 *402. Any amount provided in this joint resolution under the*  
16 *heading relating to Highway Traffic Safety Grants for the*  
17 *purposes specified in this subsection which is not identical to*  
18 *the obligation level specified in this subsection shall have no*  
19 *force and effect.*

20       **SEC. 125B.** *Notwithstanding any other provision of this*  
21 *joint resolution, not to exceed \$7,500,000 shall be available*  
22 *in the fiscal year ending September 30, 1985 from unobligat-*  
23 *ed balances in the appropriations "Highway Safety Research*  
24 *and Development", "Railroad Research and Development",*  
25 *and "Research, Training and Human Resources", for the*

1 *purposes of carrying out a national program to encourage the*  
2 *use of automobile safety belts and passive restraints as au-*  
3 *thorized by 23 U.S.C. 403.*

4       **(102)** *SEC. 125C. (a) Notwithstanding section 16 of*  
5 *the Federal Airport Act (as in effect on November 25, 1947),*  
6 *the Secretary of Transportation is authorized, subject to the*  
7 *provisions of section 4 of the Act of October 1, 1949 (50 App.*  
8 *U.S.C. 16222(c)), and the provisions of subsection (b) of this*  
9 *section, to grant release from any of the terms, conditions,*  
10 *reservations, and restrictions contained in a deed of convey-*  
11 *ance dated July 30, 1948, under which the United States*  
12 *conveyed certain property to the city of Flagstaff for airport*  
13 *purposes.*

14       **(b)** *Any release granted by the Secretary of Transporta-*  
15 *tion under subsection (a) shall be subject to the following*  
16 *conditions:*

17           **(1)** *the city of Flagstaff shall agree that in con-*  
18 *veying any interest in the property which the United*  
19 *States conveyed pursuant to the deed described in sub-*  
20 *section (a), the city of Flagstaff will receive an amount*  
21 *which is equal to the fair market value (as determined*  
22 *pursuant to regulations issued by such Secretary); and*

23           **(2)** *any such amount so received shall be used for*  
24 *the development, improvement, operation, or mainte-*  
25 *nance of a public airport.*

1           **(103) SEC. 125D.** *For necessary expenses to carry out*  
2 *a series of highway projects in the vicinities of Pontiac and*  
3 *East Lansing, Michigan, which demonstrate methods of en-*  
4 *hancing safety and promoting economic development through*  
5 *construction of grade separations and road widenings on a*  
6 *highway on the Federal-aid primary system and on high-*  
7 *ways on the Federal-aid urban system; \$12,000,000, to*  
8 *remain available until expended.*

9           **(104) SEC. 125E.** *No later than ten days after the*  
10 *date of the enactment of this joint resolution, the President*  
11 *shall, pursuant to section 10 of the Railway Labor Act (45*  
12 *U.S.C. 160), create a board to investigate and report respect-*  
13 *ing the dispute between Continental Airlines and the Air*  
14 *Line Pilots Association, and, no later than thirty days after*  
15 *the date of the creation of such board, such board shall report*  
16 *its findings to the President.*

17           **(105) SEC. 125F.** *The Secretary of Transportation*  
18 *shall waive the alternate design requirements, specified in*  
19 *"Alternate Design for Bridges Policy Statement" (49-FR93*  
20 *#21409), allowing construction of a steel deck tied arch*  
21 *option only (including approach spans), for the Smith*  
22 *Avenue High Bridge, St. Paul, Minnesota.*

23           **(106) SEC. 125G.** *For an additional amount for*  
24 *"Coast Guard Acquisition, Construction, and Improve-*  
25 *ments", \$2,000,000 to reconstruct in its original form the*

1 *Great Point Lighthouse on Nantucket Island, Massachu-*  
2 *setts, at the site designated by the United States Coast*  
3 *Guard.*

4       **(107) SEC. 126.** *Notwithstanding any other provision*  
5 *of this joint resolution, there is an additional amount appro-*  
6 *priated for the Agricultural Research Service, United States*  
7 *Department of Agriculture, \$1,000,000.*

8       **(108) SEC. 127.** *Notwithstanding any other provision*  
9 *of this joint resolution, and in addition to amounts appropri-*  
10 *ated elsewhere, there are appropriated \$3,200,000 for fiscal*  
11 *year 1985 for Salaries and Expenses of the Food and Drug*  
12 *Administration to carry out the Drug Price Competition and*  
13 *Patent Term Restoration Act of 1984 and \$8,350,000 for*  
14 *fiscal year 1985 for the Food and Drug Administration for*  
15 *activities (including construction) related to acquired*  
16 *immune deficiency syndrome.*

17       **(109) SEC. 127A.** *Notwithstanding any other provi-*  
18 *sion of the law, such sums as may be necessary may be used*  
19 *from the remaining balances of fiscal year 1984 funds for the*  
20 *Commodity Supplemental Food Program for the purpose of*  
21 *settling unresolved administrative funding claims associated*  
22 *with the handling of regular and bonus commodities distrib-*  
23 *uted by the Commodity Supplemental Food Program opera-*  
24 *tors in fiscal year 1982.*

1           **SEC. (110) ~~119~~ 128.** (a) Funds appropriated by this  
2 joint resolution or any other appropriation Act to carry out  
3 the Food Stamp Act of 1977 (7 U.S.C. 2011-2029) shall,  
4 notwithstanding any other provision of law or this Act, be  
5 used in a manner to ensure that, under the food stamp pro-  
6 gram, households certified as eligible to participate in the  
7 program are issued an allotment that reflects the full cost of  
8 the thrifty food plan, adjusted to reflect changes in the cost of  
9 such plan for the twelve months ending June 30, 1984,  
10 rounded to the nearest lower dollar increment for each house-  
11 hold size.

12           (b) The provisions of subsection (a) shall be effective  
13 during the period beginning November 1, 1984, and ending  
14 September 30, 1985.

15           **(111) SEC. 129.** *None of the funds provided for in this*  
16 *joint resolution or hereafter provided shall be used to lease the*  
17 *mineral interest of the United States with respect to a tract of*  
18 *land in Payne County, Oklahoma, totalling nine hundred*  
19 *sixty acres located on the Indian Base Meridian; township*  
20 *19 north; range 1 east, section 22 west half; section 26 north-*  
21 *west quarter; section 27 north half, southeast quarter; unless*  
22 *such lease prohibits the surface occupancy of the land for*  
23 *development of those interests.*

24           **(112) SEC. 130.** *Notwithstanding any other provision*  
25 *of this joint resolution, except for lands described by sections*

1 105 and 106 of Public Law 96-560, section 103 of Public  
2 Law 96-550, section 5(d)(1) of Public Law 96-312, and  
3 except for land in the State of Alaska, and lands in the na-  
4 tional forest system released to management for any use the  
5 Secretary of Agriculture deems appropriate through the land  
6 management planning process by any statement or other Act  
7 of Congress designating components of the National Wilder-  
8 ness Preservation System now in effect or hereinafter en-  
9 acted, and except to carry out the obligations and responsibil-  
10 ities of the Secretary of the Interior under section 17(k)(1)  
11 (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C.  
12 226), none of the funds provided in this Act shall be obligated  
13 for any aspect of the processing or issuance of permits or  
14 leases pertaining to exploration for or development of coal,  
15 oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or  
16 geothermal resources on Federal lands within any component  
17 of the National Wilderness Preservation System or within  
18 any Forest Service RARE II areas recommended for wilder-  
19 ness designation or allocated to further planning in Execu-  
20 tive Communication 1504, Ninety-sixth Congress (House  
21 Document numbered 96-119); or within any lands desig-  
22 nated by Congress as wilderness study areas or within  
23 Bureau of Land Management wilderness study areas: Pro-  
24 vided, That nothing in this section shall prohibit the expendi-  
25 ture of funds for any aspect of the processing or issuance of

1 *permits pertaining to exploration for or development of the*  
2 *mineral resources described in this section, within any com-*  
3 *ponent of the National Wilderness Preservation System now*  
4 *in effect or hereinafter enacted, any Forest Service RARE*  
5 *II areas recommended for wilderness designation or allocated*  
6 *to further planning, within any lands designated by Con-*  
7 *gress as wilderness study areas, or Bureau of Land Manage-*  
8 *ment wilderness study areas, under valid existing rights, or*  
9 *leases validly issued in accordance with all applicable Feder-*  
10 *al, State, and local laws or valid mineral rights in existence*  
11 *prior to October 1, 1982: Provided further, That funds pro-*  
12 *vided in this Act may be used by the Secretary of Agriculture*  
13 *in any area of National Forest lands or the Secretary of the*  
14 *Interior to issue under their existing authority in any area of*  
15 *National Forest or public lands withdrawn pursuant to this*  
16 *Act such permits as may be necessary to conduct prospecting,*  
17 *seismic surveys, and core sampling conducted by helicopter*  
18 *or other means not requiring construction of roads or im-*  
19 *provement of existing roads or ways, for the purpose of gath-*  
20 *ering information about and inventorying energy, mineral,*  
21 *and other resource values of such area, if such activity is*  
22 *carried out in a manner compatible with the preservation of*  
23 *the wilderness environment: Provided further, That seismic*  
24 *activities involving the use of explosives shall not be permit-*  
25 *ted in designated wilderness areas: Provided further, That*



1 funds provided in this Act may be used by the Secretary of  
2 the Interior to augment recurring surveys of the mineral  
3 values of wilderness areas pursuant to section 4(d)(2) of the  
4 Wilderness Act and acquire information on other national  
5 forest and public land areas withdrawn pursuant to this Act,  
6 by conducting, in conjunction with the Secretary of Energy,  
7 the national laboratories, or other Federal agencies, as appro-  
8 priate, such mineral inventories of areas withdrawn pursuant  
9 to this Act as he deems appropriate. These inventories shall  
10 be conducted in a manner compatible with the preservation of  
11 the wilderness environment through the use of methods in-  
12 cluding core sampling conducted by helicopter; geophysical  
13 techniques such as induced polarization, synthetic aperture  
14 radar, magnetic and gravity surveys; geochemical techniques  
15 including stream sediment reconnaissance and X-ray diffrac-  
16 tion analysis; land satellites; or any other methods he deems  
17 appropriate. The Secretary of the Interior is hereby author-  
18 ized to conduct inventories or segments of inventories, such as  
19 data analysis activities, by contract with private entities  
20 deemed by him to be qualified to engage in such activities  
21 whenever he has determined that such contracts would de-  
22 crease Federal expenditures and would produce comparable  
23 or superior results: Provided further, That in carrying out  
24 any such inventory or surveys, where National Forest  
25 System lands are involved, the Secretary of the Interior shall

1 *consult with the Secretary of Agriculture concerning any ac-*  
2 *tivities affecting surface resources: Provided further, That*  
3 *funds provided in this Act may be used by the Secretary of*  
4 *the Interior to issue oil and gas leases for the subsurface of*  
5 *any lands designated by Congress as wilderness study areas,*  
6 *that are immediately adjacent to producing oil and gas fields*  
7 *or areas that are prospectively valuable. Such leases shall*  
8 *allow no surface occupancy and may be entered only by di-*  
9 *rectional drilling from outside the wilderness study area or*  
10 *other nonsurface disturbing methods.*

11       **(113)** *SEC. 131. Notwithstanding any other provision*  
12 *of this joint resolution, of the funds appropriated to the*  
13 *Energy Security Reserve by the Department of the Interior*  
14 *and Related Agencies Appropriations Act, 1980 (Public Law*  
15 *96-126) and subsequently made available to carry out Title*  
16 *I, Part B of the Energy Security Act (Public Law 96-294)*  
17 *by Public Laws 96-304 and 96-514, \$5,200,000,000 are*  
18 *rescinded: Provided, That of the remaining funds in the*  
19 *Energy Security Reserve for carrying out Title I, Part B of*  
20 *the Energy Security Act, the amount of \$5,700,000,000*  
21 *shall be initially available only for obligation to projects with*  
22 *Letters of Intent authorized by the Board of Directors of the*  
23 *United States Synthetic Fuels Corporation on or before*  
24 *June 1, 1984; and, if by reason of Board determinations that*  
25 *the Corporation will not enter into financial assistance con-*

1 *tracts with projects for which such Letters were authorized, or*  
2 *that lesser amounts of financial assistance than those speci-*  
3 *fied in such authorizations shall be awarded, there remains a*  
4 *balance of such amount which is unobligated and uncommit-*  
5 *ted, 50 percent of said balance shall cease to be available for*  
6 *obligation and the remaining 50 percent of said balance shall*  
7 *thereafter be available for commitment or obligation by the*  
8 *Corporation pursuant to the Energy Security Act: Provided*  
9 *further, That until such time as the comprehensive strategy is*  
10 *approved pursuant to section 126(c) of the Energy Security*  
11 *Act, the Board of Directors shall solicit proposals and award*  
12 *financial assistance pursuant to applicable sections of the*  
13 *Energy Security Act without regard to the national synthetic*  
14 *fuel production goal established under section 125 of the Act:*  
15 *Provided further, That of the \$5,200,000,000 rescinded from*  
16 *the Energy Security Reserve, \$750,000,000 shall be deposit-*  
17 *ed and retained in a separate account hereby established in*  
18 *the Treasury of the United States, entitled the "Clean Coal*  
19 *Technology Reserve," which account and the appropriations*  
20 *therefor, shall be available for the purpose of conducting clean*  
21 *coal technology demonstration activities, including those*  
22 *identified in section 320 of the fiscal year 1985 Department*  
23 *of the Interior and Related Agencies Appropriations Act, as*  
24 *reported by the Senate Committee on Appropriations (H.R.*  
25 *5973, Senate Report 98-578), without fiscal year limitation,*

1 *subject to subsequent annual appropriation in the Depart-*  
2 *ment of the Interior and Related Agencies Appropriations*  
3 *Act.*

4       **(114)** *SEC. 132. (a) Section 117 of the United States*  
5 *Synthetic Fuels Corporation Act of 1980 is amended by*  
6 *adding at the end thereof the following new subsection:*

7       *“(f) Subject to section 118, Directors, officers, and em-*  
8 *ployees of the Corporation shall be subject to the same stand-*  
9 *ards of ethical conduct and financial reporting as are set*  
10 *forth in Executive Order 11222. The Chairman shall*  
11 *promptly implement such standards.”.*

12       *(b) Section 168 of the United States Synthetic Fuels*  
13 *Corporation Act of 1980 is amended by—*

14             *(1) Redesignating section 168 as subsection*  
15             *168(a); and*

16             *(2) Inserting at the end thereof the following new*  
17             *subsection:*

18       *“(b) An aggrieved person may bring action in the dis-*  
19 *trict courts of the United States to enforce, and secure com-*  
20 *pliance with, the policies and guidelines of the Corporation*  
21 *implementing the requirements of subsection 121 (a) and (b)*  
22 *for public disclosure of information and the requirements of*  
23 *subsection 116(f) for meetings of the Board of Directors to be*  
24 *open to the public and preceded by reasonable public notice.”.*

1       **(115) SEC. 133.** *Notwithstanding any other provision*  
 2 *of this joint resolution, none of the funds provided under this*  
 3 *joint resolution shall be used to perform abortions except*  
 4 *where the life of the mother would be endangered if the fetus*  
 5 *were carried to term.*

6       **(116) SEC. 134.** *Notwithstanding section 1814 (i) of*  
 7 *the Social Security Act and section 102 of this joint resolu-*  
 8 *tion, in the case of a hospice which—*

9           (1) *commenced operations prior to January 1,*  
 10 *1975;*

11           (2) *participated in a hospice demonstration project*  
 12 *during fiscal year 1984; and*

13           (3) *is not certified as a hospice provider under*  
 14 *title XVIII of the Social Security Act prior to Sep-*  
 15 *tember 24, 1984,*

16 *payment under such title for hospice care provided by such*  
 17 *hospice on and after October 1, 1984, and prior to October 1,*  
 18 *1986, shall be made on the same basis as payment was made*  
 19 *to such hospice under such demonstration project.*

20       **(117) SEC. 135.** (a) *Sections 4, 4A, and 4C of the*  
 21 *Clayton Act (15 U.S.C. 15, 15a, and 15c) shall not apply to*  
 22 *any law or other action of or official action directed by, a*  
 23 *city, village, town, township, county, or other general func-*  
 24 *tion unit of local government in the exercise of its regulatory*  
 25 *powers, including but not limited to zoning, franchising, li-*

1 censing, and the establishment or provision of public services  
2 on an exclusive or nonexclusive basis in a manner designed  
3 to ensure public access or otherwise to protect the public  
4 health, safety, or welfare, but excluding the purchase or sale  
5 of goods or services on a commercial basis by the unit of local  
6 government in competition with private persons, where such  
7 law or action is valid under State law.

8 (b) No damages, interest on damages, costs, or attor-  
9 ney's fees may be recovered under section 4, 4A, or 4C of the  
10 Clayton Act (15 U.S.C. 15, 15a, and 15c) for any unit of  
11 local government or official thereof acting in his official ca-  
12 pacity.

13 (c) Provided that subsection (b) shall not apply to cases  
14 pending on the date of enactment of this joint resolution  
15 unless the defendant establishes and the court determines, in  
16 light of all the circumstances, including the stage of litigation  
17 and the availability of alternative relief under the Clayton  
18 Act, that it would be inequitable not to apply this subsection  
19 to a pending case. In consideration of this section, existence  
20 of a jury verdict shall be deemed to be prima facie evidence  
21 that this section shall not apply.

22 (d) Subsection (a) of this section shall not apply to cases  
23 pending on the date of enactment of this joint resolution.

24 (e) Section 510 of Public Law 98-411 is hereby re-  
25 pealed.

1       **(118) SEC. 136.** *There are hereby appropriated*  
2 *\$400,000 to carry out the provisions of S. 2456, as passed by*  
3 *the Senate on September 21, 1984.*

4       **(119) SEC. 137.** *Notwithstanding any other provision*  
5 *of law or this joint resolution, none of the funds provided in*  
6 *this point resolution or any other provision of law shall be*  
7 *available for the United States proportionate share for any*  
8 *"post adjustment allowance" for United Nations employees*  
9 *of any United Nations organization implemented after July*  
10 *31, 1984, or for any such "post adjustment allowance" which*  
11 *is calculated by using any methodology not used in calculat-*  
12 *ing such "post adjustment allowance" prior to January 1,*  
13 *1984.*

14       **(120) SEC. 138.** *The Secretary of Commerce shall*  
15 *conduct a coordinated study, in cooperation with the Secre-*  
16 *tary of the Treasury and the Chairman of the Federal Trade*  
17 *Commission, of Indian artifact commercial fraud. Such*  
18 *study shall be completed no later than April 15, 1985, and a*  
19 *full report on the study results shall be made to the Commit-*  
20 *tee on Governmental Affairs of the Senate and the Energy*  
21 *and Commerce Committee of the House of Representatives.*

22       **(121) SEC. 139.** *Notwithstanding any other provision*  
23 *of this joint resolution, the following additional amounts are*  
24 *hereby appropriated for the Department of State, Adminis-*  
25 *tration of Foreign Affairs, and all to remain available until*

1 *September 30, 1986; \$18,200,000 for "Salaries and ex-*  
2 *penses"; \$28,000,000 for "Acquisition, operation, and main-*  
3 *tenance of buildings abroad"; and \$1,000,000 for "Emergen-*  
4 *cies in the diplomatic and consular service" to pay rewards*  
5 *for information concerning terrorist acts: Provided, That*  
6 *these funds shall be available only upon enactment of author-*  
7 *izing legislation: Provided further, That the Department shall*  
8 *report to the appropriate committees in Congress on the obli-*  
9 *gation of funds every thirty days from the date of enactment.*

10       **(122) SEC. 140.** (a) *Notwithstanding any other provi-*  
11 *sion of law, there are transferred to the Director of Central*  
12 *Intelligence so much of the functions of the Administrator of*  
13 *General Services and his designees under sections 1 and 2 of*  
14 *the Act of June 1, 1948 (62 Stat. 281, chapter 359; 40*  
15 *U.S.C. 318-318a) as relate to the protection of real property*  
16 *(and personal property and persons thereon) of the Central*  
17 *Intelligence Agency, except that the Director of Central In-*  
18 *telligence may not prescribe any rule or regulation authorized*  
19 *by section 2 of such Act without the approval of the Attorney*  
20 *General.*

21       (b) *The limitations on penalties contained in section 4*  
22 *of such Act shall apply with respect to functions transferred*  
23 *to the Director of Central Intelligence by subsection (a).*

24       **SEC. 141.** (a) *It is the sense of the Congress that the*  
25 *numbers, status, privileges and immunities, travel, accommo-*



1 *dations, and facilities within the United States of official*  
2 *representatives to the United States of any foreign govern-*  
3 *ment that engages in intelligence activities within the United*  
4 *States harmful to the national security of the United States*  
5 *should not exceed the respective numbers, status, privileges*  
6 *and immunities, travel, accommodations, and facilities*  
7 *within such country of official representatives of the United*  
8 *States to such country.*

9       **(b)** *Beginning one year after the date of enactment of*  
10 *this section, and at intervals of one year thereafter, the Presi-*  
11 *dent shall prepare and transmit to the Committee on Foreign*  
12 *Relations and Select Committee on Intelligence of the Senate*  
13 *and the Committee on Foreign Affairs and Permanent Select*  
14 *Committee on Intelligence of the House of Representatives a*  
15 *report on the numbers, status, privileges and immunities*  
16 *travel, accommodations, and facilities within the United*  
17 *States of official representatives to the United States of any*  
18 *foreign government that engages in intelligence activities*  
19 *within the United States harmful to the national security of*  
20 *the United States and the respective numbers, status, privi-*  
21 *leges and immunities, travel, accommodations, and facilities*  
22 *within such country of official representatives of the United*  
23 *States to such coun. and on any actions which may have*  
24 *been taken with respect thereto.*

1           (c) *Section 203 of the State Department Basic Authori-*  
2 *ties Act of 1956 (22 U.S.C. 4303) is amended—*

3           (1) *in subsection (a) by striking out the fifth sen-*  
4 *tence; and*

5           (2) *by amending subsection (b) to read as follows:*

6           “(b) *There shall also be a Deputy Director of the Office*  
7 *of Foreign Missions. Either the Director or the Deputy Di-*  
8 *rector of such Office shall be an individual who has served in*  
9 *the United States Foreign Service, while the other of the two*  
10 *shall be an individual who has served in the United States*  
11 *intelligence community.”*

12           (d) *The amendments made by subsection (c) shall apply*  
13 *only with respect to any appointment of a Director or Deputy*  
14 *Director of the Office of Foreign Missions, as the case may*  
15 *be, after the date of enactment of this section.*

16           (123) *SEC. 142. Section 401(c)(1) of Public Law 95-*  
17 *87 is amended by striking the word “and” after the words*  
18 *“in situ;” and adding the following after the word “subsidi-*  
19 *ence;”: “and establishment of self sustaining, individual*  
20 *State administered programs to insure private property*  
21 *against damages caused by land subsidence resulting from*  
22 *underground coal mining in those States which have recla-*  
23 *mation plans approved in accordance with section 503 of this*  
24 *Act: Provided, That funds used for this purpose shall not*

1 *exceed \$3,000,000 of the funds made available to any State*  
2 *under section 402(g)(2) of this Act;”.*

3 **(124) SEC. 120. Notwithstanding any provision to the**  
4 **contrary in title ~~XX~~ of the Social Security Act—**

5 **(1) the dollar figure set forth in section 2002(c)(3)**  
6 **of such Act is hereby increased to \$2,750,000,000 for**  
7 **the fiscal year 1985;**

8 **(2)(A) the additional \$50,000,000 made available**  
9 **to the States for such fiscal year pursuant to paragraph**

10 **(1)—**

11 **(i) shall be used only for the purpose of pro-**  
12 **viding training and retraining, including training**  
13 **in the prevention of child abuse in child care set-**  
14 **tings, to providers of licensed or registered child**  
15 **care services, operators and staffs (including those**  
16 **receiving in-service training) of facilities where**  
17 **licensed or registered child care services are pro-**  
18 **vided, State licensing and enforcement officials,**  
19 **and parents; and**

20 **(ii) shall be expended only to supplement the**  
21 **level of any funds that would (in the absence of**  
22 **the additional assistance resulting from this sec-**  
23 **tion) be available from other sources for the pur-**  
24 **pose specified in clause (i), and shall in no case**

1           supplant such funds from other sources or reduce  
2           the level thereof; but

3           (B) no more than one-half of the amount by which  
4           any State's allotment under section 2002 of such Act  
5           is increased as a result of paragraph (1) shall actually  
6           be paid to such State unless it has in effect procedures  
7           (established by or under State law and funded from  
8           other sources) for appropriately screening and conduct-  
9           ing background checks and criminal investigations of  
10          all providers of licensed or registered child care serv-  
11          ices and all operators and staffs of facilities where li-  
12          censed or registered child care services are provided, in  
13          accordance with standards specified in or established  
14          under State law, with the objective of protecting the  
15          children involved and assuring their safety and welfare  
16          while they are receiving child care services; and

17          (2) the determination and promulgation required  
18          by section 2002(b) of such Act with respect to the  
19          fiscal year 1985 (to take into account the preceding  
20          provisions of this section) shall be made as soon as  
21          possible after the enactment of this Act.

22          (125) SEC. 121. (a) The provisions of the bill H.R.  
23          2678 (98th Congress), as passed the House of Representa-  
24          tives on June 29, 1984, are hereby enacted.

1       (b) Section 102 of this joint resolution shall not apply  
2 with respect to the provisions enacted by this section.

3       (126) SEC. 122. Notwithstanding section 102, no  
4 funds appropriated by this or any other Act may be used for  
5 any contract to administer a civilian conservation center of  
6 the Job Corps if the administration of such center was not  
7 under contract as of September 1, 1984.

8       (127) SEC. 123. (a)(1) Section 302(b) of the District of  
9 Columbia Self-Government and Governmental Reorganiza-  
10 tion Act is amended to read as follows:

11       “(b) An amendment to the charter ratified by the regis-  
12 tered qualified electors shall take effect upon the expiration of  
13 the thirty-five-calendar-day period (excluding Saturdays,  
14 Sundays, holidays, and days on which either House of Con-  
15 gress is not in session) following the date such amendment  
16 was submitted to the Congress, or upon the date prescribed  
17 by such amendment, whichever is later, unless, during such  
18 thirty-five-day period, there has been enacted into law a joint  
19 resolution, in accordance with the procedures specified in  
20 section 604 of this Act, disapproving such amendment. In  
21 any case in which any such joint resolution disapproving such  
22 an amendment has, within such thirty-five-day period, passed  
23 both Houses of Congress and has been transmitted to the  
24 President, such resolution, upon becoming law subsequent to  
25 the expiration of such thirty-five-day period, shall be deemed  
/

1 to have repealed such amendment, as of the date such resolu-  
2 tion becomes law.”.

3 (2) The second sentence of section 602(e)(1) of such Act  
4 is amended to read as follows: “Except as provided in para-  
5 graph (2), such act shall take effect upon the expiration of the  
6 30-calendar-day period (excluding Saturdays, Sundays, and  
7 holidays, and any day on which neither House is in session  
8 because of an adjournment sine die, a recess of more than 3  
9 days, or an adjournment of more than 3 days) beginning on  
10 the day such act is transmitted by the Chairman to the  
11 Speaker of the House of Representatives and the President of  
12 the Senate, or upon the date prescribed by such act, which-  
13 ever is later, unless, during such 30-day period, there has  
14 been enacted into law a joint resolution disapproving such  
15 act. In any case in which any such joint resolution disapprov-  
16 ing such an act has, within such 30-day period, passed both  
17 Houses of Congress and has been transmitted to the Presi-  
18 dent, such resolution, upon becoming law subsequent to the  
19 expiration of such 30-day period, shall be deemed to have  
20 repealed such act, as of the date such resolution becomes  
21 law.”.

22 (3) The third sentence of section 602(e)(1) of such Act is  
23 amended by deleting “concurrent” and inserting in lieu  
24 thereof “joint”.

1       (4) The first sentence of section 602(e)(2) of such Act is  
2 amended by deleting "only if during such 30-day period one  
3 House of Congress does not adopt a resolution disapproving  
4 such act." and inserting in lieu thereof "unless, during such  
5 30-day period, there has been enacted into law a joint resolu-  
6 tion disapproving such act. In any case in which any such  
7 joint resolution disapproving such an act has, within such 30-  
8 day period, passed both Houses of Congress and has been  
9 transmitted to the President, such resolution, upon becoming  
10 law subsequent to the expiration of such 30-day period, shall  
11 be deemed to have repealed such act, as of the date such  
12 resolution becomes law."

13       (5) The second sentence of section 602(e)(2) is amended  
14 to read as follows: "The provisions of section 604, relating to  
15 an expedited procedure for consideration of joint resolutions,  
16 shall apply to a joint resolution disapproving such act as  
17 specified in this paragraph."

18       (6) Section 604(b) of such Act is amended by deleting  
19 "concurrent" and inserting in lieu thereof "joint".

20       (7) Subsections (b) and (c) of section 740 of such Act are  
21 amended by deleting in each subsection the words "resolution  
22 by either the Senate or the House of Representatives" and  
23 inserting in lieu thereof "joint resolution by the Congress".

24       (8) Section 740(d) of such Act is amended by deleting  
25 "concurrent" and inserting in lieu thereof "joint".

1       **(9) The amendments made by this subsection shall not**  
2 **be applicable with respect to any law, which was passed by**  
3 **the Council of the District of Columbia prior to the date of**  
4 **the enactment of this joint resolution, and such laws are**  
5 **hereby deemed valid, in accordance with the provisions**  
6 **thereof, notwithstanding such amendments.**

7       **(b) Part F of title VII of such Act is amended by adding**  
8 **at the end thereof the following new section:**

9                                   **“SEVERABILITY**

10       **“SEC. 762. If any particular provision of this Act, or**  
11 **the application thereof to any person or circumstance, is held**  
12 **invalid, the remainder of this Act and the application of such**  
13 **provision to other persons or circumstances shall not be af-**  
14 **ected thereby.”**

15       **(c) Section 164(a)(3) of the District of Columbia Retire-**  
16 **ment Reform Act is amended to read as follows:**

17       **“(3)(A) The Congress may reject any filing under this**  
18 **section within thirty days of such filing by enacting a joint**  
19 **resolution stating that the Congress has determined—**

20                   **“(i) that such filing is incomplete for purposes of**  
21 **this part; or**

22                   **“(ii) that there is any material qualification by an**  
23 **accountant or actuary contained in an opinion submit-**  
24 **ted pursuant to section 162(a)(3)(A) or section**  
25 **162(a)(4)(B).**



1       “(B) If the Congress rejects a filing under subparagraph  
2 (A) and if either a revised filing is not submitted within forty-  
3 five days after the enactment under subparagraph (A) reject-  
4 ing the initial filing or such revised filing is rejected by the  
5 Congress by enactment of a joint resolution within thirty  
6 days after submission of the revised filing, then the Congress  
7 may, if it deems it in the best interests of the participants,  
8 take any one or more of the following actions:

9           “(i) Retain an independent qualified public ac-  
10        countant on behalf of the participants to perform an  
11        audit.

12           “(ii) Retain an enrolled actuary on behalf of the  
13        participants to prepare an actuarial statement.

14       The Board and the Mayor shall permit any accountant or  
15       actuary so retained to inspect whatever books and records of  
16       the Fund and the retirement program are necessary for per-  
17       forming such audit or preparing such statement.

18       “(C) If a revised filing is rejected under subparagraph  
19 (B) or if a filing required under this title is not made by the  
20 date specified, no funds appropriated for the Fund with re-  
21 spect to which such filing was required as part of the Federal  
22 payment may be paid to the Fund until such time as an ac-  
23 ceptable filing is made. For purposes of this subparagraph, a  
24 filing is unacceptable if, within thirty days of its submission,

1 the Congress enacts a joint resolution disapproving such  
2 filing.”.

3 (d) Section 102 of this joint resolution shall not apply  
4 with respect to the amendments made by this section.

5 (128) SEC. 124. (a) The provisions of the bill H.R.  
6 5119 (98th Congress), as passed the House of Representa-  
7 tives on May 10, 1984, are hereby enacted.

8 (b) Section 102 of this joint resolution shall not apply  
9 with respect to the provisions enacted by this section.

## 10 TITLE II

11 This Title may be cited as the “Comprehensive Crime  
12 Control Act of 1984”.

13 SEC. 201. Section 102 of this joint resolution (H.J. Res.  
14 648) shall not apply with respect to the provisions enacted by  
15 this title.

## 16 CHAPTER I—BAIL

17 SEC. 202. This chapter may be cited as the “Bail  
18 Reform Act of 1984”.

19 SEC. 203. (a) Sections 3141 through 3151 of title 18,  
20 United States Code, are repealed and the following new sec-  
21 tions are inserted in lieu thereof:

### 22 “§ 3141. Release and detention authority generally

23 “(a) PENDING TRIAL.—A judicial officer who is author-  
24 ized to order the arrest of a person pursuant to section 3041  
25 of this title shall order that an arrested person who is brought

1 before him be released or detained, pending judicial proceed-  
2 ings, pursuant to the provisions of this chapter.

3       “(b) PENDING SENTENCE OR APPEAL.—A judicial offi-  
4 cer of a court of original jurisdiction over an offense, or a  
5 judicial officer of a Federal appellate court, shall order that,  
6 pending imposition or execution of sentence, or pending  
7 appeal of conviction or sentence, a person be released or de-  
8 tained pursuant to the provisions of this chapter.

9       “§ 3142. Release or detention of a defendant pending trial

10       “(a) IN GENERAL.—Upon the appearance before a judi-  
11 cial officer of a person charged with an offense, the judicial  
12 officer shall issue an order that, pending trial, the person  
13 be—

14               “(1) released on his personal recognizance or upon  
15 execution of an unsecured appearance bond, pursuant  
16 to the provisions of subsection (b);

17               “(2) released on a condition or combination of  
18 conditions pursuant to the provisions of subsection (c);

19               “(3) temporarily detained to permit revocation of  
20 conditional release, deportation, or exclusion pursuant  
21 to the provisions of subsection (d); or

22               “(4) detained pursuant to the provisions of subsec-  
23 tion (e).

24       “(b) RELEASE ON PERSONAL RECOGNIZANCE OR UN-  
25 SECURED APPEARANCE BOND.—The judicial officer shall

1 order the pretrial release of the person on his personal recog-  
2 nizance, or upon execution of an unsecured appearance bond  
3 in an amount specified by the court, subject to the condition  
4 that the person not commit a Federal, State, or local crime  
5 during the period of his release, unless the judicial officer  
6 determines that such release will not reasonably assure the  
7 appearance of the person as required or will endanger the  
8 safety of any other person or the community.

9       “(c) **RELEASE ON CONDITIONS.**—If the judicial officer  
10 determines that the release described in subsection (b) will  
11 not reasonably assure the appearance of the person as re-  
12 quired or will endanger the safety of any other person or the  
13 community, he shall order the pretrial release of the  
14 person—

15               “(1) subject to the condition that the person not  
16 commit a Federal, State, or local crime during the  
17 period of release; and

18               “(2) subject to the least restrictive further condi-  
19 tion, or combination of conditions, that he determines  
20 will reasonably assure the appearance of the person as  
21 required and the safety of any other person and the  
22 community, which may include the condition that the  
23 person—

24               “(A) remain in the custody of a designated  
25 person, who agrees to supervise him and to report

1 any violation of a release condition to the court, if  
2 the designated person is able reasonably to assure  
3 the judicial officer that the person will appear as  
4 required and will not pose a danger to the safety  
5 of any other person or the community;

6 “(B) maintain employment, or, if unem-  
7 ployed, actively seek employment;

8 “(C) maintain or commence an educational  
9 program;

10 “(D) abide by specified restrictions on his  
11 personal associations, place of abode, or travel;

12 “(E) avoid all contact with an alleged victim  
13 of the crime and with a potential witness who  
14 may testify concerning the offense;

15 “(F) report on a regular basis to a designat-  
16 ed law enforcement agency, pretrial services  
17 agency, or other agency;

18 “(G) comply with a specified curfew;

19 “(H) refrain from possessing a firearm, de-  
20 structive device, or other dangerous weapon;

21 “(I) refrain from excessive use of alcohol, or  
22 any use of a narcotic drug or other controlled sub-  
23 stance, as defined in section 102 of the Controlled  
24 Substances Act (21 U.S.C. 802), without a pre-  
25 scription by a licensed medical practitioner;

1           “(J) undergo available medical or psychiatric  
2           treatment, including treatment for drug or alcohol  
3           dependency, and remain in a specified institution  
4           if required for that purpose;

5           “(K) execute an agreement to forfeit upon  
6           failing to appear as required, such designated  
7           property, including money, as is reasonably neces-  
8           sary to assure the appearance of the person as re-  
9           quired, and post with the court such indicia of  
10          ownership of the property or such percentage of  
11          the money as the judicial officer may specify;

12          “(L) execute a bail bond with solvent sure-  
13          ties in such amount as is reasonably necessary to  
14          assure the appearance of the person as required;

15          “(M) return to custody for specified hours fol-  
16          lowing release for employment, schooling, or  
17          other limited purposes; and

18          “(N) satisfy any other condition that is rea-  
19          sonably necessary to assure the appearance of the  
20          person as required and to assure the safety of any  
21          other person and the community.

22          The judicial officer may not impose a financial condition that  
23          results in the pretrial detention of the person. The judicial  
24          officer may at any time amend his order to impose additional  
25          or different conditions of release.

1       “(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

2               “(1) the person—

3                       “(A) is, and was at the time the offense was committed, on—

4                               “(i) release pending trial for a felony under Federal, State, or local law;

5                               “(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

6                               “(iii) probation or parole for any offense under Federal, State, or local law; or

7                       “(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

8               “(2) the person may flee or pose a danger to any other person or the community;

9       he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of

1 the Immigration and Naturalization Service. If the official  
2 fails or declines to take the person into custody during that  
3 period, the person shall be treated in accordance with the  
4 other provisions of this section, notwithstanding the applica-  
5 bility of other provisions of law governing release pending  
6 trial or deportation or exclusion proceedings. If temporary  
7 detention is sought under paragraph (1)(B), the person has  
8 the burden of proving to the court that he is a citizen of the  
9 United States or is lawfully admitted for permanent  
10 residence.

11       “(e) DETENTION.—If, after a hearing pursuant to the  
12 provisions of subsection (f), the judicial officer finds that no  
13 condition or combination of conditions will reasonably assure  
14 the appearance of the person as required and the safety of  
15 any other person and the community, he shall order the de-  
16 tention of the person prior to trial. In a case described in  
17 (f)(1), a rebuttable presumption arises that no condition or  
18 combination of conditions will reasonably assure the safety of  
19 any other person and the community if the judge finds that—

20               “(1) the person has been convicted of a Federal  
21 offense that is described in subsection (f)(1), or of a  
22 State or local offense that would have been an offense  
23 described in subsection (f)(1) if a circumstance giving  
24 rise to Federal jurisdiction had existed;



1           “(2) the offense described in paragraph (1) was  
2 committed while the person was on release pending  
3 trial for a Federal, State, or local offense; and

4           “(3) a period of not more than five years has  
5 elapsed since the date of conviction, or the release of  
6 the person from imprisonment, for the offense described  
7 in paragraph (1), whichever is later.

8 Subject to rebuttal by the person, it shall be presumed that  
9 no condition or combination of conditions will reasonably  
10 assure the appearance of the person as required and the  
11 safety of the community if the judicial officer finds that there  
12 is probable cause to believe that the person committed an  
13 offense for which a maximum term of imprisonment of ten  
14 years or more is prescribed in the Controlled Substances Act  
15 (21 U.S.C. 801 et seq.), the Controlled Substances Import  
16 and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act  
17 of September 15, 1980 (21 U.S.C. 955a), or an offense under  
18 section 924(c) of title 18 of the United States Code.

19           “(f) DETENTION HEARING.—The judicial officer shall  
20 hold a hearing to determine whether any condition or com-  
21 bination of conditions set forth in subsection (c) will reason-  
22 ably assure the appearance of the person as required and the  
23 safety of any other person and the community in a case—

24           “(1) upon motion of the attorney for the Govern-  
25 ment, that involves—

1           “(A) a crime of violence;

2           “(B) an offense for which the maximum sen-  
3           tence is life imprisonment or death;

4           “(C) an offense for which a maximum term  
5           of imprisonment of ten years or more is prescribed  
6           in the Controlled Substances Act (21 U.S.C. 801  
7           et seq.), the Controlled Substances Import and  
8           Export Act (21 U.S.C. 951 et seq.), or section 1  
9           of the Act of September 15, 1980 (21 U.S.C.  
10          955a); or

11          “(D) any felony committed after the person  
12          had been convicted of two or more prior offenses  
13          described in subparagraphs (A) through (C), or  
14          two or more State or local offenses that would  
15          have been offenses described in subparagraphs (A)  
16          through (C) if a circumstance giving rise to Feder-  
17          al jurisdiction had existed; or

18          “(2) Upon motion of the attorney for the Govern-  
19          ment or upon the judicial officer’s own motion, that in-  
20          volves—

21                 “(A) a serious risk that the person will flee;

22                 “(B) a serious risk that the person will ob-  
23                 struct or attempt to obstruct justice, or threaten,  
24                 injure, or intimidate, or attempt to threaten,

1           injure, or intimidate, a prospective witness or  
2           juror.

3 The hearing shall be held immediately upon the person's first  
4 appearance before the judicial officer unless that person, or  
5 the attorney for the Government, seeks a continuance.  
6 Except for good cause, a continuance on motion of the person  
7 may not exceed five days, and a continuance on motion of the  
8 attorney for the Government may not exceed three days.  
9 During a continuance, the person shall be detained, and the  
10 judicial officer, on motion of the attorney for the Government  
11 or on his own motion, may order that, while in custody, a  
12 person who appears to be a narcotics addict receive a medical  
13 examination to determine whether he is an addict. At the  
14 hearing, the person has the right to be represented by coun-  
15 sel, and, if he is financially unable to obtain adequate repre-  
16 sentation, to have counsel appointed for him. The person  
17 shall be afforded an opportunity to testify, to present wit-  
18 nesses on his own behalf, to cross-examine witnesses who  
19 appear at the hearing, and to present information by proffer  
20 or otherwise. The rules concerning admissibility of evidence  
21 in criminal trials do not apply to the presentation and consid-  
22 eration of information at the hearing. The facts the judicial  
23 officer uses to support a finding pursuant to subsection (e)  
24 that no condition or combination of conditions will reasonably  
25 assure the safety of any other person and the community

1 shall be supported by clear and convincing evidence. The  
2 person may be detained pending completion of the hearing.

3       “(g) FACTORS TO BE CONSIDERED.—The judicial offi-  
4 cer shall, in determining whether there are conditions of re-  
5 lease that will reasonably assure the appearance of the  
6 person as required and the safety of any other person and the  
7 community, take into account the available information con-  
8 cerning—

9               “(1) the nature and circumstances of the offense  
10 charged, including whether the offense is a crime of vi-  
11 olence or involves a narcotic drug;

12               “(2) the weight of the evidence against the  
13 person;

14               “(3) the history and characteristics of the person,  
15 including—

16                       “(A) his character, physical and mental con-  
17 dition, family ties, employment, financial re-  
18 sources, length of residence in the community,  
19 community ties, past conduct, history relating to  
20 drug or alcohol abuse, criminal history, and record  
21 concerning appearance at court proceedings; and

22                       “(B) whether, at the time of the current of-  
23 fense or arrest, he was on probation, on parole, or  
24 on other release pending trial, sentencing, appeal,

1           or completion of sentence for an offense under  
2           Federal, State, or local law; and

3           “(4) the nature and seriousness of the danger to  
4           any person or the community that would be posed by  
5           the person’s release. In considering the conditions of  
6           release described in subsection (c)(2)(K) or (c)(2)(L), the  
7           judicial officer may upon his own motion, or shall upon  
8           the motion of the Government, conduct an inquiry into  
9           the source of the property to be designated for poten-  
10          tial forfeiture or offered as collateral to secure a bond,  
11          and shall decline to accept the designation, or the use  
12          as collateral, of property that, because of its source,  
13          will not reasonably assure the appearance of the person  
14          as required.

15          “(h) CONTENTS OF RELEASE ORDER.—In a release  
16          order issued pursuant to the provisions of subsection (b) or  
17          (c), the judicial officer shall—

18                 “(1) include a written statement that sets forth all  
19                 the conditions to which the release is subject, in a  
20                 manner sufficiently clear and specific to serve as a  
21                 guide for the person’s conduct; and

22                 “(2) advise the person of—

23                         “(A) the penalties for violating a condition of  
24                         release, including the penalties for committing an  
25                         offense while on pretrial release;

1           “(B) the consequences of violating a condi-  
2           tion of release, including the immediate issuance  
3           of a warrant for the person’s arrest; and

4           “(C) the provisions of sections 1503 of this  
5           title (relating to intimidation of witnesses, jurors,  
6           and officers of the court), 1510 (relating to ob-  
7           struction of criminal investigations), 1512 (tam-  
8           pering with a witness, victim, or an informant),  
9           and 1513 (retaliating against a witness, victim, or  
10          an informant).

11          “(i) CONTENTS OF DETENTION ORDER.—In a deten-  
12          tion order issued pursuant to the provisions of subsection (e),  
13          the judicial officer shall—

14                 “(1) include written findings of fact and a written  
15                 statement of the reasons for the detention;

16                 “(2) direct that the person be committed to the  
17                 custody of the Attorney General for confinement in a  
18                 corrections facility separate, to the extent practicable,  
19                 from persons awaiting or serving sentences or being  
20                 held in custody pending appeal;

21                 “(3) direct that the person be afforded reasonable  
22                 opportunity for private consultation with his counsel;  
23                 and

24                 “(4) direct that, on order of a court of the United  
25                 States or on request of an attorney for the Govern-

1 ment, the person in charge of the corrections facility in  
2 which the person is confined deliver the person to a  
3 United States marshal for the purpose of an appear-  
4 ance in connection with a court proceeding.

5 The judicial officer may, by subsequent order, permit the  
6 temporary release of the person, in the custody of a United  
7 States marshal or another appropriate person, to the extent  
8 that the judicial officer determines such release to be neces-  
9 sary for preparation of the person's defense or for another  
10 compelling reason.

11 "(j) PRESUMPTION OF INNOCENCE.—Nothing in this  
12 section shall be construed as modifying or limiting the pre-  
13 sumption of innocence.

14 **"§ 3143. Release or detention of a defendant pending sen-  
15 tence or appeal**

16 "(a) RELEASE OR DETENTION PENDING SENTENCE.—  
17 The judicial officer shall order that a person who has been  
18 found guilty of an offense and who is waiting imposition or  
19 execution of sentence, be detained, unless the judicial officer  
20 finds by clear and convincing evidence that the person is not  
21 likely to flee or pose a danger to the safety of any other  
22 person or the community if released pursuant to section 3142  
23 (b) or (c). If the judicial officer makes such a finding, he shall  
24 order the release of the person in accordance with the provi-  
25 sions of section 3142 (b) or (c).

1           “(b) **RELEASE OR DETENTION PENDING APPEAL BY**  
2 **THE DEFENDANT.**—The judicial officer shall order that a  
3 person who has been found guilty of an offense and sentenced  
4 to a term of imprisonment, and who has filed an appeal or a  
5 petition for a writ of certiorari, be detained, unless the judi-  
6 cial officer finds—

7           “(1) by clear and convincing evidence that the  
8 person is not likely to flee or pose a danger to the  
9 safety of any other person or the community if released  
10 pursuant to section 3142 (b) or (c); and

11           “(2) that the appeal is not for purpose of delay  
12 and raises a substantial question of law or fact likely to  
13 result in reversal or an order for a new trial.

14 If the judicial officer makes such findings, he shall order the  
15 release of the person in accordance with the provisions of  
16 section 3142 (b) or (c).

17           “(c) **RELEASE OR DETENTION PENDING APPEAL BY**  
18 **THE GOVERNMENT.**—The judicial officer shall treat a de-  
19 fendant in a case in which an appeal has been taken by the  
20 United States pursuant to the provisions of section 3731 of  
21 this title, in accordance with the provisions of section 3142,  
22 unless the defendant is otherwise subject to a release or de-  
23 tention order.

24 **“§ 3144. Release or detention of a material witness**

25           “‘If it appears from an affidavit filed by a party that the  
26 testimony of a person is material in a criminal proceeding,



1 and if it is shown that it may become impracticable to secure  
2 the presence of the person by subpoena, a judicial officer may  
3 order the arrest of the person and treat the person in accord-  
4 ance with the provisions of section 3142. No material witness  
5 may be detained because of inability to comply with any con-  
6 dition of release if the testimony of such witness can ade-  
7 quately be secured by deposition, and if further detention is  
8 not necessary to prevent a failure of justice. Release of a  
9 material witness may be delayed for a reasonable period of  
10 time until the deposition of the witness can be taken pursuant  
11 to the Federal Rules of Criminal Procedure.

12 **“§ 3145. Review and appeal of a release or detention order**

13 **“(a) REVIEW OF A RELEASE ORDER.—**If a person is  
14 ordered released by a magistrate, or by a person other than a  
15 judge of a court having original jurisdiction over the offense  
16 and other than a Federal appellate court—

17 **“(1)** the attorney for the Government may file,  
18 with the court having original jurisdiction over the of-  
19 fense, a motion for revocation of the order or amend-  
20 ment of the conditions of release; and

21 **“(2)** the person may file, with the court having  
22 original jurisdiction over the offense, a motion for  
23 amendment of the conditions of release.

24 The motion shall be determined promptly.

1           “(b) REVIEW OF A DETENTION ORDER.—If a person is  
2 ordered detained by a magistrate, or by a person other than a  
3 judge of a court having original jurisdiction over the offense  
4 and other than a Federal appellate court, the person may file,  
5 with the court having original jurisdiction over the offense, a  
6 motion for revocation or amendment of the order. The motion  
7 shall be determined promptly.

8           “(c) APPEAL FROM A RELEASE OR DETENTION  
9 ORDER.—An appeal from a release or detention order, or  
10 from a decision denying revocation or amendment of such an  
11 order, is governed by the provisions of section 1291 of title  
12 28 and section 3731 of this title. The appeal shall be deter-  
13 mined promptly.

14       **“§ 3146. Penalty for failure to appear**

15           “(a) OFFENSE.—A person commits an offense if, after  
16 having been released pursuant to this chapter—

17               “(1) he knowingly fails to appear before a court  
18 as required by the conditions of his release; or

19               “(2) he knowingly fails to surrender for service of  
20 sentence pursuant to a court order.

21           “(b) GRADING.—If the person was released—

22               “(1) in connection with a charge of, or while  
23 awaiting sentence, surrender for service of sentence, or  
24 appeal or certiorari after conviction, for—

1           “(A) an offense punishable by death, life im-  
2           prisonment, or imprisonment for a term of fifteen  
3           years or more, he shall be fined not more than  
4           \$25,000 or imprisoned for not more than ten  
5           years, or both;

6           “(B) an offense punishable by imprisonment  
7           for a term of five or more years, but less than fif-  
8           teen years, he shall be fined not more than  
9           \$10,000 or imprisoned for not more than five  
10          years, or both;

11          “(C) any other felony, he shall be fined not  
12          more than \$5,000 or imprisoned for not more  
13          than two years, or both; or

14          “(D) a misdemeanor, he shall be fined not  
15          more than \$2,000 or imprisoned for not more  
16          than one year, or both; or

17          “(2) for appearance as a material witness, he shall  
18          be fined not more than \$1,000 or imprisoned for not  
19          more than one year, or both.

20 A term of imprisonment imposed pursuant to this section  
21 shall be consecutive to the sentence of imprisonment for any  
22 other offense.

23          “(c) AFFIRMATIVE DEFENSE.—It is an affirmative de-  
24          fense to a prosecution under this section that uncontrollable  
25          circumstances prevented the person from appearing or sur-

1 rendering, and that the person did not contribute to the cre-  
2 ation of such circumstances in reckless disregard of the re-  
3 quirement that he appear or surrender, and that he appeared  
4 or surrendered as soon as such circumstances ceased to exist.

5       “(d) **DECLARATION OF FORFEITURE.**—If a person fails  
6 to appear before a court as required, and the person executed  
7 an appearance bond pursuant to section 3142(b) or is subject  
8 to the release condition set forth in section 3142 (c)(2)(K) or  
9 (c)(2)(L), the judicial officer may, regardless of whether the  
10 person has been charged with an offense under this section,  
11 declare any property designated pursuant to that section to  
12 be forfeited to the United States.

13 **“§ 3147. Penalty for an offense committed while on re-**  
14 **lease**

15       “A person convicted of an offense committed while re-  
16 leased pursuant to this chapter shall be sentenced, in addition  
17 to the sentence prescribed for the offense to—

18               “(1) a term of imprisonment of not less than two  
19 years and not more than ten years if the offense is a  
20 felony; or

21               “(2) a term of imprisonment of not less than  
22 ninety days and not more than one year if the offense  
23 is a misdemeanor.

24 A term of imprisonment imposed pursuant to this section  
25 shall be consecutive to any other sentence of imprisonment.

1 **“§ 3148. Sanctions for violation of a release condition**

2       “(a) AVAILABLE SANCTIONS.—A person who has been  
3 released pursuant to the provisions of section 3142, and who  
4 has violated a condition of his release, is subject to a revoca-  
5 tion of release, an order of detention, and a prosecution for  
6 contempt of court.

7       “(b) REVOCATION OF RELEASE.—The attorney for the  
8 Government may initiate a proceeding for revocation of an  
9 order of release by filing a motion with the district court. A  
10 judicial officer may issue a warrant for the arrest of a person  
11 charged with violating a condition of release, and the person  
12 shall be brought before a judicial officer in the district in  
13 which his arrest was ordered for a proceeding in accordance  
14 with this section. To the extent practicable, a person charged  
15 with violating the condition of his release that he not commit  
16 a Federal, State, or local crime during the period of release  
17 shall be brought before the judicial officer who ordered the  
18 release and whose order is alleged to have been violated. The  
19 judicial officer shall enter an order of revocation and deten-  
20 tion if, after a hearing, the judicial officer—

21               “(1) finds that there is—

22                       “(A) probable cause to believe that the  
23                       person has committed a Federal, State, or local  
24                       crime while on release; or

1           “(B) clear and convincing evidence that the  
2           person has violated any other condition of his re-  
3           lease; and

4           “(2) finds that—

5                   “(A) based on the factors set forth in section  
6           3142(g), there is no condition or combination of  
7           conditions of release that will assure that the  
8           person will not flee or pose a danger to the safety  
9           of any other person or the community; or

10                   “(B) the person is unlikely to abide by any  
11           condition or combination of conditions of release.

12 If there is probable cause to believe that, while on release,  
13 the person committed a Federal, State, or local felony, a re-  
14 buttable presumption arises that no condition or combination  
15 of conditions will assure that the person will not pose a  
16 danger to the safety of any other person or the community. If  
17 the judicial officer finds that there are conditions of release  
18 that will assure that the person will not flee or pose a danger  
19 to the safety of any other person or the community, and that  
20 the person will abide by such conditions, he shall treat the  
21 person in accordance with the provisions of section 3142 and  
22 may amend the conditions of release accordingly.

23           “(c) PROSECUTION FOR CONTEMPT.—The judge may  
24           commence a prosecution for contempt, pursuant to the provi-

1 sions of section 401, if the person has violated a condition of  
2 his release.

3 **“§ 3149. Surrender of an offender by a surety**

4 “A person charged with an offense, who is released  
5 upon the execution of an appearance bond with a surety, may  
6 be arrested by the surety, and if so arrested, shall be deliv-  
7 ered promptly to a United States marshal and brought before  
8 a judicial officer. The judicial officer shall determine in ac-  
9 cordance with the provisions of section 3148(b) whether to  
10 revoke the release of the person, and may absolve the surety  
11 of responsibility to pay all or part of the bond in accordance  
12 with the provisions of Rule 46 of the Federal Rules of Crimi-  
13 nal Procedure. The person so committed shall be held in offi-  
14 cial detention until released pursuant to this chapter or an-  
15 other provision of law.

16 **“§ 3150. Applicability to a case removed from a State**  
17 **court**

18 “The provisions of this chapter apply to a criminal case  
19 removed to a Federal court from a State court.”.

20 (b) Section 3154 of title 18, United States Code, is  
21 amended—

22 (1) in subsection (1), by striking out “and recom-  
23 mend appropriate release conditions for each such  
24 person” and inserting in lieu thereof “and, where ap-  
25 propriate, include a recommendation as to whether

1 such individual should be released or detained and, if  
2 release is recommended, recommend appropriate condi-  
3 tions of release"; and

4 (2) in subsection (2), by striking out "section  
5 3146(e) or section 3147" and inserting in lieu thereof  
6 "section 3145".

7 (c) Section 3156(a) of title 18, United States Code, is  
8 amended—

9 (1) by striking out "3146" and inserting in lieu  
10 thereof "3141";

11 (2) in paragraph (1)—

12 (A) by striking out "bail or otherwise" and  
13 inserting in lieu thereof "detain or"; and

14 (B) by deleting "and" at the end thereof;

15 (3) in paragraph (2), by striking out the period at  
16 the end and inserting in lieu thereof "; and";

17 (4) by adding after paragraph (2) the following  
18 new paragraphs:

19 "(3) The term 'felony' means an offense punish-  
20 able by a maximum term of imprisonment of more than  
21 one year; and

22 "(4) The term 'crime of violence' means—

23 "(A) an offense that has as an element of the  
24 offense the use, attempted use, or threatened use



1 of physical force against the person or property of  
2 another; or

3 “(B) any other offense that is a felony and  
4 that, by its nature, involves a substantial risk that  
5 physical force against the person or property of  
6 another may be used in the course of committing  
7 the offense.”; and

8 (5) in subsection (b)(1), by striking out “bail or  
9 otherwise” and inserting in lieu thereof “detain or”.

10 (d) The item relating to chapter 207 in the analysis of  
11 part II of title 18, United States Code, is amended to read as  
12 follows:

“207. Release and detention pending judicial proceedings..... 3141”.

13 (e)(1) The caption of chapter 207 is amended to read as  
14 follows:

15 **“CHAPTER 207—RELEASE AND DETENTION**  
16 **PENDING JUDICIAL PROCEEDINGS”.**

17 (2) The section analysis for chapter 207 is amended by  
18 striking out the items relating to sections 3141 through 3151  
19 and inserting in lieu thereof the following:

“3141. Release and detention authority generally.

“3142. Release or detention of a defendant pending trial.

“3143. Release or detention of a defendant pending sentence or appeal.

“3144. Release or detention of a material witness.

“3145. Review and appeal of a release or detention order.

“3146. Penalty for failure to appear.

“3147. Penalty for an offense committed while on release.

“3148. Sanctions for violation of a release condition.

“3149. Surrender of an offender by a surety.

“3150. Applicability to a case removed from a State court.”



1 (e) The section analysis is amended—

2 (1) by amending the item relating to section 3043  
3 to read as follows:

“3043. Repealed.”; and

4 (2) by adding the following new item after the  
5 item relating to section 3061:

“3062. General arrest authority for violation of release conditions.”.

6 SEC. 205. Section 3731 of title 18, United States Code,  
7 is amended by adding after the second paragraph the follow-  
8 ing new paragraph:

9 “An appeal by the United States shall lie to a court of  
10 appeals from a decision or order, entered by a district court of  
11 the United States, granting the release of a person charged  
12 with or convicted of an offense, or denying a motion for revo-  
13 cation of, or modification of the conditions of, a decision or  
14 order granting release.”.

15 SEC. 206. The second paragraph of section 3772 of title  
16 18, United States Code, is amended by striking out “bail”  
17 and inserting in lieu thereof “release pending appeal.”

18 SEC. 207. Section 4282 of title 18, United States Code,  
19 is amended—

20 (a) by striking out “and not admitted to bail” and  
21 substituting “and detained pursuant to chapter 207”;  
22 and

23 (b) by striking out “and unable to make bail”.

1           SEC. 208. Section 636 of title 28, United States Code,  
2 is amended by striking out "impose conditions of release  
3 under section 3146 of title 18" and inserting in lieu thereof  
4 "issue orders pursuant to section 3142 of title 18 concerning  
5 release or detention of persons pending trial".

6           SEC. 209. The Federal Rules of Criminal Procedure are  
7 amended as follows:

8           (a) Rule 5(c) is amended by striking out "shall admit the  
9 defendant to bail" and inserting in lieu thereof "shall detain  
10 or conditionally release the defendant".

11           (b) The second sentence of rule 15(a) is amended by  
12 striking out "committed for failure to give bail to appear to  
13 testify at a trial or hearing" and inserting in lieu thereof "de-  
14 tained pursuant to section 3144 of title 18, United States  
15 Code".

16           (c) Rule 40(f) is amended to read as follows:

17           "(f) RELEASE OR DETENTION.—If a person was previ-  
18 ously detained or conditionally released, pursuant to chapter  
19 207 of title 18, United States Code, in another district where  
20 a warrant, information or indictment issued, the Federal  
21 magistrate shall take into account the decision previously  
22 made and the reasons set forth therefor, if any, but will not  
23 be bound by that decision. If the Federal magistrate amends  
24 the release or detention decision or alters the conditions of

1 release, he shall set forth the reasons for his action in  
2 writing.”.

3 (d) Rule 46 is amended—

4 (1) in subdivision (a), by striking out “§ 3146,  
5 § 3148, or § 3149” and inserting in lieu thereof  
6 “§§ 3142 and 3144”;

7 (2) in subdivision (c), by striking out “3148” and  
8 inserting in lieu thereof “3143”;

9 (3) by amending subdivision (e)(2) to read as  
10 follows:

11 “(2) **SETTING ASIDE.**—The court may direct that a for-  
12 feiture be set aside in whole or in part, upon such conditions  
13 as the court may impose, if a person released upon execution  
14 of an appearance bond with a surety is subsequently surren-  
15 dered by the surety into custody or if it otherwise appears  
16 that justice does not require the forfeiture.”; and

17 (4) by adding the following new subdivision at the  
18 end thereof:

19 “(h) **FORFEITURE OF PROPERTY.**—

20 “Nothing in this rule or in chapter 207 of title 18,  
21 United States Code, shall prevent the court from disposing of  
22 any charge by entering an order directing forfeiture of prop-  
23 erty pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the  
24 property is an amount that would be an appropriate sentence

1 after conviction of the offense charged and if such forfeiture is  
2 authorized by statute or regulation.”.

3 (e) Rule 54(b)(3) is amended by striking out “under 18  
4 U.S.C. § 3043, and”.

5 SEC. 210. Rule 9(c) of the Federal Rules of Appellate  
6 Procedure is amended by striking out “3148” and inserting  
7 in lieu thereof “3143”, and following the word “commu-  
8 nity”, inserting “and that the appeal is not for purpose of  
9 delay and raises a substantial question of law or fact likely to  
10 result in reversal or in an order for a new trial”.

11 **CHAPTER II—SENTENCING REFORM**

12 SEC. 211. This chapter may be cited as the “Sentencing  
13 Reform Act of 1984”.

14 SEC. 212. (a) Title 18 of the United States Code is  
15 amended by—

16 (1) redesignating sections 3577, 3578, 3579,  
17 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620,  
18 and 3656 as sections 3661, 3662, 3663, 3664, 3665,  
19 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a  
20 new chapter 232 of title 18 of the United States Code,  
21 respectively;

22 (2) repealing chapters 227, 229, and 231 and sub-  
23 stituting the following new chapters:

24 **“CHAPTER 227—SENTENCES**

“Subchapter	
“A. General Provisions .....	3551
“B. Probation .....	3561

"C. Fines.....	3571
"D. Imprisonment .....	3581

**"SUBCHAPTER A—GENERAL PROVISIONS**

"Sec.

"3551. Authorized sentences.

"3552. Presentence reports.

"3553. Imposition of a sentence.

"3554. Order of criminal forfeiture.

"3555. Order of notice to victims.

"3556. Order of restitution.

"3557. Review of a sentence.

"3558. Implementation of a sentence.

"3559. Sentencing classification of offenses.

1           **"SUBCHAPTER A—GENERAL PROVISIONS**

2           **"§ 3551. Authorized sentences**

3           **"(a) IN GENERAL.—**Except as otherwise specifically  
 4 provided, a defendant who has been found guilty of an offense  
 5 described in any Federal statute, other than an Act of Con-  
 6 gress applicable exclusively in the District of Columbia or the  
 7 Uniform Code of Military Justice, shall be sentenced in ac-  
 8 cordance with the provisions of this chapter so as to achieve  
 9 the purposes set forth in subparagraphs (A) through (D) of  
 10 section 3553(a)(2) to the extent that they are applicable in  
 11 light of all the circumstances of the case.

12           **"(b) INDIVIDUALS.—**An individual found guilty of an of-  
 13 fense shall be sentenced, in accordance with the provisions of  
 14 section 3553, to—

15                   **"(1)** a term of probation as authorized by sub-  
 16 chapter B;

17                   **"(2)** a fine as authorized by subchapter C; or

1           “(3) a term of imprisonment as authorized by sub-  
2           chapter D.

3 A sentence to pay a fine may be imposed in addition to any  
4 other sentence. A sanction authorized by section 3554, 3555,  
5 or 3556 may be imposed in addition to the sentence required  
6 by this subsection.

7           “(c) ORGANIZATIONS.—An organization found guilty of  
8 an offense shall be sentenced, in accordance with the provi-  
9 sions of section 3553, to—

10           “(1) a term of probation as authorized by sub-  
11           chapter B; or

12           “(2) a fine as authorized by subchapter C.  
13 A sentence to pay a fine may be imposed in addition to a  
14 sentence to probation. A sanction authorized by section  
15 3554, 3555, or 3556 may be imposed in addition to the sen-  
16 tence required by this subsection.

17 **“§ 3552. Presentence reports**

18           “(a) PRESENTENCE INVESTIGATION AND REPORT BY  
19 PROBATION OFFICER.—A United States probation officer  
20 shall make a presentence investigation of a defendant that is  
21 required pursuant to the provisions of Rule 32(c) of the Fed-  
22 eral Rules of Criminal Procedure, and shall, before the impo-  
23 sition of sentence, report the results of the investigation to  
24 the court.



1           “(b) PRESENTENCE STUDY AND REPORT BY BUREAU  
2 OF PRISONS.—If the court, before or after its receipt of a  
3 report specified in subsection (a) or (c), desires more informa-  
4 tion than is otherwise available to it as a basis for determin-  
5 ing the sentence to be imposed on a defendant found guilty of  
6 a misdemeanor or felony, it may order a study of the defend-  
7 ant. The study shall be conducted in the local community by  
8 qualified consultants unless the sentencing judge finds that  
9 there is a compelling reason for the study to be done by the  
10 Bureau of Prisons or there are no adequate professional re-  
11 sources available in the local community to perform the  
12 study. The period of the study shall take no more than sixty  
13 days. The order shall specify the additional information that  
14 the court needs before determining the sentence to be im-  
15 posed. Such an order shall be treated for administrative pur-  
16 poses as a provisional sentence of imprisonment for the maxi-  
17 mum term authorized by section 3581(b) for the offense com-  
18 mitted. The study shall inquire into such matters as are spec-  
19 ified by the court and any other matters that the Bureau of  
20 Prisons or the professional consultants believe are pertinent  
21 to the factors set forth in section 3553(a). The period of the  
22 study may, in the discretion of the court, be extended for an  
23 additional period of not more than sixty days. By the expira-  
24 tion of the period of the study, or by the expiration of any  
25 extension granted by the court, the United States marshal

1 shall return the defendant to the court for final sentencing.  
2 The Bureau of Prisons or the professional consultants shall  
3 provide the court with a written report of the pertinent re-  
4 sults of the study and make to the court whatever recommen-  
5 dations the Bureau or the consultants believe will be helpful  
6 to a proper resolution of the case. The report shall include  
7 recommendations of the Bureau or the consultants concern-  
8 ing the guidelines and policy statements, promulgated by the  
9 Sentencing Commission pursuant to 28 U.S.C. 994(a), that  
10 they believe are applicable to the defendant's case. After re-  
11 ceiving the report and the recommendations, the court shall  
12 proceed finally to sentence the defendant in accordance with  
13 the sentencing alternatives and procedures available under  
14 this chapter.

15       “(c) PRESENTENCE EXAMINATION AND REPORT BY  
16 PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—If the  
17 court, before or after its receipt of a report specified in sub-  
18 section (a) or (b) desires more information than is otherwise  
19 available to it as a basis for determining the mental condition  
20 of the defendant, it may order that the defendant undergo a  
21 psychiatric or psychological examination and that the court  
22 be provided with a written report of the results of the exami-  
23 nation pursuant to the provisions of section 4247.

24       “(d) DISCLOSURE OF PRESENTENCE REPORTS.—The  
25 court shall assure that a report filed pursuant to this section

1 is disclosed to the defendant, the counsel for the defendant,  
2 and the attorney for the Government at least ten days prior  
3 to the date set for sentencing, unless this minimum period is  
4 waived by the defendant.

5 **“§ 3553. Imposition of a sentence**

6       “(a) **FACTORS TO BE CONSIDERED IN IMPOSING A**  
7 **SENTENCE. (129)** *The court shall impose a sentence suffi-*  
8 *cient, but not greater than necessary, to comply with the*  
9 *purposes set forth in paragraph (2) of this subsection. The*  
10 *court, in determining the particular sentence to be imposed,*  
11 *shall consider—*

12               “(1) the nature and circumstances of the offense  
13               and the history and characteristics of the defendant;

14               “(2) the need for the sentence imposed—

15                       “(A) to reflect the seriousness of the offense,  
16                       to promote respect for the law, and to provide just  
17                       punishment for the offense;

18                       “(B) to afford adequate deterrence to criminal  
19                       conduct;

20                       “(C) to protect the public from further crimes  
21                       of the defendant; and

22                       “(D) to provide the defendant with needed  
23                       educational or vocational training, medical care,  
24                       or other correctional treatment in the most effec-  
25                       tive manner;

1           “(3) the kinds of sentences available;

2           “(4) the kinds of sentence and the sentencing  
3 range established for the applicable category of offense  
4 committed by the applicable category of defendant as  
5 set forth in the guidelines that are issued by the Sen-  
6 tencing Commission pursuant to 28 U.S.C. 994(a)(1)  
7 and that are in effect on the date the defendant is  
8 sentenced;

9           “(5) any pertinent policy statement issued by the  
10 Sentencing Commission pursuant to 28 U.S.C.  
11 994(a)(2) that is in effect on the date the defendant is  
12 sentenced; and

13           “(6) the need to avoid unwarranted sentence dis-  
14 parities among defendants with similar records who  
15 have been found guilty of similar conduct.

16           “(b) APPLICATION OF GUIDELINES IN IMPOSING A  
17 SENTENCE.—The court shall impose a sentence of the kind,  
18 and within the range, referred to in subsection (a)(4) unless  
19 the court finds that an aggravating or mitigating circum-  
20 stance exists that was not adequately taken into consider-  
21 ation by the Sentencing Commission in formulating the  
22 guidelines and that should result in a sentence different from  
23 that described.

24           “(c) STATEMENT OF REASONS FOR IMPOSING A SEN-  
25 TENCE.—The court, at the time of sentencing, shall state in

1 open court the reasons for its imposition of the particular  
2 sentence, and, if the sentence—

3           “(1) is of the kind, and within the range, de-  
4           scribed in subsection (a)(4), the reason for imposing a  
5           sentence at a particular point within the range; or

6           “(2) is not of the kind, or is outside the range, de-  
7           scribed in subsection (a)(4), the specific reason for the  
8           imposition of a sentence different from that described.

9 If the sentence does not include an order of restitution, the  
10 court shall include in the statement the reason therefor. The  
11 clerk of the court shall provide a transcription of the court’s  
12 statement of reasons to the Probation System, and, if the  
13 sentence includes a term of imprisonment, to the Bureau of  
14 Prisons.

15           “(d) PRESENTENCE PROCEDURE FOR AN ORDER OF  
16 NOTICE OR RESTITUTION.—Prior to imposing an order of  
17 notice pursuant to section 3555, or an order of restitution  
18 pursuant to section 3556, the court shall give notice to the  
19 defendant and the Government that it is considering imposing  
20 such an order. Upon motion of the defendant or the Govern-  
21 ment, or on its own motion, the court shall—

22           “(1) permit the defendant and the Government to  
23           submit affidavits and written memoranda addressing  
24           matters relevant to the imposition of such an order;

1           “(2) afford counsel an opportunity in open court to  
2           address orally the appropriateness of the imposition of  
3           such an order; and

4           “(3) include in its statement of reasons pursuant  
5           to subsection (c) specific reasons underlying its deter-  
6           minations regarding the nature of such an order.

7   Upon motion of the defendant or the Government, or on its  
8   own motion, the court may in its discretion employ any addi-  
9   tional procedures that it concludes will not unduly complicate  
10   or prolong the sentencing process.

11   **“§ 3554. Order of criminal forfeiture**

12           “The court, in imposing a sentence on a defendant who  
13   has been found guilty of an offense described in section 1962  
14   of this title or in title II or III of the Comprehensive Drug  
15   Abuse Prevention and Control Act of 1970 shall order, in  
16   addition to the sentence that is imposed pursuant to the pro-  
17   visions of section 3551, that the defendant forfeit property to  
18   the United States in accordance with the provisions of section  
19   1963 of this title or section 413 of the Comprehensive Drug  
20   Abuse and Control Act of 1970.

21   **“§ 3555. Order of notice to victims**

22           “The court, in imposing a sentence on a defendant who  
23   has been found guilty of an offense involving fraud or other  
24   intentionally deceptive practices, may order, in addition to  
25   the sentence that is imposed pursuant to the provisions of

1 section 3551, that the defendant give reasonable notice and  
2 explanation of the conviction, in such form as the court may  
3 approve, to the victims of the offense. The notice may be  
4 ordered to be given by mail, by advertising in designated  
5 areas or through designated media, or by other appropriate  
6 means. In determining whether to require the defendant to  
7 give such notice, the court shall consider the factors set forth  
8 in section 3553(a) to the extent that they are applicable and  
9 shall consider the cost involved in giving the notice as it re-  
10 lates to the loss caused by the offense, and shall not require  
11 the defendant to bear the costs of notice in excess of  
12 \$20,000.

13 **“§ 3556. Order of restitution**

14 “The court, in imposing a sentence on a defendant who  
15 has been found guilty of an offense under this title, or an  
16 offense under section 902 (h), (i), (j), or (n) of the Federal  
17 Aviation Act of 1958 (49 U.S.C. 1472), may order, in addi-  
18 tion to the sentence that is imposed pursuant to the provi-  
19 sions of section 3551, that the defendant make restitution to  
20 any victim of the offense in accordance with the provisions of  
21 sections 3663 and 3664.

22 **“§ 3557. Review of a sentence**

23 “The review of a sentence imposed pursuant to section  
24 3551 is governed by the provisions of section 3742.

1 **“§ 3558. Implementation of a sentence**

2 “The implementation of a sentence imposed pursuant to  
3 section 3551 is governed by the provisions of chapter 229.

4 **“§ 3559. Sentencing classification of offenses**

5 “(a) **CLASSIFICATION.**—An offense that is not specifi-  
6 cally classified by a letter grade in the section defining it, is  
7 classified—

8 “(1) if the maximum term of imprisonment author-  
9 ized is—

10 “(A) life imprisonment, or if the maximum  
11 penalty is death, as a Class A felony;

12 “(B) twenty years or more, as a Class B  
13 felony;

14 “(C) less than twenty years but ten or more  
15 years, as a Class C felony;

16 “(D) less than ten years but five or more  
17 years, as a Class D felony;

18 “(E) less than five years but more than one  
19 year, as a Class E felony;

20 “(F) one year or less but more than six  
21 months, as a Class A misdemeanor;

22 “(G) six months or less but more than thirty  
23 days, as a Class B misdemeanor;

24 “(H) thirty days or less but more than five  
25 days, as a Class C misdemeanor; or



1                   “(I) five days or less, or if no imprisonment  
2                   is authorized, as an infraction.

3                   “(b) **EFFECT OF CLASSIFICATION.**—An offense classi-  
4                   fied under subsection (a) carries all the incidents assigned to  
5                   the applicable letter designation except that:

6                   “(1) the maximum fine that may be imposed is the  
7                   fine authorized by the statute describing the offense, or  
8                   by this chapter, whichever is the greater; and

9                   “(2) the maximum term of imprisonment is the  
10                  term authorized by the statute describing the offense.

“SUBCHAPTER B—PROBATION

“Sec.

“3561. Sentence of probation.

“3562. Imposition of a sentence of probation.

“3563. Conditions of probation.

“3564. Running of a term of probation.

“3565. Revocation of probation.

“3566. Implementation of a sentence of probation.

11                   “SUBCHAPTER B—PROBATION

12                   “§ 3561. **Sentence of probation**

13                   “(a) **IN GENERAL.**—A defendant who has been found  
14                   guilty of an offense may be sentenced to a term of probation  
15                   unless—

16                   “(1) the offense is a Class A or Class B felony;

17                   “(2) the offense is an offense for which probation  
18                   has been expressly precluded; or

19                   “(3) the defendant is sentenced at the same time  
20                   to a term of imprisonment for the same or a different  
21                   offense.

1 The liability of a defendant for any unexecuted fine or other  
2 punishment imposed as to which probation is granted shall be  
3 fully discharged by the fulfillment of the terms and conditions  
4 of probation.

5       “(b) **AUTHORIZED TERMS.**—The authorized terms of  
6 probation are—

7               “(1) for a felony, not less than one nor more than  
8 five years;

9               “(2) for a misdemeanor, not more than five years;  
10 and

11               “(3) for an infraction, not more than one year.

12 **“§ 3562. Imposition of a sentence of probation**

13       “(a) **FACTORS TO BE CONSIDERED IN IMPOSING A**  
14 **TERM OF PROBATION.**—The court, in determining whether  
15 to impose a term of probation, and, if a term of probation is  
16 to be imposed, in determining the length of the term and the  
17 conditions of probation, shall consider the factors set forth in  
18 section 3553(a) to the extent that they are applicable.

19       “(b) **EFFECT OF FINALITY OF JUDGMENT.**—Notwith-  
20 standing the fact that a sentence of probation can subse-  
21 quently be—

22               “(1) modified or revoked pursuant to the provi-  
23 sions of section 3564 or 3565;

24               “(2) corrected pursuant to the provisions of rule  
25 35 and section 3742; or

1           “(3) appealed and modified, if outside the guide-  
2           line range, pursuant to the provisions of section 3742;  
3 a judgment of conviction that includes such a sentence consti-  
4 tutes a final judgment for all other purposes.

5 **“§ 3563. Conditions of probation**

6           “(a) **MANDATORY CONDITIONS.**—The court shall pro-  
7 vide, as an explicit condition of a sentence of probation—

8           “(1) for a felony, a misdemeanor, or an infraction,  
9           that the defendant not commit another Federal, State,  
10           or local crime during the term of probation; and

11           “(2) for a felony, that the defendant also abide by  
12           at least one condition set forth in subsection (b)(2),  
13           (b)(3), or (b)(13).

14 If the court has imposed and ordered execution of a fine and  
15 placed the defendant on probation, payment of the fine or  
16 adherence to the court-established installment schedule shall  
17 be a condition of the probation.

18           “(b) **DISCRETIONARY CONDITIONS.**—The court may  
19 provide, as further conditions of a sentence of probation, to  
20 the extent that such conditions are reasonably related to the  
21 factors set forth in section 3553 (a)(1) and (a)(2) and to the  
22 extent that such conditions involve only such deprivations of  
23 liberty or property as are reasonably necessary for the pur-  
24 poses indicated in section 3553(a)(2), that the defendant—

1           “(1) support his dependents and meet other family  
2 responsibilities;

3           “(2) pay a fine imposed pursuant to the provisions  
4 of subchapter C;

5           “(3) make restitution to a victim of the offense  
6 pursuant to the provisions of section 3556;

7           “(4) give to the victims of the offense the notice  
8 ordered pursuant to the provisions of section 3555;

9           “(5) work conscientiously at suitable employment  
10 or pursue conscientiously a course of study or vocation-  
11 al training that will equip him for suitable employment;

12           “(6) refrain, in the case of an individual, from en-  
13 gaging in a specified occupation, business, or profession  
14 bearing a reasonably direct relationship to the conduct  
15 constituting the offense, or engage in such a specified  
16 occupation, business, or profession only to a stated  
17 degree or under stated circumstances;

18           “(7) refrain from frequenting specified kinds of  
19 places or from associating unnecessarily with specified  
20 persons;

21           “(8) refrain from excessive use of alcohol, or any  
22 use of a narcotic drug or other controlled substance, as  
23 defined in section 102 of the Controlled Substances  
24 Act (21 U.S.C. 802), without a prescription by a li-  
25 censed medical practitioner;

1           “(9) refrain from possessing a firearm, destructive  
device, or other dangerous weapon;

3           “(10) undergo available medical, psychiatric, or  
4           psychological treatment, including treatment for drug  
5           or alcohol dependency, as specified by the court, and  
6           remain in a specified institution if required for that  
7           purpose;

8           “(11) remain in the custody of the Bureau of Pris-  
9           ons during nights, weekends, or other intervals of time,  
10          totaling no more than the lesser of one year or the  
11          term of imprisonment authorized for the offense in sec-  
12          tion 3581(b), during the first year of the term of  
13          probation;

14          “(12) reside at, or participate in the program of, a  
15          community corrections facility for all or part of the  
16          term of probation;

17          “(13) work in community service as directed by  
18          the court;

19          “(14) reside in a specified place or area, or refrain  
20          from residing in a specified place or area;

21          “(15) remain within the jurisdiction of the court,  
22          unless granted permission to leave by the court or a  
23          probation officer;

24          “(16) report to a probation officer as directed by  
25          the court or the probation officer;

1           “(17) permit a probation officer to visit him at his  
2 home or elsewhere as specified by the court;

3           “(18) answer inquiries by a probation officer and  
4 notify the probation officer promptly of any change in  
5 address or employment;

6           “(19) notify the probation officer promptly if ar-  
7 rested or questioned by a law enforcement officer; or

8           “(20) satisfy such other conditions as the court  
9 may impose.

10          “(c) MODIFICATIONS OF CONDITIONS.—The court  
11 may, after a hearing, modify, reduce, or enlarge the condi-  
12 tions of a sentence of probation at any time prior to the expi-  
13 ration or termination of the term of probation, pursuant to  
14 the provisions applicable to the initial setting of the condi-  
15 tions of probation.

16          “(d) WRITTEN STATEMENT OF CONDITIONS.—The  
17 court shall direct that the probation officer provide the de-  
18 fendant with a written statement that sets forth all the condi-  
19 tions to which the sentence is subject, and that is sufficiently  
20 clear and specific to serve as a guide for the defendant’s con-  
21 duct and for such supervision as is required.

22          “§ 3564. Running of a term of probation

23          “(a) COMMENCEMENT.—A term of probation com-  
24 mences on the day that the sentence of probation is imposed,  
25 unless otherwise ordered by the court.

1       “(b) **CONCURRENCE WITH OTHER SENTENCES.**—Mul-  
2 tiple terms of probation, whether imposed at the same time  
3 or at different times, run concurrently with each other. A  
4 term of probation runs concurrently with any Federal, State,  
5 or local term of probation, or supervised release, or parole for  
6 another offense to which the defendant is subject or becomes  
7 subject during the term of probation, except that it does not  
8 run during any period in which the defendant is imprisoned  
9 for a period of at least 30 consecutive days<sup>8</sup> in connection  
10 with a conviction for a Federal, State, or local crime.

11       “(c) **EARLY TERMINATION.**—The court, after consider-  
12 ing the factors set forth in section 3553(a) to the extent that  
13 they are applicable, may terminate a term of probation previ-  
14 ously ordered and discharge the defendant at any time in the  
15 case of a misdemeanor or an infraction or at any time after  
16 the expiration of one year of probation in the case of a felony,  
17 if it is satisfied that such action is warranted by the conduct  
18 of the defendant and the interest of justice.

19       “(d) **EXTENSION.**—The court may, after a hearing,  
20 extend a term of probation, if less than the maximum author-  
21 ized term was previously imposed, at any time prior to the  
22 expiration or termination of the term of probation, pursuant  
23 to the provisions applicable to the initial setting of the term  
24 of probation.

1       “(e) **SUBJECT TO REVOCATION.**— A sentence of proba-  
2 tion remains conditional and subject to revocation until its  
3 expiration or termination.

4       “§ 3565. **Revocation of probation**

5       “(a) **CONTINUATION OR REVOCATION.**—If the defend-  
6 ant violates a condition of probation at any time prior to the  
7 expiration or termination of the term of probation, the court  
8 may, after a hearing pursuant to Rule 32.1 of the Federal  
9 Rules of Criminal Procedure, and after considering the fac-  
10 tors set forth in section 3553(a) to the extent that they are  
11 applicable—

12               “(1) continue him on probation, with or without  
13 extending the term of modifying or enlarging the condi-  
14 tions; or

15               “(2) revoke the sentence of probation and impose  
16 any other sentence that was available under subchapter  
17 A at the time of the initial sentencing.

18       “(b) **DELAYED REVOCATION.**—The power of the court  
19 to revoke a sentence of probation for violation of a condition  
20 of probation, and to impose another sentence, extends beyond  
21 the expiration of the term of probation for any period reason-  
22 ably necessary for the adjudication of matters arising before  
23 its expiration if, prior to its expiration, a warrant or summons  
24 has been issued on the basis of an allegation of such a  
25 violation.



1 **“§ 3566. Implementation of a sentence of probation**

2       **“The implementation of a sentence of probation is gov-**  
3 **erned by the provisions of subchapter A of chapter 229.**

**“SUBCHAPTER C—FINES**

**“Sec.**

**“3571. Sentence of fine.**

**“3572. Imposition of a sentence of fine.**

**“3573. Modification or remission of fine.**

**“3574. Implementation of a sentence of fine.**

4                   **“SUBCHAPTER C—FINES**

5 **“§ 3571. Sentence of fine**

6       **“(a) IN GENERAL.—A defendant who has been found**  
7 **guilty of an offense may be sentenced to pay a fine.**

8       **“(b) AUTHORIZED FINES.—Except as otherwise pro-**  
9 **vided in this chapter, the authorized fines are—**

10           **“(1) if the defendant is an individual—**

11                   **“(A) for a felony, or for a misdemeanor re-**  
12 **sulting in the loss of human life, not more than**  
13 **\$250,000;**

14                   **“(B) for any other misdemeanor, not more**  
15 **than \$25,000; and**

16                   **“(C) for an infraction, not more than \$1,000;**

17 **and**

18           **“(2) if the defendant is an organization—**

19                   **“(A) for a felony, or for a misdemeanor re-**  
20 **sulting in the loss of human life, not more than**  
21 **\$500,000;**

1           “(B) for any other misdemeanor, not more  
2           than \$100,000; and

3           “(C) for an infraction, not more than  
4           \$10,000.

5   **“§ 3572. Imposition of a sentence of fine**

6           “(a) **FACTORS TO BE CONSIDERED IN IMPOSING**  
7 **FINE.**—The court, in determining whether to impose a fine,  
8 and, if a fine is to be imposed, in determining the amount of  
9 the fine, the time for payment, and the method of payment,  
10 shall consider—

11           “(1) the factors set forth in section 3553(a), to the  
12 extent they are applicable, including, with regard to  
13 the characteristics of the defendant under section  
14 3553(a), the ability of the defendant to pay the fine in  
15 view of the defendant’s income, earning capacity, and  
16 financial resources and, if the defendant is an organiza-  
17 tion, the size of the organization;

18           “(2) the nature of the burden that payment of the  
19 fine will impose on the defendant, and on any person  
20 who is financially dependent upon the defendant, rela-  
21 tive to the burden which alternative punishments  
22 would impose;

23           “(3) any restitution or reparation made by the de-  
24 fendant to the victim of the offense, and any obligation

1 imposed upon the defendant to make such restitution or  
2 reparation to the victim of the offense;

3 “(4) if the defendant is an organization, any meas-  
4 ure taken by the organization to discipline its employ-  
5 ees or agents responsible for the offense or to insure  
6 against a recurrence of such an offense; and

7 “(5) any other pertinent equitable consideration.

8 “(b) **LIMIT ON AGGREGATE OF MULTIPLE FINES.**—  
9 Except as otherwise expressly provided, the aggregate of  
10 fines that a court may impose on a defendant at the same  
11 time for different offenses that arise from a common scheme  
12 or plan, and that do not cause separable or distinguishable  
13 kinds of harm or damage, is twice the amount imposable for  
14 the most serious offense.

15 “(c) **EFFECT OF FINALITY OF JUDGMENT.**—Notwith-  
16 standing the fact that a sentence to pay a fine can subse-  
17 quently be—

18 “(1) modified or remitted pursuant to the provi-  
19 sions of section 3573;

20 “(2) corrected pursuant to the provisions of rule  
21 35 and section 3742; or

22 “(3) appealed and modified, if outside the guide-  
23 line range, pursuant to the provisions of section 3742;  
24 a judgment of conviction that includes such a sentence consti-  
25 tutes a final judgment for all other purposes.

1       “(d) **TIME AND METHOD OF PAYMENT.**—Payment of a  
2 fine is due immediately unless the court, at the time of  
3 sentencing—

4               “(1) requires payment by a date certain; or

5               “(2) establishes an installment schedule, the spe-  
6 cific terms of which shall be fixed by the court.

7       “(e) **ALTERNATIVE SENTENCE PRECLUDED.**—At the  
8 time a defendant is sentenced to pay a fine, the court may not  
9 impose an alternative sentence to be served in the event that  
10 the fine is not paid.

11       “(f) **INDIVIDUAL RESPONSIBILITY FOR PAYMENT.**—If  
12 a fine is imposed on an organization, it is the duty of each  
13 individual authorized to make disbursement of the assets of  
14 the organization to pay the fine from assets of the organiza-  
15 tion. If a fine is imposed on an agent or shareholder of an  
16 organization, the fine shall not be paid, directly or indirectly,  
17 out of the assets of the organization, unless the court finds  
18 that such payment is expressly permissible under applicable  
19 State law.

20       “(g) **RESPONSIBILITY TO PROVIDE CURRENT AD-  
21 DRESS.**—At the time of imposition of the fine, the court shall  
22 order the person fined to provide the Attorney General with  
23 a current mailing address for the entire period that any part  
24 of the fine remains unpaid. Failure to provide the Attorney

1 General with a current address or a change in address shall  
2 be punishable as a contempt of court.

3 “(h) STAY OF FINE PENDING APPEALS.—Unless ex-  
4 ceptional circumstances exist, if a sentence to pay a fine is  
5 stayed pending appeal, the court granting the stay shall in-  
6 clude in such stay—

7 “(1) a requirement that the defendant, pending  
8 appeal, to deposit the entire fine amount, or the  
9 amount due under an installment schedule, during the  
10 pendency of an appeal, in an escrow account in the  
11 registry of the district court, or to give bond for the  
12 payment thereof; or

13 “(2) an order restraining the defendant from  
14 transferring or dissipating assets found to be sufficient,  
15 if sold, to meet the defendant’s fine obligation.

16 “(i) DELINQUENT FINE.—A fine is delinquent if any  
17 portion of such fine is not paid within thirty days of when it is  
18 due, including any fines to be paid pursuant to an installment  
19 schedule.

20 “(j) DEFAULT.—A fine is in default if any portion of  
21 such fine is more than ninety days delinquent. When a crimi-  
22 nal fine is in default, the entire amount is due with thirty  
23 days of notification of the default, notwithstanding any in-  
24 stallment schedule.

1 **“§ 3573. Modification or remission of fine**

2 **“(a) PETITION FOR MODIFICATION OR REMISSION.—**

3 **A defendant who has been sentenced to pay a fine, and**  
4 **who—**

5 **“(1) can show a good faith effort to comply with**  
6 **the terms of the sentence and concerning whom the**  
7 **circumstances no longer exist that warranted the impo-**  
8 **sition of the fine in the amount imposed or payment by**  
9 **the installment schedule, may at any time petition the**  
10 **court for—**

11 **“(A) an extension of the installment sched-**  
12 **ule, not to exceed two years except in case of in-**  
13 **carceration or special circumstances; or**

14 **“(B) a remission of all or part of the unpaid**  
15 **portion including interest and penalties; or**

16 **“(2) has voluntarily made restitution or reparation**  
17 **to the victim of the offense, may at any time petition**  
18 **the court for a remission of the unpaid portion of the**  
19 **fine in an amount not exceeding the amount of such**  
20 **restitution or reparation.**

21 **Any petition filed pursuant to this subsection shall be filed in**  
22 **the court in which sentence was originally imposed, unless**  
23 **that court transfers jurisdiction to another court. The peti-**  
24 **tioner shall notify the Attorney General that the petition has**  
25 **been filed within ten working days after filing. For the pur-**  
26 **poses of clause (1), unless exceptional circumstances exist, a**

1 person may be considered to have made a good faith effort to  
 2 comply with the terms of the sentence only after payment of  
 3 a reasonable portion of the fine.

4       “(b) ORDER OF MODIFICATION OR REMISSION.—If,  
 5 after the filing of a petition as provided in subsection (a), the  
 6 court finds that the circumstances warrant relief, the court  
 7 may enter an appropriate order, in which case it shall provide  
 8 the Attorney General with a copy of such order.

9       “§ 3574. Implementation of a sentence of fine

10       “The implementation of a sentence to pay a fine is gov-  
 11 erned by the provisions of subchapter B of chapter 229.

“SUBCHAPTER D—IMPRISONMENT

“Sec.

“3581. Sentence of imprisonment.

“3582. Imposition of a sentence of imprisonment.

“3583. Inclusion of a term of supervised release after imprisonment.

“3584. Multiple sentences of imprisonment.

“3585. Calculation of a term of imprisonment.

“3586. Implementation of a sentence of imprisonment.

12       “SUBCHAPTER D—IMPRISONMENT

13       “§ 3581. Sentence of imprisonment

14       “(a) IN GENERAL.—A defendant who has been found  
 15 guilty of an offense may be sentenced to a term of  
 16 imprisonment.

17       “(b) AUTHORIZED TERMS.—The authorized terms of  
 18 imprisonment are—

19               “(1) for a Class A felony, the duration of the de-  
 20 fendant’s life or any period of time;

1           “(2) for a Class B felony, not more than twenty-  
2 five years;

3           “(3) for a Class C felony, not more than twelve  
4 years;

5           “(4) for a Class D felony, not more than six  
6 years;

7           “(5) for a Class E felony, not more than three  
8 years;

9           “(6) for a Class A misdemeanor, not more than  
10 one year;

11           “(7) for a Class B misdemeanor, not more than  
12 six months;

13           “(8) for a Class C misdemeanor, not more than  
14 thirty days; and

15           “(9) for an infraction, not more than five days.

16 **“§ 3582. Imposition of a sentence of imprisonment**

17           “(a) **FACTORS TO BE CONSIDERED IN IMPOSING A**  
18 **TERM OF IMPRISONMENT.**—The court, in determining  
19 whether to impose a term of imprisonment, and, if a term of  
20 imprisonment is to be imposed, in determining the length of  
21 the term, shall consider the factors set forth in section  
22 3553(a) to the extent that they are applicable, recognizing  
23 that imprisonment is not an appropriate means of promoting  
24 correction and rehabilitation. In determining whether to  
25 make a recommendation concerning the type of prison facility



1 appropriate for the defendant, the court shall consider any  
2 pertinent policy statements issued by the Sentencing Com-  
3 mission pursuant to 28 U.S.C. 994(a)(2).

4       “(b) EFFECT OF FINALITY OF JUDGMENT.—Notwith-  
5 standing the fact that a sentence to imprisonment can subse-  
6 quently be—

7             “(1) modified pursuant to the provisions of subsec-  
8 tion (c);

9             “(2) corrected pursuant to the provisions of rule  
10 35 and section 3742; or

11            “(3) appealed and modified, if outside the guide-  
12 line range, pursuant to the provisions of section 3742;  
13 a judgment of conviction that includes such a sentence consti-  
14 tutes a final judgment for all other purposes.

15       “(c) MODIFICATION OF AN IMPOSED TERM OF IMPRIS-  
16 ONMENT.—The court may not modify a term of imprison-  
17 ment once it has been imposed except that—

18            “(1) in any case—

19               “(A) the court, upon motion of the Director  
20 of the Bureau of Prisons, may reduce the term of  
21 imprisonment, after considering the factors set  
22 forth in section 3553(a) to the extent that they  
23 are applicable, if it finds that extraordinary and  
24 compelling reasons warrant such a reduction and  
25 that such a reduction is consistent with applicable

1 policy statements issued by the Sentencing Com-  
2 mission; and

3 "(B) the court may modify an imposed term  
4 of imprisonment to the extent otherwise expressly  
5 permitted by statute or by Rule 35 of the Federal  
6 Rules of Criminal Procedure; and

7 "(2) in the case of a defendant who has been sen-  
8 tenced to a term of imprisonment based on a sentenc-  
9 ing range that has subsequently been lowered by the  
10 Sentencing Commission pursuant to 28 U.S.C. 994(n),  
11 upon motion of the defendant or the Director of the  
12 Bureau of Prisons, or on its own motion, the court  
13 may reduce the term of imprisonment, after considering  
14 the factors set forth in section 3553(a) to the extent  
15 that they are applicable, if such a reduction is consist-  
16 ent with applicable policy statements issued by the  
17 Sentencing Commission.

18 "(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL  
19 ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFEND-  
20 ERS.—The court, in imposing a sentence to a term of impris-  
21 onment upon a defendant convicted of a felony set forth in  
22 chapter 95 (racketeering) or 96 (racketeer influenced and cor-  
23 rupt organizations) of this title or in the Comprehensive Drug  
24 Abuse Prevention and Control Act of 1970 (21 U.S.C. 801  
25 et seq.), or at any time thereafter upon motion by the Direc-

1 tor of the Bureau of Prisons or a United States attorney, may  
 2 include as a part of the sentence an order that requires that  
 3 the defendant not associate or communicate with a specified  
 4 person, other than his attorney, upon a showing of probable  
 5 cause to believe that association or communication with such  
 6 person is for the purpose of enabling the defendant to control,  
 7 manage, direct, finance, or otherwise participate in an illegal  
 8 enterprise.

9 **“§ 3583. Inclusion of a term of supervised release after**  
 10 **imprisonment**

11 **“(a) IN GENERAL.—**The court, in imposing a sentence  
 12 to a term of imprisonment for a felony or a misdemeanor,  
 13 may include as a part of the sentence a requirement that the  
 14 defendant be placed on a term of supervised release after  
 15 imprisonment.

16 **“(b) AUTHORIZED TERMS OF SUPERVISED RE-**  
 17 **LEASE.—**The authorized terms of supervised release are—

18 **“(1) for a Class A or Class B felony, not more**  
 19 **than three years;**

20 **“(2) for a Class C or Class D felony, not more**  
 21 **than two years; and**

22 **“(3) for a Class E felony, or for a misdemeanor,**  
 23 **not more than one year.**

24 **“(c) FACTORS TO BE CONSIDERED IN INCLUDING A**  
 25 **TERM OF SUPERVISED RELEASE.—**The court, in determin-

1 ing whether to include a term of supervised release, and, if a  
2 term of supervised release is to be included, in determining  
3 the length of the term and the conditions of supervised re-  
4 lease, shall consider the factors set forth in section 3553  
5 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

6 “(d) CONDITIONS OF SUPERVISED RELEASE.—The  
7 court shall order, as an explicit condition of supervised re-  
8 lease, that the defendant not commit another Federal, State,  
9 or local crime during the term of supervision. The court may  
10 order, as a further condition of supervised release, to the  
11 extent that such condition—

12 “(1) is reasonably related to the factors set forth  
13 in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

14 “(2) involves no greater deprivation of liberty  
15 than is reasonably necessary for the purposes set forth  
16 in section 3553 (a)(2)(B) and (a)(2)(D); and

17 “(3) is consistent with any pertinent policy state-  
18 ments issued by the Sentencing Commission pursuant  
19 to 28 U.S.C. 994(a);

20 any condition set forth as a discretionary condition of proba-  
21 tion in section 3563 (b)(1) through (b)(10) and (b)(12) through  
22 (b)(19), and any other condition it considers to be appropriate.  
23 If an alien defendant is subject to deportation, the court may  
24 provide, as a condition of supervised release, that he be de-  
25 ported and remain outside the United States, and may order

1 that he be delivered to a duly authorized immigration official  
2 for such deportation.

3       “(e) **MODIFICATION OF TERM OR CONDITIONS.**—The  
4 court may, after considering the factors set forth in section  
5 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

6           “(1) terminate a term of supervised release previ-  
7 ously ordered and discharge the person released at any  
8 time after the expiration of one year of supervised re-  
9 lease, if it is satisfied that such action is warranted by  
10 the conduct of the person released and the interest of  
11 justice;

12           “(2) after a hearing, extend a term of supervised  
13 release if less than the maximum authorized term was  
14 previously imposed, and may modify, reduce, or en-  
15 large the conditions of supervised release, at any time  
16 prior to the expiration or termination of the term of su-  
17 pervised release, pursuant to the provisions applicable  
18 to the initial setting of the terms and conditions of  
19 post-release supervision; or

20           “(3) treat a violation of a condition of a term of  
21 supervised release as contempt of court pursuant to  
22 section 401(3) of this title.

23       “(f) **WRITTEN STATEMENT OF CONDITIONS.**—The  
24 court shall direct that the probation officer provide the de-  
25 fendant with a written statement that sets forth all the condi-

1 tions to which the term of supervised release is subject, and  
2 that is sufficiently clear and specific to serve as a guide for  
3 the defendant's conduct and for such supervision as is  
4 required.

5 **“§ 3584. Multiple sentences of imprisonment**

6 **“(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE**  
7 **TERMS.**—If multiple terms of imprisonment are imposed on a  
8 defendant at the same time, or if a term of imprisonment is  
9 imposed on a defendant who is already subject to an undis-  
10 charged term of imprisonment, the terms may run concur-  
11 rently or consecutively, except that the terms may not run  
12 consecutively for an attempt and for another offense that was  
13 the sole objective of the attempt. Multiple terms of imprison-  
14 ment imposed at the same time run concurrently unless the  
15 court orders or the statute mandates that the terms are to  
16 run consecutively. Multiple terms of imprisonment imposed at  
17 different times run consecutively unless the court orders that  
18 the terms are to run concurrently.

19 **“(b) FACTORS TO BE CONSIDERED IN IMPOSING CON-**  
20 **CURRENT OR CONSECUTIVE TERMS.**—The court, in deter-  
21 mining whether the terms imposed are to be ordered to run  
22 concurrently or consecutively, shall consider, as to each of-  
23 fense for which a term of imprisonment is being imposed, the  
24 factors set forth in section 3553(a).

1       “(c) **TREATMENT OF MULTIPLE SENTENCE AS AN AG-**  
2 **GREGATE.**—Multiple terms of imprisonment ordered to run  
3 consecutively or concurrently shall be treated for administra-  
4 tive purposes as a single, aggregate term of imprisonment.

5 **“§ 3585. Calculation of a term of imprisonment**

6       “(a) **COMMENCEMENT OF SENTENCE.**—A sentence to a  
7 term of imprisonment commences on the date the defendant  
8 is received in custody awaiting transportation to, or arrives  
9 voluntarily to commence service of sentence at, the official  
10 detention facility at which the sentence is to be served.

11       “(b) **CREDIT FOR PRIOR CUSTODY.**—A defendant shall  
12 be given credit toward the service of a term of imprisonment  
13 for any time he has spent in official detention prior to the  
14 date the sentence commences—

15               “(1) as a result of the offense for which the sen-  
16 tence was imposed; or

17               “(2) as a result of any other charge for which the  
18 defendant was arrested after the commission of the of-  
19 fense for which the sentence was imposed;

20 that has not been credited against another sentence.

21 **“§ 3586. Implementation of a sentence of imprisonment**

22       “The implementation of a sentence of imprisonment is  
23 governed by the provisions of subchapter C of chapter 229  
24 and, if the sentence includes a term of supervised release, by  
25 the provisions of subchapter A of chapter 229.

1    **“CHAPTER 229—POSTSENTENCE ADMINISTRATION**

“Subchapter	
“A. Probation .....	3601
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                  “SUBCHAPTER A—PROBATION

- “Sec.  
 “3601. Supervision of probation.  
 “3602. Appointment of probation officers.  
 “3603. Duties of probation officers.  
 “3604. Transportation of a probationer.  
 “3605. Transfer of jurisdiction over a probationer.  
 “3606. Arrest and return of a probationer.  
 “3607. Special probation and expungement procedures for drug possessor.

2                   **“SUBCHAPTER A—PROBATION**

3    **“§ 3601. Supervision of probation**

4            “A person who has been sentenced to probation pursu-  
 5 ant to the provisions of subchapter B of chapter 227, or  
 6 placed on probation pursuant to the provisions of chapter  
 7 403, or placed on supervised release pursuant to the provi-  
 8 sions of section 3583, shall, during the term imposed, be su-  
 9 pervised by a probation officer to the degree warranted by  
 10 the conditions specified by the sentencing court.

11   **“§ 3602. Appointment of probation officers**

12           “(a) APPOINTMENT.—A district court of the United  
 13 States shall appoint qualified persons to serve, with or with-  
 14 out compensation, as probation officers within the jurisdiction  
 15 and under the direction of the court making the appointment.  
 16 The court may, for cause, remove a probation officer appoint-  
 17 ed to serve with compensation, and may, in its discretion,



1 remove a probation officer appointed to serve without  
2 compensation.

3       “(b) RECORD OF APPOINTMENT.—The order of ap-  
4 pointment shall be entered on the records of the court, a copy  
5 of the order shall be delivered to the officer appointed, and a  
6 copy shall be sent to the Director of the Administrative  
7 Office of the United States Courts.

8       “(c) CHIEF PROBATION OFFICER.—If the court ap-  
9 points more than one probation officer, one may be designat-  
10 ed by the court as chief probation officer and shall direct the  
11 work of all probation officers serving in the judicial district.

12 **“§ 3603. Duties of probation officers**

13       “A probation officer shall—

14               “(a) instruct a probationer or a person on super-  
15 vised release, who is under his supervision, as to the  
16 conditions specified by the sentencing court, and pro-  
17 vide him with a written statement clearly setting forth  
18 all such conditions;

19               “(b) keep informed, to the degree required by the  
20 conditions specified by the sentencing court, as to the  
21 conduct and condition of a probationer or a person on  
22 supervised release, who is under his supervision, and  
23 report his conduct and condition to the sentencing  
24 court;

1           “(c) use all suitable methods, not inconsistent with  
2           the conditions specified by the court, to aid a proba-  
3           tioner or a person on supervised release who is under  
4           his supervision, and to bring about improvements in his  
5           conduct and condition;

6           “(d) be responsible for the supervision of any pro-  
7           bationer or a person on supervised release who is  
8           known to be within the judicial district;

9           “(e) keep a record of his work, and make such re-  
10          ports to the Director of the Administrative Office of  
11          the United States Courts as the Director may require;

12          “(f) upon request of the Attorney General or his  
13          designee, supervise and furnish information about a  
14          person within the custody of the Attorney General  
15          while on work release, furlough, or other authorized  
16          release from his regular place of confinement, or while  
17          in prerelease custody pursuant to the provisions of sec-  
18          tion 3624(c);

19          “(g) keep informed concerning the conduct, condi-  
20          tion, and compliance with any condition of probation,  
21          including the payment of a fine or restitution of each  
22          probationer under his supervision and report thereon to  
23          the court placing such person on probation and report  
24          to the court any failure of a probationer under his su-  
25          pervision to pay a fine in default within thirty days

1 after notification that it is in default so that the court  
2 may determine whether probation should be revoked;  
3 and

4 “(h) perform any other duty that the court may  
5 designate.

6 **“§ 3604. Transportation of a probationer**

7 “A court, after imposing a sentence of probation, may  
8 direct a United States marshal to furnish the probationer  
9 with—

10 “(a) transportation to the place to which he is re-  
11 quired to proceed as a condition of his probation; and

12 “(b) money, not to exceed such amount as the At-  
13 torney General may prescribe, for subsistence expenses  
14 while traveling to his destination.

15 **“§ 3605. Transfer of jurisdiction over a probationer**

16 “A court, after imposing a sentence, may transfer juris-  
17 diction over a probationer or person on supervised release to  
18 the district court for any other district to which the person is  
19 required to proceed as a condition of his probation or release,  
20 or is permitted to proceed, with the concurrence of such  
21 court. A later transfer of jurisdiction may be made in the  
22 same manner. A court to which jurisdiction is transferred  
23 under this section is authorized to exercise all powers over  
24 the probationer or releasee that are permitted by this sub-  
25 chapter or subchapter B or D of chapter 227.

1 **“§ 3606. Arrest and return of a probationer**

2        **“If there is probable cause to believe that a probationer**  
3 **or a person on supervised release has violated a condition of**  
4 **his probation or release, he may be arrested, and, upon**  
5 **arrest, shall be taken without unnecessary delay before the**  
6 **court having jurisdiction over him. A probation officer may**  
7 **make such an arrest wherever the probationer or releasee is**  
8 **found, and may make the arrest without a warrant. The**  
9 **court having supervision of the probationer or releasee, or, if**  
10 **there is no such court, the court last having supervision of**  
11 **the probationer or releasee, may issue a warrant for the**  
12 **arrest of a probationer or releasee for violation of a condition**  
13 **of release, and a probation officer or United States marshal**  
14 **may execute the warrant in the district in which the warrant**  
15 **was issued or in any district in which the probationer or re-**  
16 **leasee is found.**

17 **“§ 3607. Special probation and expungement procedures**  
18 **for drug possessors**

19        **“(a) PRE-JUDGMENT PROBATION.—If a person found**  
20 **guilty of an offense described in section 404 of the Controlled**  
21 **Substances Act (21 U.S.C. 844)—**

22                **“(1) has not, prior to the commission of such of-**  
23 **fense, been convicted of violating a Federal or State**  
24 **law relating to controlled substances; and**

25                **“(2) has not previously been the subject of a dis-**  
26 **position under this subsection;**

1 the court may, with the consent of such person, place him on  
2 probation for a term of not more than one year without enter-  
3 ing a judgment of conviction. At any time before the expira-  
4 tion of the term of probation, if the person has not violated a  
5 condition of his probation, the court may, without entering a  
6 judgment of conviction, dismiss the proceedings against the  
7 person and discharge him from probation. At the expiration  
8 of the term of probation, if the person has not violated a  
9 condition of his probation, the court shall, without entering a  
10 judgment of conviction, dismiss the proceedings against the  
11 person and discharge him from probation. If the person vio-  
12 lates a condition of his probation, the court shall proceed in  
13 accordance with the provisions of section 3565.

14       “(g) RECORD OF DISPOSITION.—A nonpublic record of  
15 a disposition under subsection (a), or a conviction that is the  
16 subject of an expungement order under subsection (c), shall  
17 be retained by the Department of Justice solely for the pur-  
18 pose of use by the courts in determining in any subsequent  
19 proceeding whether a person qualifies for the disposition pro-  
20 vided in subsection (a) or the expungement provided in sub-  
21 section (c). A disposition under subsection (a), or a conviction  
22 that is the subject of an expungement order under subsection  
23 (c), shall not be considered a conviction for the purpose of a  
24 disqualification or a disability imposed by law upon conviction  
25 of a crime, or for any other purpose.

1           “(c) **EXPUNGEMENT OF RECORD OF DISPOSITION.**—If  
2 the case against a person found guilty of an offense under  
3 section 404 of the Controlled Substances Act (21 U.S.C.  
4 844) is the subject of a disposition under subsection (a), and  
5 the person was less than twenty-one years old at the time of  
6 the offense, the court shall enter an expungement order upon  
7 the application of such person. The expungement order shall  
8 direct that there be expunged from all official records, except  
9 the nonpublic records referred to in subsection (b), all refer-  
10 ences to his arrest for the offense, the institution of criminal  
11 proceedings against him, and the results thereof. The effect  
12 of the order shall be to restore such person, in the contempla-  
13 tion of the law, to the status he occupied before such arrest  
14 or institution of criminal proceedings. A person concerning  
15 whom such an order has been entered shall not be held there-  
16 after under any provision of law to be guilty of perjury, false  
17 swearing, or making a false statement by reason of his failure  
18 to recite or acknowledge such arrests or institution of crimi-  
19 nal proceedings, or the results thereof, in response to an in-  
20 quiry made of him for any purpose.

“SUBCHAPTER B—FINES

“Sec.

“3611. Payment of a fine.

“3612. Collection of an unpaid fine.

“3613. Civil remedies for satisfaction of an unpaid fine.

“3614. Resentencing upon failure to pay a fine.

“3615. Criminal default.

**“SUBCHAPTER B—FINES**

1

**2 “§ 3611. Payment of a fine**

3 “A person who has been sentenced to pay a fine pursu-  
4 ant to the provisions of subchapter C of chapter 227 shall pay  
5 the fine immediately, or by the time and method specified by  
6 the sentencing court, to the clerk of the court. The clerk shall  
7 forward the payment to the United States Treasury.

**8 “§ 3612. Collection of an unpaid fine**

9 “(a) DISPOSITION OF PAYMENT.—The clerk shall for-  
10 ward each fine payment to the United States Treasury and  
11 shall notify the Attorney General of its receipt within ten  
12 working days.

13 “(b) CERTIFICATION OF IMPOSITION.—If a fine ex-  
14 ceeding \$100 is imposed, modified, or remitted, the sentenc-  
15 ing court shall incorporate in the order imposing, remitting,  
16 or modifying such fine, and promptly certify to the Attorney  
17 General—

18 “(1) the name of the person fined;

19 “(2) his current address;

20 “(3) the docket number of the case;

21 “(4) the amount of the fine imposed;

22 “(5) any installment schedule;

23 “(6) the nature of any modification or remission of  
24 the fine or installment schedule; and

1           “(7) the amount of the fine that is due and  
2           unpaid.

3           “(c) **RESPONSIBILITY FOR COLLECTION.**—The Attor-  
4           ney General shall be responsible for collection of an unpaid  
5           fine concerning which a certification has been issued as pro-  
6           vided in subsection (b). An order of restitution, pursuant to  
7           section 3556, does not create any right of action against the  
8           United States by the person to whom restitution is ordered to  
9           be paid.

10          “(d) **NOTIFICATION OF DELINQUENCY.**—Within ten  
11          working days after a fine is determined to be delinquent as  
12          provided in section 3572(i), the Attorney General shall notify  
13          the person whose fine is delinquent, by certified mail, to  
14          inform him that the fine is delinquent.

15          “(e) **NOTIFICATION OF DEFAULT.**—Within ten work-  
16          ing days after a fine is determined to be in default as provided  
17          in section 3572(j), the Attorney General shall notify the  
18          person defaulting, by certified mail, to inform him that the  
19          fine is in default and the entire unpaid balance, including in-  
20          terest and penalties, is due within thirty days.

21          “(f) **INTEREST, MONETARY PENALTIES FOR DELIN-**  
22          **QUENCY, AND DEFAULT.**—Upon a determination of willful  
23          nonpayment, the court may impose the following interest and  
24          monetary penalties:



1           “(1) **INTEREST.**—Notwithstanding any other pro-  
2 vision of law, interest at the rate of 1 per centum per  
3 month, or 12 per centum per year, shall be charged,  
4 beginning the thirty-first day after sentencing on the  
5 first day of each month during which any fine balance  
6 remains unpaid, including sums to be paid pursuant to  
7 an installment schedule.

8           “(2) **MONETARY PENALTIES FOR DELINQUENT**  
9 **FINES.**—Notwithstanding any other provision of law, a  
10 penalty sum equal to 10 per centum shall be charged  
11 for any portion of a criminal fine which has become de-  
12 linquent. The Attorney General may waive all or part  
13 of the penalty for good cause.

14 **“§ 3613. Civil remedies for satisfaction of an unpaid fine**

15           “(a) **LIEN.**—A fine imposed pursuant to the provisions  
16 of subchapter C of chapter 227 is a lien in favor of the United  
17 States upon all property belonging to the person fined. The  
18 lien arises at the time of the entry of the judgment and con-  
19 tinues until the liability is satisfied, remitted, or set aside, or  
20 until it becomes unenforceable pursuant to the provisions of  
21 subsection (b). On application of the person fined, the Attor-  
22 ney General shall—

23           “(1) issue a certificate of release, as described in  
24 section 6325 of the Internal Revenue Code, of any lien  
25 imposed pursuant to this section, upon his acceptance

1 of a bond described in section 6325(a)(2) of the Inter-  
2 nal Revenue Code; or

3 “(2) issue a certificate of discharge, as described  
4 in section 6325 of the Internal Revenue Code, of any  
5 part of the person’s property subject to a lien imposed  
6 pursuant to this section, upon his determination that  
7 the fair market value of that part of such property re-  
8 maining subject to and available to satisfy the lien is at  
9 least three times the amount of the fine.

10 “(b) EXPIRATION OF LIEN.—A lien becomes unen-  
11 forceable and liability to pay a fine expires—

12 “(1) twenty years after the entry of the judgment;

13 or

14 “(2) upon the death of the individual fined.

15 The period set forth in paragraph (1) may be extended, prior  
16 to its expiration, by a written agreement between the person  
17 fined and the Attorney General. The running of the period  
18 set forth in paragraph (1) is suspended during any interval for  
19 which the running of the period of limitations for collection of  
20 a tax would be suspended pursuant to section 6503(b),  
21 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal  
22 Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f),  
23 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of Octo-  
24 ber 17, 1940, 54 Stat. 1190.

1           “(c) APPLICATION OF OTHER LIEN PROVISIONS.—The  
2 provisions of sections 6323, 6331, 6332, 6334 through 6336,  
3 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424  
4 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal  
5 Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334  
6 through 6336, 6337(a), 6338 through 6343, 6901, 7402,  
7 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805)  
8 and of section 513 of the Act of October 17, 1940, 54 Stat.  
9 1190, apply to a fine and to the lien imposed by subsection  
10 (a) as if the liability of the person fined were for an internal  
11 revenue tax assessment, except to the extent that the appli-  
12 cation of such statutes is modified by regulations issued by  
13 the Attorney General to accord with differences in the nature  
14 of the liabilities. For the purposes of this subsection, refer-  
15 ences in the preceding sections of the Internal Revenue Code  
16 of 1954 to ‘the Secretary’ shall be construed to mean ‘the  
17 Attorney General,’ and references in those sections to ‘tax’  
18 shall be construed to mean ‘fine.’

19           “(d) EFFECT OF NOTICE OF LIEN.—A notice of the  
20 lien imposed by subsection (a) shall be considered a notice of  
21 lien for taxes payable to the United States for the purposes of  
22 any State or local law providing for the filing of a notice of a  
23 tax lien. The registration, recording, docketing, or indexing,  
24 in accordance with 28 U.S.C. 1962, of the judgment under  
25 which a fine is imposed shall be considered for all purposes as

1 the filing prescribed by section 6323(f)(1)(A) of the Internal  
2 Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by sub-  
3 section (c).

4       “(e) **ALTERNATIVE ENFORCEMENT.**—Notwithstanding  
5 any other provision of this section, a judgment imposing a  
6 fine may be enforced by execution against the property of the  
7 person fined in like manner as judgments in civil cases, but in  
8 no event shall liability for payment of a fine extend beyond  
9 the period specified in subsection (b).

10       “(f) **DISCHARGE OF DEBTS INAPPLICABLE.**—No dis-  
11 charge of debts pursuant to a bankruptcy proceeding shall  
12 render a lien under this section unenforceable or discharge  
13 liability to pay a fine.

14       **“§ 3614. Resentencing upon failure to pay a fine**

15       “(a) **RESENTENCING.**—Subject to the provisions of sub-  
16 section (b), if a defendant knowingly fails to pay a delinquent  
17 fine the court may resentence the defendant to any sentence  
18 which might originally have been imposed.

19       “(b) **IMPRISONMENT.**—The defendant may be sen-  
20 tenced to a term of imprisonment under subsection (a) only if  
21 the court determines that—

22               “(1) the defendant willfully refused to pay the de-  
23 linquent fine or had failed to make sufficient bona fide  
24 efforts to pay the fine; or

1           “(2) in light of the nature of the offense and the  
2 characteristics of the person, alternatives to imprison-  
3 ment are not adequate to serve the purposes of punish-  
4 ment and deterrence.

5 **“§ 3615. Criminal default**

6           “Whoever, having been sentenced to pay a fine, willful-  
7 ly fails to pay the fine, shall be fined not more than twice the  
8 amount of the unpaid balance of the fine or \$10,000, which-  
9 ever is greater, imprisoned not more than one year, or both.

**“SUBCHAPTER C—IMPRISONMENT**

“Sec.

“3621. Imprisonment of a convicted person.

“3622. Temporary release of a prisoner.

“3623. Transfer of a prisoner to State authority.

“3624. Release of a prisoner.

“3625. Inapplicability of the Administrative Procedure Act.

10           **“SUBCHAPTER C—IMPRISONMENT**

11 **“§ 3621. Imprisonment of a convicted person**

12           “(a) **COMMITMENT TO CUSTODY OF BUREAU OF PRIS-**  
13 **ONS.**—A person who has been sentenced to a term of impris-  
14 onment pursuant to the provisions of subchapter D of chapter  
15 227 shall be committed to the custody of the Bureau of Pris-  
16 ons until the expiration of the term imposed, or until earlier  
17 released for satisfactory behavior pursuant to the provisions  
18 of section 3624.

19           “(b) **PLACE OF IMPRISONMENT.**—The Bureau of Pris-  
20 ons shall designate the place of the prisoner’s imprisonment.  
21 The Bureau may designate any available penal or correction-  
22 al facility that meets minimum standards of health and habit-

1 ability established by the Bureau, whether maintained by the  
2 Federal Government or otherwise and whether within or  
3 without the judicial district in which the person was convict-  
4 ed, that the Bureau determines to be appropriate and suita-  
5 ble, considering—

6           “(1) the resources of the facility contemplated;

7           “(2) the nature and circumstances of the offense;

8           “(3) the history and characteristics of the prison-  
9 er;

10           “(4) any statement by the court that imposed the  
11 sentence—

12                   “(A) concerning the purposes for which the  
13 sentence to imprisonment was determined to be  
14 warranted; or

15                   “(B) recommending a type of penal or cor-  
16 rectional facility as appropriate; and

17           “(5) any pertinent policy statement issued by the  
18 Sentencing Commission pursuant to section 994(a)(2)  
19 of title 28.

20 The Bureau may at any time, having regard for the same  
21 matters, direct the transfer of a prisoner from one penal or  
22 correctional facility to another.

23           “(c) DELIVERY OF ORDER OF COMMITMENT.—When a  
24 prisoner, pursuant to a court order, is placed in the custody of  
25 a person in charge of a penal or correctional facility, a copy

1 of the order shall be delivered to such person as evidence of  
 2 this authority to hold the prisoner, and the original order,  
 3 with the return endorsed thereon, shall be returned to the  
 4 court that issued it.

5       “(d) **DELIVERY OF PRISONER FOR COURT APPEAR-**  
 6 **ANCES.**—The United States marshal shall, without charge,  
 7 bring a prisoner into court or return him to a prison facility  
 8 on order of a court of the United States or on written request  
 9 of an attorney for the Government.

10 **“§ 3622. Temporary release of a prisoner**

11       “The Bureau of Prisons may release a prisoner from the  
 12 place of his imprisonment for a limited period if such release  
 13 appears to be consistent with the purpose for which the sen-  
 14 tence was imposed and any pertinent policy statement issued  
 15 by the Sentencing Commission pursuant to 28 U.S.C.  
 16 994(a)(2), if such release otherwise appears to be consistent  
 17 with the public interest and if there is reasonable cause to  
 18 believe that a prisoner will honor the trust to be imposed in  
 19 him, by authorizing him, under prescribed conditions, to—

20       “(a) visit a designated place for a period not to  
 21 exceed thirty days, and then return to the same or an-  
 22 other facility, for the purpose of—

23               “(1) visiting a relative who is dying;

24               “(2) attending a funeral of a relative;

1           “(3) obtaining medical treatment not other-  
2           wise available;

3           “(4) contacting a prospective employer;

4           “(5) establishing or reestablishing family or  
5           community ties; or

6           “(6) engaging in any other significant activi-  
7           ty consistent with the public interest;

8           “(b) participate in a training or educational pro-  
9           gram in the community while continuing in official de-  
10          tention at the prison facility; or

11          “(c) work at paid employment in the community  
12          while continuing in official detention at the penal or  
13          correctional facility if—

14                 “(1) the rates of pay and other conditions of  
15                 employment will not be less than those paid or  
16                 provided for work of a similar nature in the com-  
17                 munity; and

18                 “(2) the prisoner agrees to pay to the  
19                 Bureau such costs incident to official detention as  
20                 the Bureau finds appropriate and reasonable under  
21                 all the circumstances, such costs to be collected  
22                 by the Bureau and deposited in the Treasury to  
23                 the credit of the appropriation available for such  
24                 costs at the time such collections are made.



1 **“§ 3623. Transfer of a prisoner to State authority**

2       **“The Director of the Bureau of Prisons shall order that**  
3 **a prisoner who has been charged in an indictment or informa-**  
4 **tion with, or convicted of, a State felony, be transferred to an**  
5 **official detention facility within such State prior to his release**  
6 **from a Federal prison facility if—**

7               **“(1) the transfer has been requested by the Gov-**  
8 **ernor or other executive authority of the State;**

9               **“(2) the State has presented to the Director a**  
10 **certified copy of the indictment, information, or judg-**  
11 **ment of conviction; and**

12               **“(3) the Director finds that the transfer would be**  
13 **in the public interest.**

14 **If more than one request is presented with respect to a pris-**  
15 **oner, the Director shall determine which request should re-**  
16 **ceive preference. The expenses of such transfer shall be**  
17 **borne by the State requesting the transfer.**

18 **“§ 3624. Release of a prisoner**

19               **“(a) DATE OF RELEASE.—A prisoner shall be released**  
20 **by the Bureau of Prisons on the date of the expiration of his**  
21 **term of imprisonment, less any time credited toward the serv-**  
22 **ice of his sentence as provided in subsection (b). If the date**  
23 **for a prisoner’s release falls on a Saturday, a Sunday, or a**  
24 **legal holiday at the place of confinement, the prisoner may be**  
25 **released by the Bureau on the last preceding weekday.**

1           “(b) CREDIT TOWARD SERVICE OF SENTENCE FOR  
2 SATISFACTORY BEHAVIOR.—A prisoner who is serving a  
3 term of imprisonment of more than one year, other than a  
4 term of imprisonment for the duration of his life, shall receive  
5 credit toward the service of his sentence, beyond the time  
6 served, of (130) ~~thirty-six~~ *fifty-four* days at the end of each  
7 year of his term of imprisonment, beginning after the first  
8 year of the term, unless the Bureau of Prisons determines  
9 that, during that year, he has not satisfactorily complied with  
10 such institutional disciplinary regulations as have been ap-  
11 proved by the Attorney General and issued to the prisoner. If  
12 the Bureau determines that, during that year, the prisoner  
13 has not satisfactorily complied with such institutional regula-  
14 tions, he shall receive no such credit toward service of his  
15 sentence or shall receive such lesser credit as the Bureau  
16 determines to be appropriate. The Bureau’s determination  
17 shall be made within fifteen days after the end of each year of  
18 the sentence. Such credit toward service of sentence vests at  
19 the time that it is received. Credit that has vested may not  
20 later be withdrawn, and credit that has not been earned may  
21 not later be granted. Credit for the last year or portion of a  
22 year of the term of imprisonment shall be prorated and cred-  
23 ited within the last six weeks of the sentence.

24           “(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons  
25 shall, to the extent practicable, assure that a prisoner serving

1 a term of imprisonment spends a reasonable part, not to  
2 exceed six months, of the last 10 per centum of the term to  
3 be served under conditions that will afford the prisoner a rea-  
4 sonable opportunity to adjust to and prepare for his re-entry  
5 into the community. The United States Probation System  
6 shall, to the extent practicable, offer assistance to a prisoner  
7 during such pre-release custody.

8       “(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANS-  
9 PORTATION.—Upon the release of a prisoner on the expira-  
10 tion of his term of imprisonment, the Bureau of Prisons shall  
11 furnish him with—

12               “(1) suitable clothing;

13               “(2) an amount of money, not more than \$500,  
14 determined by the Director to be consistent with the  
15 needs of the offender and the public interest, unless the  
16 Director determines that the financial position of the  
17 offender is such that no sum should be furnished; and

18               “(3) transportation to the place of his conviction,  
19 to his bona fide residence within the United States, or  
20 to such other place within the United States as may be  
21 authorized by the Director.

22       “(e) SUPERVISION AFTER RELEASE.—A prisoner  
23 whose sentence includes a term of supervised release after  
24 imprisonment shall be released by the Bureau of Prisons to  
25 the supervision of a probation officer who shall, during the

1 term imposed, supervise the person released to the degree  
2 warranted by the conditions specified by the sentencing  
3 court. The term of supervised release commences on the day  
4 the person is released from imprisonment. The term runs  
5 concurrently with any Federal, State, or local term of proba-  
6 tion or supervised release or parole for another offense to  
7 which the person is subject or becomes subject during the  
8 term of supervised release, except that it does not run during  
9 any period in which the person is imprisoned, other than  
10 during limited intervals as a condition of probation or super-  
11 vised release, in connection with a conviction for a Federal,  
12 State, or local crime. No prisoner shall be released on super-  
13 vision unless such prisoner agrees to adhere to an installment  
14 schedule, not to exceed two years except in special circum-  
15 stances, to pay for any fine imposed for the offense committed  
16 by such prisoner.

17 **“§ 3625. Inapplicability of the Administrative Procedure**  
18 **Act**

19 “The provisions of sections 554 and 555 and 701  
20 through 706 of title 5, United States Code, do not apply to  
21 the making of any determination, decision, or order under  
22 this subchapter.”;

23 (3) in section 3663 (formerly section 3579):

24 (A) by amending subsection (g) to read as  
25 follows:

1       “(g) If such defendant is placed on probation or sen-  
 2 tenced to a term of supervised release under this title, any  
 3 restitution ordered under this section shall be a condition of  
 4 such probation or supervised release. The court may revoke  
 5 probation, or modify the term or conditions of a term of su-  
 6 pervised release, or hold a defendant in contempt pursuant to  
 7 section 3583(e) if the defendant fails to comply with such  
 8 order. In determining whether to revoke probation, modify  
 9 the term or conditions of supervised release, or hold a defend-  
 10 ant serving a term of supervised release in contempt, the  
 11 court shall consider the defendant’s employment status, earn-  
 12 ing ability, financial resources, the willfulness of the defend-  
 13 ant’s failure to pay, and any other special circumstances that  
 14 may have a bearing on the defendant’s ability to pay.”; and

15               (B) by amending subsection (h) to read as  
 16 follows:

17       “(h) An order of restitution may be enforced by the  
 18 United States in the manner provided in sections 3812 and  
 19 3813 or in the same manner as a judgment in a civil action,  
 20 and by the victim named in the order to receive the restitu-  
 21 tion in the same manner as a judgment in a civil action.”;

22       (4) adding the following new section at the end of  
 23 chapter 232.

24       “§ 3673. Definitions for sentencing provisions

25       “As used in chapters 227 and 229—



"227. Sentences .....	3551
"229. Post-Sentence Administration .....	3601
"231. Repealed.....	
"232. Miscellaneous Sentencing Provisions .....	3661".

1        **SEC. 213. (a) Chapter 235 of title 18, United States**  
 2 **Code, is amended by adding the following new section at the**  
 3 **end thereof:**

4 **"§ 3742. Review of a sentence**

5        **"(a) APPEAL BY A DEFENDANT.—A defendant may file**  
 6 **a notice of appeal in the district court for review of an other-**  
 7 **wise final sentence if the sentence—**

8            **"(1) was imposed in violation of law;**

9            **"(2) was imposed as a result of an incorrect appli-**  
 10 **cation of the sentencing guidelines issued by the Sen-**  
 11 **tencing Commission pursuant to 28 U.S.C. 994(a); or**

12            **"(3) was imposed for an offense for which a sen-**  
 13 **tencing guideline has been issued by the Sentencing**  
 14 **Commission pursuant to 28 U.S.C. 994(a)(1), and the**  
 15 **sentence is greater than—**

16            **"(A) the sentence specified in the applicable**  
 17 **guideline to the extent that the sentence includes**  
 18 **a greater fine or term of imprisonment or term of**  
 19 **supervised release than the maximum established**  
 20 **in the guideline, or includes a more limiting condi-**  
 21 **tion of probation or supervised release under sec-**  
 22 **tion 3563 (b)(6) or (b)(11) than the maximum es-**  
 23 **tablished in the guideline; and**

1           “(B) the sentence specified in a plea agree-  
2           ment, if any, under Rule 11 (e)(1)(B) or (e)(1)(C)  
3           of the Federal Rules of Criminal Procedure; or

4           “(4) was imposed for an offense for which no sen-  
5           tencing guideline has been issued by the Sentencing  
6           Commission pursuant to 28 U.S.C. 994(a)(1) and is  
7           greater than the sentence specified in a plea agree-  
8           ment, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the  
9           Federal Rules of Criminal Procedure.

10          “(b) APPEAL BY THE GOVERNMENT.—The Govern-  
11          ment may file a notice of appeal in the district court for  
12          review of an otherwise final sentence if the sentence—

13                 “(1) was imposed in violation of law;

14                 “(2) was imposed as a result of an incorrect appli-  
15                 cation of the sentencing guidelines issued by the Sen-  
16                 tencing Commission pursuant to 28 U.S.C. 994(a);

17                 “(3) was imposed for an offense for which a sen-  
18                 tencing guideline has been issued by the Sentencing  
19                 Commission pursuant to 28 U.S.C. 994(a)(1), and the  
20                 sentence is less than—

21                 “(A) the sentence specified in the applicable  
22                 guideline to the extent that the sentence includes  
23                 a lesser fine or term of imprisonment or term of  
24                 supervised release than the minimum established  
25                 in the guideline, or includes a less limiting condi-



1           tion of probation or supervised release under sec-  
2           tion 3563 (b)(6) or (b)(11) than the minimum es-  
3           tablished in the guideline; and

4           “(B) the sentence specified in a plea agree-  
5           ment, if any, under Rule 11 (e)(1)(B) or (e)(1)(C)  
6           of the Federal Rules of Criminal Procedure; or

7           “(4) was imposed for an offense for which no sen-  
8           tencing guideline has been issued by the Sentencing  
9           Commission pursuant to 28 U.S.C. 994(a)(1) and is  
10          less than the sentence specified in a plea agreement, if  
11          any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal  
12          Rules of Criminal Procedure;

13         and the Attorney General or the Solicitor General personally  
14         approves the filing of the notice of appeal.

15         “(c) RECORD ON REVIEW.—If a notice of appeal is filed  
16         in the district court pursuant to subsection (a) or (b), the clerk  
17         shall certify to the court of appeals—

18                 “(1) that portion of the record in the case that is  
19                 designated as pertinent by either of the parties;

20                 “(2) the presentence report; and

21                 “(3) the information submitted during the sentenc-  
22                 ing proceeding.

23         “(d) CONSIDERATION.—Upon review of the record, the  
24         court of appeals shall determine whether the sentence—

25                 “(1) was imposed in violation of law;

1           “(2) was imposed as a result of an incorrect appli-  
2 cation of the sentencing guidelines; or

3           “(3) is outside the range of the applicable sentenc-  
4 ing guideline, and is unreasonable, having regard for—

5           “(A) the factors to be considered in imposing  
6 a sentence, as set forth in chapter 227 of this  
7 title; and

8           “(B) the reasons for the imposition of the  
9 particular sentence, as stated by the district court  
10 pursuant to the provisions of section 3553(c).

11 The court of appeals shall give due regard to the opportunity  
12 of the district court to judge the credibility of the witnesses,  
13 and shall accept the findings of fact of the district court  
14 unless they are clearly erroneous.

15           “(e) DECISION AND DISPOSITION.—If the court of ap-  
16 peals determines that the sentence—

17           “(1) was imposed in violation of law or imposed  
18 as a result of an incorrect application of the sentencing  
19 guidelines, it shall—

20           “(A) remand the case for further sentencing  
21 proceedings; or

22           “(B) correct the sentence;

23           “(2) is outside the range of the applicable sentenc-  
24 ing guideline and is unreasonable, it shall state specific  
25 reasons for its conclusions and—

1           “(A) if it determines that the sentence is too  
2 high and the appeal has been filed under subsec-  
3 tion (a), it shall set aside the sentence and—

4                   “(i) remand the case for imposition of a  
5 lesser sentence;

6                   “(ii) remand the case for further sen-  
7 tencing proceedings; or

8                   “(iii) impose a lesser sentence;

9           “(B) if it determines that the sentence is too  
10 low and the appeal has been filed under subsec-  
11 tion (b), it shall set aside the sentence and—

12                   “(i) remand the case for imposition of a  
13 greater sentence;

14                   “(ii) remand the case for further sen-  
15 tencing proceedings; or

16                   “(iii) impose a greater sentence; or

17           “(3) was not imposed in violation of law or im-  
18 posed as a result of an incorrect application of the sen-  
19 tencing guidelines, and is not unreasonable, it shall  
20 affirm the sentence.”.

21       (b) The sectional analysis of chapter 235 of title 18,  
22 United States Code, is amended by adding the following new  
23 item after the item relating to section 3741:

“3742. Review of a sentence.”.

24       SEC. 214. Chapter 403 of title 18, United States Code  
25 is amended as follows:

1 (a) Section 5037 is amended—

2 (1) by redesignating subsection (c) as subsection  
3 (d); and

4 (2) by striking out subsections (a) and (b) and in-  
5 serting the following new subsections in lieu thereof:

6 “(a) If the court finds a juvenile to be a juvenile delin-  
7 quent, the court shall hold a disposition hearing concerning  
8 the appropriate disposition no later than twenty court days  
9 after the juvenile delinquency hearing unless the court has  
10 ordered further study pursuant to subsection (e). After the  
11 disposition hearing, and after considering any pertinent policy  
12 statements promulgated by the Sentencing Commission pur-  
13 suant to 28 U.S.C. 994, the court may suspend the findings  
14 of juvenile delinquency, enter an order of restitution pursuant  
15 to section 3556, place him on probation, or commit him to  
16 official detention. With respect to release or detention pend-  
17 ing an appeal or a petition for a writ of certiorari after dispo-  
18 sition, the court shall proceed pursuant to the provisions of  
19 chapter 207.

20 “(b) The term for which probation may be ordered for a  
21 juvenile found to be a juvenile delinquent may not extend—

22 “(1) in the case of a juvenile who is less than  
23 eighteen years old, beyond the lesser of—

24 “(A) the date when the juvenile becomes  
25 twenty-one years old; or

1           “(B) the maximum term that would be au-  
2           thorized by section 3561(b) if the juvenile had  
3           been tried and convicted as an adult; or

4           “(2) in the case of a juvenile who is between  
5           eighteen and twenty-one years old, beyond the lesser  
6           of—

7           “(A) three years; or

8           “(B) the maximum term that would be au-  
9           thorized by section 3561(b) if the juvenile had  
10          been tried and convicted as an adult.

11       The provisions dealing with probation set forth in sections  
12       3563, 3564, and 3565 are applicable to an order placing a  
13       juvenile on probation.

14       “(c) The term for which official detention may be or-  
15       dered for a juvenile found to be a juvenile delinquent may not  
16       extend—

17       “(1) in the case of a juvenile who is less than  
18       eighteen years old, beyond the lesser of—

19       “(A) the date when the juvenile becomes  
20       twenty-one years old; or

21       “(B) the maximum term of imprisonment  
22       that would be authorized by section 3581(b) if the  
23       juvenile had been tried and convicted as an adult;

24       or

1           “(2) in the case of a juvenile who is between  
2           eighteen and twenty-one years old—

3                   “(A) who if convicted as an adult would be  
4           convicted of a Class A, B, or C felony, beyond  
5           five years; or

6                   “(B) in any other case beyond the lesser of—

7                           “(i) three years; or

8                           “(ii) the maximum term of imprisonment  
9           that would be authorized by section 3581(b)  
10          if the juvenile had been tried and convicted  
11          as an adult.”.

12          (b) Section 5041 is repealed.

13          (c) Section 5042 is amended by—

14                   (1) striking out “parole or” each place it appears  
15          in the caption and text; and

16                   (2) striking out “parolee or”.

17          (d) The sectional analysis is amended by striking out the  
18          items relating to sections 5041 and 5042 and inserting in lieu  
19          thereof the following:

          “5041. Repealed.

          “5042. Revocation of Probation.”.

20          SEC. 215. The Federal Rules of Criminal Procedure are  
21          amended as follows:

22                   (a) Rule 32 is amended—

23                           (1) by deleting subdivision (a)(1) and inserting in  
24          lieu thereof the following:

1       “(1) IMPOSITION OF SENTENCE.—Sentence shall be  
2 imposed without unnecessary delay, but the court may, upon  
3 a motion that is jointly filed by the defendant and by the  
4 attorney for the Government and that asserts a factor impor-  
5 tant to the sentencing determination is not capable of being  
6 resolved at that time, postpone the imposition of sentence for  
7 a reasonable time until the factor is capable of being resolved.  
8 Prior to the sentencing hearing, the court shall provide the  
9 counsel for the defendant and the attorney for the Govern-  
10 ment with notice of the probation officer’s determination,  
11 pursuant to the provisions of subdivision (c)(2)(B), of the sen-  
12 tencing classifications and sentencing guideline range be-  
13 lieved to be applicable to the case. At the sentencing hearing,  
14 the court shall afford the counsel for the defendant and the  
15 attorney for the Government an opportunity to comment  
16 upon the probation officer’s determination and on other mat-  
17 ters relating to the appropriate sentence. Before imposing  
18 sentence, the court shall also—

19               “(A) determine that the defendant and his counsel  
20 have had the opportunity to read and discuss the pre-  
21 sentence investigation report made available pursuant  
22 to subdivision (c)(3)(A) or summary thereof made avail-  
23 able pursuant to subdivision (c)(3)(B);

24               “(B) afford counsel for the defendant an opportu-  
25 nity to speak on behalf of the defendant; and

1           “(C) address the defendant personally and ask him  
2           if he wishes to make a statement in his own behalf and  
3           to present any information in mitigation of the sen-  
4           tence.

5           The attorney for the Government shall have an equivalent  
6           opportunity to speak to the court. Upon a motion that is  
7           jointly filed by the defendant and by the attorney for the  
8           Government, the court may hear in camera such a statement  
9           by the defendant, counsel for the defendant, or the attorney  
10          for the Government.”;

11           (2) in subdivision (a)(2), by adding “, including  
12          any right to appeal the sentence,” after “right to  
13          appeal” in the first sentence;

14           (3) in subdivision (a)(2), by adding “, except that  
15          the court shall advise the defendant of any right to  
16          appeal his sentence” after “nolo contendere” in the  
17          second sentence;

18           (4) by amending the first sentence of subdivision  
19          (c)(1) to read as follows:

20          “A probation officer shall make a presentence investiga-  
21          tion and report to the court before the imposition of sentence  
22          unless the court finds that there is in the record information  
23          sufficient to enable the meaningful exercise of sentencing au-  
24          thority pursuant to 18 U.S.C. 3553, and the court explains  
25          this finding on the record.”;



1           (5) by amending subdivision (c)(2) to read as fol-  
2           lows:

3           “(2) REPORT.—The report of the presentence investi-  
4           gation shall contain—

5           “(A) information about the history and character-  
6           istics of the defendant, including his prior criminal  
7           record, if any, his financial condition, and any circum-  
8           stances affecting his behavior that may be helpful in  
9           imposing sentence or in the correctional treatment of  
10          the defendant;

11          “(B) the classification of the offense and of the de-  
12          fendant under the categories established by the Sen-  
13          tencing Commission pursuant to section 994(a) of title  
14          28, that the probation officer believes to be applicable  
15          to the defendant’s case; the kinds of sentence and the  
16          sentencing range suggested for such a category of of-  
17          fense committed by such a category of defendant as set  
18          forth in the guidelines issued by the Sentencing Com-  
19          mission pursuant to 28 U.S.C. 994(a)(1); and an expla-  
20          nation by the probation officer of any factors that may  
21          indicate that a sentence of a different kind or of a dif-  
22          ferent length than one within the applicable guideline  
23          would be more appropriate under all the circumstances;

1           “(C) any pertinent policy statement issued by the  
2           Sentencing Commission pursuant to 28 U.S.C.  
3           994(a)(2);

4           “(D) verified information stated in a nonargumen-  
5           tative style containing an assessment of the financial,  
6           social, psychological, and medical impact upon, and  
7           cost to, any individual against whom the offense has  
8           been committed;

9           “(E) unless the court orders otherwise, informa-  
10          tion concerning the nature and extent of nonprison pro-  
11          grams and resources available for the defendant; and

12          “(F) such other information as may be required by  
13          the court.”;

14          (6) in subdivision (c)(3)(A), by deleting “exclusive  
15          of any recommendations as to sentence” and inserting  
16          in lieu thereof “, including the information required by  
17          subdivision (c)(2) but not including any final recommen-  
18          dation as to sentence,”;

19          (7) in subdivision (c)(3)(D), delete “or the Parole  
20          Commission”;

21          (8) in subdivision (c)(3)(F), delete “or the Parole  
22          Commission pursuant to 18 U.S.C. §§ 4205(c), 4252,  
23          5010(e), or 5037(c)” and substitute “pursuant to 18  
24          U.S.C. § 3552(b)”;

1           (9) by deleting "imposition of sentence is suspend-  
2           ed, or disposition is had under 18 U.S.C. § 4205(c),"  
3           in subdivision (d).

4           (b) Rule 35 is amended to read as follows:

5   **"Rule 35. Correction of Sentence**

6           **"(a) CORRECTION OF A SENTENCE ON REMAND.—**The  
7           court shall correct a sentence that is determined on appeal  
8           under 18 U.S.C. 3742 to have been imposed in violation of  
9           law, to have been imposed as a result of an incorrect applica-  
10          tion of the sentencing guidelines, or to be unreasonable, upon  
11          remand of the case to the court—

12                 "(1) for imposition of a sentence in accord with  
13           the findings of the court of appeals; or

14                 "(2) for further sentencing proceedings if, after  
15           such proceedings, the court determines that the origi-  
16           nal sentence was incorrect.

17           **"(b) CORRECTION OF SENTENCE FOR CHANGED CIR-**  
18           **CUMSTANCES.—**The court, on motion of the Government,  
19           may within one year after the imposition of a sentence, lower  
20           a sentence to reflect a defendant's subsequent, substantial as-  
21           sistance in the investigation or prosecution of another person  
22           who has committed an offense, to the extent that such assist-  
23           ance is a factor in applicable guidelines or policy statements  
24           issued by the Sentencing Commission pursuant to 28 U.S.C.  
25           994(a)."

1 (c) Rule 38 is amended—

2 (1) by amending the caption to read: “Stay of  
3 Execution” and deleting “(a) Stay of Execution.”;

4 (2) by deleting subdivisions (b) and (c);

5 (3) by redesignating subdivisions (a)(1) through  
6 (a)(4) as subdivisions (a) through (d), respectively;

7 (4) in subdivision (a), by adding “from the conviction  
8 or sentence” after “is taken”;

9 —(5) in the first sentence of subdivision (b), by  
10 adding “from the conviction or sentence” after “is  
—11 taken”;

12 (6) by amending subdivision (d) to read as follows:

13 “(d) PROBATION.—A sentence of probation may be  
14 stayed if an appeal from the conviction or sentence is taken.  
15 If the sentence is stayed, the court shall fix the terms of the  
16 stay.”; and

17 (7) by adding new subdivisions (e) and (f) as fol-  
18 lows:

19 “(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS,  
20 AND RESTITUTION.—A sanction imposed as part of the sen-  
21 tence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an  
22 appeal of the conviction or sentence is taken, be stayed by  
23 the district court or by the court of appeals upon such terms  
24 as the court finds appropriate. The court may issue such  
25 orders as may be reasonably necessary to ensure compliance

1 with the sanction upon disposition of the appeal, including  
2 the entering of a restraining order or an injunction or requir-  
3 ing a deposit in whole or in part of the monetary amount  
4 involved into the registry of the district court or execution of  
5 a performance bond.

6       “(f) **DISABILITIES.**—A civil or employment disability  
7 arising under a Federal statute by reason of the defendant’s  
8 conviction or sentence, may, if an appeal is taken, be stayed  
9 by the district court or by the court of appeals upon such  
10 terms as the court finds appropriate. The court may enter a  
11 restraining order or an injunction, or take any other action  
12 that may be reasonably necessary to protect the interest rep-  
13 resented by the disability pending disposition of the appeal.”.

14       (d) Rule 40 is amended by deleting “3653” in subdivi-  
15 sion (d)(1) and inserting in lieu thereof “3605”.

16       (e) Rule 54 is amended by amending the definition of  
17 “Petty offense” in subdivision (c) to read as follows: “ ‘Petty  
18 offense’ means a class B or C misdemeanor or an infrac-  
19 tion.”.

20       (f) Rule 6(e)(3)(C) is amended by adding the following  
21 subdivision:

22               “(iv) when permitted by a court at the re-  
23 quest of an attorney for the government, upon a  
24 showing that such matters may disclose a viola-  
25 tion of state criminal law, to an appropriate offi-

1           cial of a state or subdivision of a state for the pur-  
2           pose of enforcing such law.”.

3           (g) The Table of Rules that precedes Rule 1 is amended  
4 as follows:

5           (1) The item relating to Rule 35 is amended to  
6           read as follows:

“35. Correction of Sentence.

“**(a)** Correction of a sentence on remand.

“**(b)** Correction of a sentence for changed circumstances.”.

7           (2) The item relating to Rule 38 is amended to  
8           read as follows:

“38. Stay of Execution.

“**(a)** Death.

“**(b)** Imprisonment.

“**(c)** Fine.

“**(d)** Probation.

“**(e)** Criminal forfeiture, notice to victims, and restitution.

“**(f)** Disabilities.”.

9           **SEC. 216. (a)** The Rules of Procedure for the Trial of  
10 **Misdemeanors Before United States Magistrates** are amended  
11 by adding the following new rule at the end thereof:

12 **“Rule 9. Definition**

13           “As used in these rules, ‘petty offense’ means a Class B  
14 or C misdemeanor or an infraction.”.

15           **(b)** The Table of Rules that precedes Rule 1 is amended  
16 by adding at the end thereof the following new item:

“9. Definition.”.

17           **SEC. 217. (a)** Title 28 of the United States Code is  
18 amended by adding the following new chapter after chapter  
19 57:

1         **"CHAPTER 58—UNITED STATES SENTENCING**  
2                                 **COMMISSION**

"Sec.

"991. United States Sentencing Commission; establishment and purposes.

"992. Terms of office; compensation.

"993. Powers and duties of Chairman.

"994. Duties of the Commission.

"995. Powers of the Commission.

"996. Director and staff.

"997. Annual report.

"998. Definitions.

3         **"§ 991. United States Sentencing Commission; establish-**  
4                                 **ment and purposes**

5         "(a) There is established as an independent commission  
6 in the judicial branch of the United States a United States  
7 Sentencing Commission which shall consist of seven voting  
8 members and one nonvoting member. The President, after  
9 consultation with representatives of judges, prosecuting at-  
10 torneys, defense attorneys, law enforcement officials, senior  
11 citizens, victims of crime, and others interested in the crimi-  
12 nal justice process, shall appoint the voting members of the  
13 Commission, by and with the advice and consent of the  
14 Senate, one of whom shall be appointed, by and with the  
15 advice and consent of the Senate, as the Chairman. At least  
16 **(131) two** *three* of the members shall be Federal judges in  
17 regular active service selected after considering a list of six  
18 judges recommended to the President by the Judicial Confer-  
19 ence of the United States. Not more than four of the mem-  
20 bers of the Commission shall be members of the same politi-  
21 cal party. The Attorney General, or his designee, shall be an

1 ex officio, nonvoting member of the Commission. The Chair-  
2 man and members of the Commission shall be subject to re-  
3 moval from the Commission by the President only for neglect  
4 of duty or malfeasance in office or for other good cause  
5 shown.

6 “(b) The purposes of the United States Sentencing  
7 Commission are to—

8 “(1) establish sentencing policies and practices for  
9 the Federal criminal justice system that—

10 “(A) assure the meeting of the purposes of  
11 sentencing as set forth in section 3553(a)(2) of  
12 title 18, United States Code;

13 “(B) provide certainty and fairness in meet-  
14 ing the purposes of sentencing, avoiding unwar-  
15 ranted sentencing disparities among defendants  
16 with similar records who have been found guilty  
17 of similar criminal conduct while maintaining suf-  
18 ficient flexibility to permit individualized sentences  
19 when warranted by mitigating or aggravating fac-  
20 tors not taken into account in the establishment of  
21 general sentencing practices; and

22 “(C) reflect, to the extent practicable, ad-  
23 vancement in knowledge of human behavior as it  
24 relates to the criminal justice process; and



1           “(2) develop means of measuring the degree to  
2           which the sentencing, penal, and correctional practices  
3           are effective in meeting the purposes of sentencing as  
4           set forth in section 3553(a)(2) of title 18, United States  
5           Code.

6   **“§ 992. Terms of office; compensation**

7           “(a) The voting members of the United States Sentenc-  
8           ing Commission shall be appointed for six-year terms, except  
9           that the initial terms of the first members of the Commission  
10          shall be staggered so that—

11           “(1) two members, including the Chairman, serve  
12          terms of six years;

13           “(2) three members serve terms of four years; and

14           “(3) two members serve terms of two years.

15           “(b) No voting member may serve more than two full  
16          terms. A voting member appointed to fill a vacancy that  
17          occurs before the expiration of the term for which his prede-  
18          cessor was appointed shall be appointed only for the remain-  
19          der of such term.

20           “(c) The Chairman of the Commission shall hold a full-  
21          time position and shall be compensated during the term of  
22          office at the annual rate at which judges of the United States  
23          courts of appeals are compensated. The voting members of  
24          the Commission, other than the Chairman, shall hold full-  
25          time positions until the end of the first six years after the

1 sentencing guidelines go into effect pursuant to section  
2 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and  
3 shall be compensated at the annual rate at which judges of  
4 the United States courts of appeals are compensated. There-  
5 after, the voting members of the Commission, other than the  
6 Chairman, shall hold part-time positions and shall be paid at  
7 the daily rate at which judges of the United States courts of  
8 appeals are compensated. A Federal judge may serve as a  
9 member of the Commission without resigning his appoint-  
10 ment as a Federal judge.

11 **“§ 993. Powers and duties of Chairman**

12 “The Chairman shall—

13 “(a) call and preside at meetings of the Commis-  
14 sion, which shall be held for at least two weeks in each  
15 quarter after the members of the Commission hold  
16 part-time positions; and

17 “(b) direct—

18 “(1) the preparation of requests for appro-  
19 priations for the Commission; and

20 “(2) the use of funds made available to the  
21 Commission.

22 **“§ 994. Duties of the Commission**

23 “(a) The Commission, by affirmative vote of at least  
24 four members of the Commission, and pursuant to its rules  
25 and regulations and consistent with all pertinent provisions of

1 this title and title 18, United States Code, shall promulgate  
2 and distribute to all courts of the United States and to the  
3 United States Probation System—

4 “(1) guidelines, as described in this section, for  
5 use of a sentencing court in determining the sentence  
6 to be imposed in a criminal case, including—

7 “(A) a determination whether to impose a  
8 sentence to probation, a fine, or a term of impris-  
9 onment;

10 “(B) a determination as to the appropriate  
11 amount of a fine or the appropriate length of a  
12 term of probation or a term of imprisonment;

13 “(C) a determination whether a sentence to a  
14 term of imprisonment should include a require-  
15 ment that the defendant be placed on a term of  
16 supervised release after imprisonment, and, if so,  
17 the appropriate length of such a term; and

18 “(D) a determination whether multiple sen-  
19 tences to terms of imprisonment should be ordered  
20 to run concurrently or consecutively;

21 “(2) general policy statements regarding applica-  
22 tion of the guidelines or any other aspect of sentencing  
23 or sentence implementation that in the view of the  
24 Commission would further the purposes set forth in

1 section 3553(a)(2) of title 18, United States Code, in-  
2 cluding the appropriate use of—

3 “(A) the sanctions set forth in sections 3554,  
4 3555, and 3556 of title 18;

5 “(B) the conditions of probation and super-  
6 vised release set forth in sections 3563(b) and  
7 3583(d) of title 18;

8 “(C) the sentence modification provisions set  
9 forth in sections 3563(c), 3573, and 3582(c) of  
10 title 18;

11 “(D) the authority granted under rule  
12 11(e)(2) of the Federal Rules of Criminal Proce-  
13 dure to accept or reject a plea agreement entered  
14 into pursuant to rule 11(e)(1); and

15 “(E) the temporary release provisions set  
16 forth in section 3622 of title 18, and the pre-  
17 release custody provisions set forth in section  
18 3624(c) of title 18; and

19 “(3) guidelines or general policy statements re-  
20 garding the appropriate use of the probation revocation  
21 provisions set forth in section 3565 of title 18, and the  
22 provisions for modification of the term or conditions of  
23 probation or supervised release set forth in sections  
24 3563(c), 3564(d), and 3583(e) of title 18.

1       “(b) The Commission, in the guidelines promulgated  
2 pursuant to subsection (a)(1), shall, for each category of of-  
3 fense involving each category of defendant, establish a sen-  
4 tencing range that is consistent with all pertinent provisions  
5 of title 18, United States Code. If a sentence specified by the  
6 guidelines includes a term of imprisonment, the maximum of  
7 the range established for such a term shall not exceed the  
8 minimum of that range by more than 25 per centum.

9       “(c) The Commission, in establishing categories of of-  
10 fenses for use in the guidelines and policy statements govern-  
11 ing the imposition of sentences of probation, a fine, or impris-  
12 onment, governing the imposition of other authorized sanc-  
13 tions, governing the size of a fine or the length of a term of  
14 probation, imprisonment, or supervised release, and govern-  
15 ing the conditions of probation, supervised release, or impris-  
16 onment, shall consider whether the following matters, among  
17 others, have any relevance to the nature, extent, place of  
18 service, or other incidents of an appropriate sentence, and  
19 shall take them into account only to the extent that they do  
20 have relevance—

21               “(1) the grade of the offense;

22               “(2) the circumstances under which the offense  
23 was committed which mitigate or aggravate the seri-  
24 ousness of the offense;

1           “(3) the nature and degree of the harm caused by  
2           the offense, including whether it involved property, ir-  
3           replaceable property, a person, a number of persons, or  
4           a breach of public trust;

5           “(4) the community view of the gravity of the of-  
6           fense;

7           “(5) the public concern generated by the offense;

8           “(6) the deterrent effect a particular sentence may  
9           have on the commission of the offense by others; and

10           “(7) the current incidence of the offense in the  
11           community and in the Nation as a whole.

12           “(d) The Commission in establishing categories of de-  
13           fendants for use in the guidelines and policy statements gov-  
14           erning the imposition of sentences of probation, a fine, or  
15           imprisonment, governing the imposition of other authorized  
16           sanctions, governing the size of a fine or the length of a term  
17           of probation, imprisonment, or supervised release, and gov-  
18           erning the conditions of probation, supervised release, or im-  
19           prisonment, shall consider whether the following matters,  
20           among others, with respect to a defendant, have any rel-  
21           evance to the nature, extent, place of service, or other inci-  
22           dents of an appropriate sentence, and shall take them into  
23           account only to the extent that they do have relevance—

24           “(1) age;

25           “(2) education;

1           “(3) vocational skills;

2           “(4) mental and emotional condition to the extent  
3 that such condition mitigates the defendant’s culpability  
4 or to the extent that such condition is otherwise plainly  
5 relevant;

6           “(5) physical condition, including drug depend-  
7 ence;

8           “(6) previous employment record;

9           “(7) family ties and responsibilities;

10          “(8) community ties;

11          “(9) role in the offense;

12          “(10) criminal history; and

13          “(11) degree of dependence upon criminal activity  
14 for a livelihood.

15 The Commission shall assure that the guidelines and policy  
16 statements are entirely neutral as to the race, sex, national  
17 origin, creed, and socioeconomic status of offenders.

18          “(e) The Commission shall assure that the guidelines  
19 and policy statements, in recommending a term of imprison-  
20 ment or length of a term of imprisonment, reflect the general  
21 inappropriateness of considering the education, vocational  
22 skills, employment record, family ties and responsibilities,  
23 and community ties of the defendant.

24          “(f) The Commission, in promulgating guidelines pursu-  
25 ant to subsection (a)(1), shall promote the purposes set forth

1 in section 991(b)(1), with particular attention to the require-  
2 ments of subsection 991(b)(1)(B) for providing certainty and  
3 fairness in sentencing and reducing unwarranted sentence  
4 disparities.

5       “(g) The Commission, in promulgating guidelines pursu-  
6 ant to subsection (a)(1) to meet the purposes of sentencing as  
7 set forth in section 3553(a)(2) of title 18, United States Code,  
8 shall take into account the nature and capacity of the penal,  
9 correctional, and other facilities and services available, and  
10 shall make recommendations concerning any change or ex-  
11 pansion in the nature or capacity of such facilities and serv-  
12 ices that might become necessary as a result of the guidelines  
13 promulgated pursuant to the provisions of this chapter.  
14 **(132)** *The sentencing guidelines prescribed under this chap-*  
15 *ter shall be formulated to minimize the likelihood that the*  
16 *Federal prison population will exceed the capacity of the*  
17 *Federal prisons, as determined by the Commission.*

18       “(h) The Commission shall assure that the guidelines  
19 will specify a sentence to a term of imprisonment at or near  
20 the maximum term authorized by section 3581(b) of title 18,  
21 United States Code, for categories of defendants in which the  
22 defendant is eighteen years old or older and—

23               “(1) has been convicted of a felony that is—

24                       “(A) a crime of violence; or



1           “(B) an offense described in section 401 of  
2           the Controlled Substances Act (21 U.S.C. 841),  
3           sections 1002(a), 1005, and 1009 of the Con-  
4           trolled Substances Import and Export Act (21  
5           U.S.C. 952(a), 955, and 959), and section 1 of  
6           the Act of September 15, 1980 (21 U.S.C. 955a);  
7           and

8           “(2) has previously been convicted of two or more  
9           prior felonies, each of which is—

10           “(A) a crime of violence; or

11           “(B) an offense described in section 401 of  
12           the Controlled Substances Act (21 U.S.C. 841),  
13           sections 1002(a), 1005, and 1009 of the Con-  
14           trolled Substances Import and Export Act (21  
15           U.S.C. 952(a), 955, and 959), and section 1 of  
16           the Act of September 15, 1980 (21 U.S.C. 955a).

17           “(i) The Commission shall assure that the guidelines  
18           will specify a sentence to a substantial term of imprisonment  
19           for categories of defendants in which the defendant—

20           “(1) has a history of two or more prior Federal,  
21           State, or local felony convictions for offenses commit-  
22           ted on different occasions;

23           “(2) committed the offense as part of a pattern of  
24           criminal conduct from which he derived a substantial  
25           portion of his income;

1           “(3) committed the offense in furtherance of a  
2           conspiracy with three or more persons engaging in a  
3           pattern of racketeering activity in which the defendant  
4           participated in a managerial or supervisory capacity;

5           “(4) committed a crime of violence that consti-  
6           tutes a felony while on release pending trial, sentence,  
7           or appeal from a Federal, State, or local felony for  
8           which he was ultimately convicted; or

9           “(5) committed a felony that is set forth in section  
10          401 or 1010 of the Comprehensive Drug Abuse Pre-  
11          vention and Control Act of 1970 (21 U.S.C. 841 and  
12          960), and that involved trafficking in a substantial  
13          quantity of a controlled substance.

14          “(j) The Commission shall insure that the guidelines re-  
15          flect the general appropriateness of imposing a sentence  
16          other than imprisonment in cases in which the defendant is a  
17          first offender who has not been convicted of a crime of vio-  
18          lence or an otherwise serious offense, and the general appro-  
19          priateness of imposing a term of imprisonment on a person  
20          convicted of a crime of violence that results in serious bodily  
21          injury.

22          “(k) The Commission shall insure that the guidelines re-  
23          flect the inappropriateness of imposing a sentence to a term  
24          of imprisonment for the purpose of rehabilitating the defend-  
25          ant or providing the defendant with needed educational or

1 vocational training, medical care, or other correctional treat-  
2 ment.

3 “(l) The Commission shall insure that the guidelines  
4 promulgated pursuant to subsection (a)(1) reflect—

5 “(1) the appropriateness of imposing an incremen-  
6 tal penalty for each offense in a case in which a de-  
7 fendant is convicted of—

8 “(A) multiple offenses committed in the same  
9 course of conduct that result in the exercise of an-  
10 cillary jurisdiction over one or more of the of-  
11 fenses; and

12 “(B) multiple offenses committed at different  
13 times, including those cases in which the subse-  
14 quent offense is a violation of section 3146 (penal-  
15 ty for failure to appear) or is committed while the  
16 person is released pursuant to the provisions of  
17 section 3147 (penalty for an offense committed  
18 while on release) of title 18; and

19 “(2) the general inappropriateness of imposing  
20 consecutive terms of imprisonment for an offense of  
21 conspiring to commit an offense or soliciting commis-  
22 sion of an offense and for an offense that was the sole  
23 object of the conspiracy or solicitation.

24 “(m) The Commission shall insure that the guidelines  
25 reflect the fact that, in many cases, current sentences do not

1 accurately reflect the seriousness of the offense. This will re-  
2 quire that, as a starting point in its development of the initial  
3 sets of guidelines for particular categories of cases, the Com-  
4 mission ascertain the average sentences imposed in such cat-  
5 egories of cases prior to the creation of the Commission, and  
6 in cases involving sentences to terms of imprisonment, the  
7 length of such terms actually served. The Commission shall  
8 not be bound by such average sentences, and shall independ-  
9 ently develop a sentencing range that is consistent with the  
10 purposes of sentencing described in section 3553(a)(2) of title  
11 18, United States Code.

12       “(n) The Commission periodically shall review and  
13 revise, in consideration of comments and data coming to its  
14 attention, the guidelines promulgated pursuant to the provi-  
15 sions of this section. In fulfilling its duties and in exercising  
16 its powers, the Commission shall consult with authorities on,  
17 and individual and institutional representatives of, various as-  
18 pects of the Federal criminal justice system. The United  
19 States Probation System, the Bureau of Prisons, the Judicial  
20 Conference of the United States, the Criminal Division of the  
21 United States Department of Justice, and a representative of  
22 the Federal Public Defenders shall submit to the Commission  
23 any observations, comments, or questions pertinent to the  
24 work of the Commission whenever they believe such commu-  
25 nication would be useful, and shall, at least annually, submit

1 to the Commission a written report commenting on the oper-  
2 ation of the Commission's guidelines, suggesting changes in  
3 the guidelines that appear to be warranted, and otherwise  
4 assessing the Commission's work.

5       “(o) The Commission, at or after the beginning of a reg-  
6 ular session of Congress but not later than the first day of  
7 May, shall report to the Congress any amendments of the  
8 guidelines promulgated pursuant to subsection (a)(1), and a  
9 report of the reasons therefor, and the amended guidelines  
10 shall take effect one hundred and eighty days after the Com-  
11 mission reports them, except to the extent the effective date  
12 is enlarged or the guidelines are disapproved or modified by  
13 Act of Congress.

14       “(p) The Commission and the Bureau of Prisons shall  
15 submit to Congress an analysis and recommendations con-  
16 cerning maximum utilization of resources to deal effectively  
17 with the Federal prison population. Such report shall be  
18 based upon consideration of a variety of alternatives, includ-  
19 ing—

20               “(1) modernization of existing facilities;

21               “(2) inmate classification and periodic review of  
22 such classification for use in placing inmates in the  
23 least restrictive facility necessary to ensure adequate  
24 security; and

1           “(3) use of existing Federal facilities, such as  
2           those currently within military jurisdiction.

3           “(q) The Commission, within three years of the date of  
4 enactment of the Sentencing Reform Act of 1983, and there-  
5 after whenever it finds it advisable, shall recommend to the  
6 Congress that it raise or lower the grades, or otherwise  
7 modify the maximum penalties, of those offenses for which  
8 such an adjustment appears appropriate.

9           “(r) The Commission shall give due consideration to any  
10 petition filed by a defendant requesting modification of the  
11 guidelines utilized in the sentencing of such defendant, on the  
12 basis of changed circumstances unrelated to the defendant,  
13 including changes in—

14           “(1) the community view of the gravity of the of-  
15 fense;

16           “(2) the public concern generated by the offense;  
17           and

18           “(3) the deterrent effect particular sentences may  
19           have on the commission of the offense by others.

20 Within one hundred and eighty days of the filing of such peti-  
21 tion the Commission shall provide written notice to the de-  
22 fendant whether or not it has approved the petition. If the  
23 petition is disapproved the written notice shall contain the  
24 reasons for such disapproval. The Commission shall submit to

1 the Congress at least annually an analysis of such written  
2 notices.

3       “(s) The Commission, in promulgating general policy  
4 statements regarding the sentencing modification provisions  
5 in section 3582(c)(1)(A) of title 18, shall describe what should  
6 be considered extraordinary and compelling reasons for sen-  
7 tence reduction, including the criteria to be applied and a list  
8 of specific examples. Rehabilitation of the defendant alone  
9 shall not be considered an extraordinary and compelling  
10 reason.

11       “(t) If the Commission reduces the term of imprison-  
12 ment recommended in the guidelines applicable to a particu-  
13 lar offense or category of offenses, it shall specify by what  
14 amount the sentences of prisoners serving terms of imprison-  
15 ment that are outside the applicable guideline ranges for the  
16 offense may be reduced.

17       “(u) The Commission shall ensure that the general  
18 policy statements promulgated pursuant to subsection (a)(2)  
19 include a policy limiting consecutive terms of imprisonment  
20 for an offense involving a violation of a general prohibition  
21 and for an offense involving a violation of a specific prohibi-  
22 tion encompassed within the general prohibition.

23       “(v) The appropriate judge or officer shall submit to the  
24 Commission in connection with each sentence imposed a  
25 written report of the sentence, the offense for which it is

1 imposed, the age, race, and sex of the offender, information  
2 regarding factors made relevant by the guidelines, and such  
3 other information as the Commission finds appropriate. The  
4 Commission shall submit to Congress at least annually an  
5 analysis of these reports and any recommendations for legis-  
6 lation that the Commission concludes is warranted by that  
7 analysis.

8       “(w) The provisions of section 553 of title 5, relating to  
9 publication in the Federal Register and public hearing proce-  
10 dure, shall apply to the promulgation of guidelines pursuant  
11 to this section.

12 **“§ 995. Powers of the Commission**

13       “(a) The Commission, by vote of a majority of the mem-  
14 bers present and voting, shall have the power to—

15               “(1) establish general policies and promulgate  
16 such rules and regulations for the Commission as are  
17 necessary to carry out the purposes of this chapter;

18               “(2) appoint and fix the salary and duties of the  
19 Staff Director of the Sentencing Commission, who  
20 shall serve at the discretion of the Commission and  
21 who shall be compensated at a rate not to exceed the  
22 highest rate now or hereafter prescribed for grade 18  
23 of the General Schedule pay rates (5 U.S.C. 5332);

24               “(3) deny, revise, or ratify any request for regu-  
25 lar, supplemental, or deficiency appropriations prior to



1 any submission of such request to the Office of Man-  
2 agement and Budget by the Chairman;

3 “(4) procure for the Commission temporary and  
4 intermittent services to the same extent as is author-  
5 ized by section 3109(b) of title 5, United States Code;

6 “(5) utilize, with their consent, the services,  
7 equipment, personnel, information, and facilities of  
8 other Federal, State, local, and private agencies and  
9 instrumentalities with or without reimbursement there-  
10 for;

11 “(6) without regard to 31 U.S.C. 3324, enter into  
12 and perform such contracts, leases, cooperative agree-  
13 ments, and other transactions as may be necessary in  
14 the conduct of the functions of the Commission, with  
15 any public agency, or with any person, firm, associa-  
16 tion, corporation, educational institution, or non-profit  
17 organization;

18 “(7) accept and employ, in carrying out the provi-  
19 sions of this title, voluntary and uncompensated serv-  
20 ices, notwithstanding the provisions of 31 U.S.C.  
21 1342, however, individuals providing such services  
22 shall not be considered Federal employees except for  
23 purposes of chapter 81 of title 5, United States Code,  
24 with respect to job-incurred disability and title 28,  
25 United States Code, with respect to tort claims;

1           “(8) request such information, data, and reports  
2 from any Federal agency or judicial officer as the Com-  
3 mission may from time to time require and as may be  
4 produced consistent with other law;

5           “(9) monitor the performance of probation officers  
6 with regard to sentencing recommendations, including  
7 application of the Sentencing Commission guidelines  
8 and policy statements;

9           “(10) issue instructions to probation officers con-  
10 cerning the application of Commission guidelines and  
11 policy statements;

12           “(11) arrange with the head of any other Federal  
13 agency for the performance by such agency of any  
14 function of the Commission, with or without reimburse-  
15 ment;

16           “(12) establish a research and development pro-  
17 gram within the Commission for the purpose of—

18           “(A) serving as a clearinghouse and informa-  
19 tion center for the collection, preparation, and dis-  
20 semination of information on Federal sentencing  
21 practices; and

22           “(B) assisting and serving in a consulting ca-  
23 pacity to Federal courts, departments, and agen-  
24 cies in the development, maintenance, and coordi-  
25 nation of sound sentencing practices;

1           “(13) collect systematically the data obtained from  
2 studies, research, and the empirical experience of  
3 public and private agencies concerning the sentencing  
4 process;

5           “(14) publish data concerning the sentencing proc-  
6 ess;

7           “(15) collect systematically and disseminate infor-  
8 mation concerning sentences actually imposed, and the  
9 relationship of such sentences to the factors set forth in  
10 section 3553(a) of title 18, United States Code;

11           “(16) collect systematically and disseminate infor-  
12 mation regarding effectiveness of sentences imposed;

13           “(17) devise and conduct, in various geographical  
14 locations, seminars and workshops providing continuing  
15 studies for persons engaged in the sentencing field;

16           “(18) devise and conduct periodic training pro-  
17 grams of instruction in sentencing techniques for judi-  
18 cial and probation personnel and other persons con-  
19 nected with the sentencing process;

20           “(19) study the feasibility of developing guidelines  
21 for the disposition of juvenile delinquents;

22           “(20) make recommendations to Congress con-  
23 cerning modification or enactment of statutes relating  
24 to sentencing, penal, and correctional matters that the  
25 Commission finds to be necessary and advisable to

1 carry out an effective, humane and rational sentencing  
2 policy;

3 “(21) hold hearings and call witnesses that might  
4 assist the Commission in the exercise of its powers or  
5 duties; and

6 “(22) perform such other functions as are required  
7 to permit Federal courts to meet their responsibilities  
8 under section 3553(a) of title 18, United States Code,  
9 and to permit others involved in the Federal criminal  
10 justice system to meet their related responsibilities.

11 “(b) The Commission shall have such other powers and  
12 duties and shall perform such other functions as may be nec-  
13 essary to carry out the purposes of this chapter, and may  
14 delegate to any member or designated person such powers as  
15 may be appropriate other than the power to establish general  
16 policy statements and guidelines pursuant to section 994(a)  
17 (1) and (2), the issuance of general policies and promulgation  
18 of rules and regulations pursuant to subsection (a)(1) of this  
19 section, and the decisions as to the factors to be considered in  
20 establishment of categories of offenses and offenders pursuant  
21 to section 994(b). The Commission shall, with respect to its  
22 activities under subsections (a)(9), (a)(10), (a)(11), (a)(12),  
23 (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the  
24 extent practicable, utilize existing resources of the Adminis-  
25 trative Office of the United States Courts and the Federal

1 Judicial Center for the purpose of avoiding unnecessary du-  
2 plication.

3       “(c) Upon the request of the Commission, each Federal  
4 agency is authorized and directed to make its services, equip-  
5 ment, personnel, facilities, and information available to the  
6 greatest practicable extent to the Commission in the execu-  
7 tion of its functions.

8       “(d) A simple majority of the membership then serving  
9 shall constitute a quorum for the conduct of business. Other  
10 than for the promulgation of guidelines and policy statements  
11 pursuant to section 994, the Commission may exercise its  
12 powers and fulfill its duties by the vote of a simple majority  
13 of the members present.

14       “(e) Except as otherwise provided by law, the Commis-  
15 sion shall maintain and make available for public inspection a  
16 record of the final vote of each member on any action taken  
17 by it.

18 **“§ 996. Director and staff**

19       “(a) The Staff Director shall supervise the activities of  
20 persons employed by the Commission and perform other  
21 duties assigned to him by the Commission.

22       “(b) The Staff Director shall, subject to the approval of  
23 the Commission, appoint such officers and employees as are  
24 necessary in the execution of the functions of the Commis-  
25 sion. The officers and employees of the Commission shall be

1 exempt from the provisions of part III of title 5, United  
 2 States Code, except the following chapters: 81 (Compensa-  
 3 tion for Work Injuries), 83 (Retirement), 85 (Unemployment  
 4 Compensation), 87 (Life Insurance), 89 (Health Insurance),  
 5 and 91 (Conflicts of Interest).

6 **“§ 997. Annual report**

7 “The Commission shall report annually to the Judicial  
 8 Conference of the United States, the Congress, and the  
 9 President of the United States on the activities of the  
 10 Commission.

11 **“§ 998. Definitions**

12 “As used in this chapter—

13 “(a) ‘Commission’ means the United States Sen-  
 14 tencing Commission;

15 “(b) ‘Commissioner’ means a member of the  
 16 United States Sentencing Commission;

17 “(c) ‘guidelines’ means the guidelines promulgated  
 18 by the Commission pursuant to section 994(a) of this  
 19 title; and

20 “(d) ‘rules and regulations’ means rules and regu-  
 21 lations promulgated by the Commission pursuant to  
 22 section 995 of this title.”.

23 (b) The chapter analysis of part III of title 28, United  
 24 States Code, is amended by adding after the item relating to  
 25 chapter 57 the following new item:

“58. United States Sentencing Commission..... 991”.

REPEALERS

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SEC. 218. (a) The following provisions of title 18, United States Code, are repealed:

- (1) section 1;
- (2) section 3012;
- (3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;
- (4) chapter 309;
- (5) chapter 311;
- (6) chapter 314;
- (7) sections 4281, 4283, and 4284; and
- (8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

“1. Repealed.”.

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

“3012. Repealed.”.

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

- (1) chapters 309 and 311 to read as follows:

“309. Repealed .....

“311. Repealed .....

1 and

2 (2) chapter 314 to read as follows:

“314. Repealed.....”.

3 (e) The items relating to sections 4084 and 4085 in the  
4 sectional analysis of chapter 305 of title 18, United States  
5 Code, are amended to read as follows:

“4084. Repealed.  
“4085. Repealed.”.

6 (f) The sectional analysis of chapter 315 of title 18,  
7 United States Code, is amended by amending the items  
8 relating to—

9 (1) section 4281 to read:

“4281. Repealed.”; and

10 (2) sections 4283 and 4284 to read as follows:

“4283. Repealed.  
“4284. Repealed.”.

11 (g) The item relating to chapter 402 in the chapter anal-  
12 ysis of Part IV of title 18, United States Code, is amended to  
13 read as follows:

“402. Repealed.....”.

14 SEC. 219. (a) Sections 404(b) and 409 of the Controlled  
15 Substances Act (21 U.S.C. 844(b) and 849) are repealed.

16 (b) Section 404(a) of the Controlled Substances Act (21  
17 U.S.C. 844(a)) is amended by deleting the designation “(a)”  
18 at the beginning of the subsection.



1           **TECHNICAL AND CONFORMING AMENDMENTS**

2           **SEC. 220.** The Immigration and Nationality Act (8  
3 U.S.C. 1101 et seq.) is amended as follows:

4           (a) The second sentence of section 212(a)(9) (8 U.S.C.  
5 1182(a)(9)) is amended to read: "An alien who would be ex-  
6 cludable because of the conviction of an offense for which the  
7 sentence actually imposed did not exceed a term of imprison-  
8 ment in excess of six months, or who would be excludable as  
9 one who admits the commission of an offense for which a  
10 sentence not to exceed one year's imprisonment might have  
11 been imposed on him, may be granted a visa and admitted to  
12 the United States if otherwise admissible: *Provided*, That the  
13 alien has committed only one such offense, or admits the  
14 commission of acts which constitute the essential elements of  
15 only one such offense."

16          (b) Section 242(h) (8 U.S.C. 1252(h)) is amended by  
17 adding "supervised release," after "parole,".

18          **SEC. 221.** Section 4 of the Act of September 28, 1962  
19 (16 U.S.C. 460k-3) is amended by deleting "petty offense  
20 (18 U.S.C. 1)" and substituting "misdemeanor".

21          **SEC. 222.** Section 9 of the Act of October 8, 1964 (16  
22 U.S.C. 460n-8) is amended—

23               (a) in the first paragraph, by deleting "commis-  
24 sioner" each place it appears and substituting "magis-  
25 trate"; and

1           (b) in the second paragraph, by amending the first  
2 sentence to read: "The functions of the magistrate  
3 shall include the trial and sentencing of persons  
4 charged with the commission of misdemeanors and in-  
5 fractions as defined in section 3581 of title 18, United  
6 States Code."

7           SEC. 223. Title 18 of the United States Code is  
8 amended as follows:

9           (a) Section 924(a) is amended by deleting ", and shall  
10 become eligible for parole as the Board of Parole shall deter-  
11 mine".

12          (b) Section 1161 is amended by deleting "3618" and  
13 substituting "3669".

14          (c) Section 1761(a) is amended by adding ", supervised  
15 release," after "parole".

16          (d) Section 2114 is amended by adding "not more than"  
17 after "imprisoned".

18          (e) Section 3006A is amended—

19               (1) in subsections (a)(1) and (b), by deleting "mis-  
20 demeanor (other than a petty offense as defined in sec-  
21 tion 1 of this title)" each place it appears and substi-  
22 tuting "Class A misdemeanor"; and

23               (2) in subsections (a)(3) and (g), deleting "subject  
24 to revocation of parole," each place it appears.

25          (f) Section 3143, as amended by this Act, is amended—

1           (1) in subsection (a), by adding “other than a  
2           person for whom the applicable guideline promulgated  
3           pursuant to 28 U.S.C. 994 does not recommend a term  
4           of imprisonment,” after “sentence,”; and

5           (2) in subsection (c), by adding the following at  
6           the end thereof: “The judge shall treat a defendant in  
7           a case in which an appeal has been taken by the  
8           United States pursuant to the provisions of section  
9           3742 in accordance with the provisions of—

10           “(1) subsection (a) if the person has been sen-  
11           tenced to a term of imprisonment; or

12           “(2) section 3142 if the person has not been  
13           sentenced to a term of imprisonment.”.

14           (g) Section 3147, as amended by this Act, is amended—

15           (1) in paragraph (1), by deleting “not less than  
16           two years and”; and

17           (2) in paragraph (2), by deleting “not less than  
18           ninety days and”.

19           (h) Section 3156(b)(2) is amended by deleting “petty  
20           offense as defined in section 1(3) of this title” and substituting  
21           “Class B or C misdemeanor or an infraction”.

22           (i) Section 3172(2) is amended by deleting “petty  
23           offense as defined in section 1(3) of this title” and substituting  
24           “Class B or C misdemeanor or an infraction”.

25           (j) Section 3401 is amended—

1 (1) by repealing subsection (g) and redesignating  
2 (h) to (g); and

3 (2) in subsection (h), by deleting “petty offense  
4 case” and substituting “Class B or C misdemeanor  
5 case, or infraction case,”.

6 (k) Section 3670 (formerly section 3619) is amended by  
7 deleting “3617” and “3618” and substituting “3668” and  
8 “3669”, respectively.

9 (l) Section 4004 is amended by deleting “record clerks,  
10 and parole officers” and substituting “and record clerks”.

11 (m) Chapter 306 is amended as follows:

12 (1) Section 4101 is amended—

13 (A) in subsection (f), by adding “, including a  
14 term of supervised release pursuant to section  
15 3583” after “supervision”; and

16 (B) in subsection (g), by deleting “to a  
17 penalty of imprisonment the execution of which is  
18 suspended and” and substituting “under which”,  
19 and by deleting “the suspended” and substituting  
20 “a”.

21 (2) Section 4105(c) is amended—

22 (A) in paragraph (1), by deleting “for good  
23 time” the second place it appears and substituting  
24 “toward service of sentence for satisfactory  
25 behavior”;

1 (B) in paragraphs (1) and (2), by deleting  
2 “section 4161” and substituting “section  
3 3624(b)”;

4 (C) in paragraph (1), by deleting “section  
5 4164” and substituting “section 3624(a)”;

6 (D) by repealing paragraph (3);

7 (E) by amending paragraph (4) to read as  
8 follows:

9 “(3) Credit toward service of sentence may be withheld  
10 as provided in section 3624(b) of this title.”; and

11 (F) by redesignating paragraphs accordingly.

12 (3) Section 4106 is amended—

13 (A) in subsection (a), by deleting “Parole  
14 Commission” and substituting “Probation  
15 System”;

16 (B) by amending subsection (b) to read as  
17 follows:

18 “(b) An offender transferred to the United States to  
19 serve a sentence of imprisonment shall be released pursuant  
20 to section 3624(a) of this title after serving the period of time  
21 specified in the applicable sentencing guideline promulgated  
22 pursuant to 28 U.S.C. 994(a)(1). He shall be released to  
23 serve a term of supervised release for any term specified in  
24 the applicable guideline. The provisions of section 3742 of  
25 this title apply to a sentence to a term of imprisonment under

1 this subsection, and the United States court of appeals for the  
2 district in which the offender is imprisoned after transfer to  
3 the United States has jurisdiction to review the period of im-  
4 prisonment as though it had been imposed by the United  
5 States district court.”; and

6 (C) by repealing subsection (c).

7 (4) Section 4108(a) is amended by adding “, in-  
8 cluding any term of imprisonment or term of super-  
9 vised release specified in the applicable sentencing  
10 guideline promulgated pursuant to 28 U.S.C.  
11 994(a)(1),” after “consequences thereof”.

12 (n) Section 4321 is amended by deleting “parole or”.

13 (o) Section 4351(b) is amended by deleting “Parole  
14 Board” and substituting “Sentencing Commission”.

15 (p) Section 5002 is amended by deleting “Board of  
16 Parole, the Chairman of the Youth Division,” and substitut-  
17 ing “United States Sentencing Commission,”.

18 **SEC. 224.** The Controlled Substances Act (21 U.S.C.  
19 801 et seq.) is amended as follows:

20 (a) Section 401 (21 U.S.C. 841) is amended—

21 (1) in subsection (b)(1)(A), by deleting the last  
22 sentence;

23 (2) in subsection (b)(1)(B), by deleting the last  
24 sentence;

1           (3) in subsection (b)(2), by deleting the last  
2 sentence;

3           (4) in subsection (b)(4), by deleting “subsections  
4 (a) and (b) of”, and by adding “and section 3607 of  
5 title 18, United States Code” after “404”;

6           (5) in subsection (b)(5), by deleting the last  
7 sentence; and

8           (6) by repealing subsection (c).

9           (b) Section 405 (21 U.S.C. 845) is amended—

10           (1) in subsection (a), by deleting “(1)” the second  
11 place it appears, and by deleting “, and (2) at least  
12 twice any special parole term authorized by section  
13 401(b), for a first offense involving the same controlled  
14 substance and schedule”; and

15           (2) in subsection (b), by deleting “(1)” the second  
16 place it appears, and by deleting “, and (2) at least  
17 three times any special parole term authorized by  
18 section 401(b), for a second or subsequent offense in-  
19 volving the same controlled substance and schedule”.

20           (c) Section 408(c) (21 U.S.C. 848(c)) is amended by  
21 deleting “and section 4202 of title 18 of the United States  
22 Code”.

23           SEC. 225. The Controlled Substances Import and  
24 Export Act (21 U.S.C. 951 et seq.) is amended as follows:

25           (a) Section 1010 (21 U.S.C. 960) is amended—

1           (1) in subsection (b)(1), by deleting the last  
2 sentence;

3           (2) in subsection (b)(2), by deleting the last  
4 sentence; and

5           (3) by repealing subsection (c).

6           (b) Section 1012(a) (21 U.S.C. 962(a)) is amended by  
7 deleting the last sentence.

8           SEC. 226. Section 114(b) of title 23, United States  
9 Code, is amended by adding “, supervised release,” after  
10 “parole”.

11          SEC. 227. Section 5871 of the Internal Revenue Code  
12 of 1954 (26 U.S.C. 5871) is amended by deleting “, and shall  
13 become eligible for parole as the Board of Parole shall deter-  
14 mine”.

15          SEC. 228. Title 28 of the United States Code is  
16 amended as follows:

17          (a) Section 509 is amended—

18               (1) by adding “and” after paragraph (2) and, in  
19 paragraph (3), by deleting “; and” and substituting a  
20 period; and

21               (2) by repealing paragraph (4).

22          (b) Section 591(a) is amended by deleting “petty  
23 offense” and substituting “Class B or C misdemeanor or an  
24 infraction”.

25          (c) Section 2901 is amended—



1 (1) in subsection (e), by deleting "section 1" and  
2 substituting "section 3581"; and

3 (2) in subsection (g)(3), by adding ", supervised  
4 release," after "parole", and by adding "supervised  
5 release," after "parole,".

6 SEC. 229. Section 504(a) of the Labor Management Re-  
7 porting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and  
8 section 411(a) of the Employee Retirement Income Security  
9 Act of 1974 (29 U.S.C. 1111(a)) are amended—

10 (a) by deleting "the Board of Parole of the United  
11 States Department of Justice" and substituting "if the  
12 offense is a Federal offense, the sentencing judge or, if  
13 the offense is a State or local offense, on motion of the  
14 United States Department of Justice, the district court  
15 of the United States for the district in which the  
16 offense was committed, pursuant to sentencing guide-  
17 lines and policy statements issued pursuant to 28  
18 U.S.C. 994(a),";

19 (b) by deleting "Board" and "Board's" and sub-  
20 stituting "court" and "court's", respectively; and

21 (c) by deleting "an administrative" and substitut-  
22 ing "a".

23 SEC. 230. Section 411(c)(3) of the Employee Retire-  
24 ment Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is  
25 amended by adding "or supervised release" after "parole".

1           SEC. 231. Section 425(b) of the Job Training and Part-  
2 nership Act is amended by deleting “or parole” the first  
3 place it appears and substituting “, parole, or supervised  
4 release”.

5           SEC. 232. The Public Health Service Act (42 U.S.C.  
6 201 et seq.) is amended as follows:

7           (a) Section 341(a) (42 U.S.C. 257(a)) is amended by  
8 deleting “or convicted of offenses against the United States  
9 and sentenced to treatment” and “addicts who are committed  
10 to the custody of the Attorney General pursuant to provisions  
11 of the Federal Youth Corrections Act (chapter 402 of title 18  
12 of the United States Code),”.

13           (b) Section 343(d) (42 U.S.C. 259(d)) is amended by  
14 adding “or supervised release” after “parole”.

15           SEC. 232A. Section 902 of the Federal Aviation Act of  
16 1958 (49 U.S.C. 1472) is amended by inserting “notwith-  
17 standing the provisions of 18 U.S.C. 3559(b),” before the  
18 term “if” in paragraphs (i)(1)(B) and (n)(1)(B).

19           SEC. 233. Section 11507 of title 49, United States  
20 Code, is amended by adding “, supervised release,” after  
21 “parole”.

22           SEC. 234. Section 10(b)(7) of the Military Selective  
23 Service Act (50 U.S.C. App. 460(b)(7)) is amended by delet-  
24 ing “parole” and substituting “release”.

## EFFECTIVE DATE

1

2 SEC. 235. (a)(1) This chapter shall take effect on the  
3 first day of the first calendar month beginning twenty-four  
4 months after the date of enactment, except that—

5 (A) the repeal of chapter 402 of title 18, United  
6 States Code, shall take effect on the date of enactment;

7 (B)(i) chapter 58 of title 28, United States Code,  
8 shall take effect on the date of enactment of this Act  
9 or October 1, 1983, whichever occurs later, and the  
10 United States Sentencing Commission shall submit the  
11 initial sentencing guidelines promulgated to section  
12 994(a)(1) of title 28 to the Congress within eighteen  
13 months of the effective date of the chapter; and

14 (ii) the sentencing guidelines promulgated pursu-  
15 ant to section 994(a)(1), and the provisions of sections  
16 3581, 3583, and 3624 of title 18, United States Code,  
17 shall not go into effect until the day after—

18 (I) the United States Sentencing Commission  
19 has submitted the initial set of sentencing guide-  
20 lines to the Congress pursuant to subparagraph  
21 (B)(i), along with a report stating the reasons for  
22 the Commission's recommendations;

23 (II) the General Accounting Office has un-  
24 dertaken a study of the guidelines, and their po-  
25 tential impact in comparison with the operation of

1 the existing sentencing and parole release system,  
2 and has, within one hundred and fifty days of  
3 submission of the guidelines, reported to the Con-  
4 gress the results of its study; and

5 (III) the Congress has had six months after  
6 the date described in subclause (I) in which to ex-  
7 amine the guidelines and consider the reports; and

8 (IV) the provisions of sections 227 and 228  
9 shall take effect on the date of enactment.

10 (2) For the purposes of section 992(a) of title 28, the  
11 terms of the first members of the United States Sentencing  
12 Commission shall not begin to run until the sentencing  
13 guidelines go into effect pursuant to paragraph (1)(B)(ii).

14 (b)(1) The following provisions of law in effect on the  
15 day before the effective date of this Act shall remain in effect  
16 for five years after the effective date as to an individual con-  
17 victed of an offense or adjudicated to be a juvenile delinquent  
18 before the effective date and as to a term of imprisonment  
19 during the period described in subsection (a)(1)(B):

20 (A) Chapter 311 of title 18, United States Code.

21 (B) Chapter 309 of title 18, United States Code.

22 (C) Sections 4251 through 4255 of title 18,  
23 United States Code.

24 (D) Sections 5041 and 5042 of title 18, United  
25 States Code.

1           (E) Sections 5017 through 5020 of title 18,  
2           United States Code, as to a sentence imposed before  
3           the date of enactment.

4           (F) The maximum term of imprisonment in effect  
5           on the effective date for an offense committed before  
6           the effective date.

7           (G) Any other law relating to a violation of a con-  
8           dition of release or to arrest authority with regard to a  
9           person who violates a condition of release.

10          (2) Notwithstanding the provisions of section 4202 of  
11          title 18, United States Code, as in effect on the day before  
12          the effective date of this Act, the term of office of a Commis-  
13          sioner who is in office on the effective date is extended to the  
14          end of the five-year period after the effective date of this Act.

15          (3) The United States Parole Commission shall set a  
16          release date, for an individual who will be in its jurisdiction  
17          the day before the expiration of five years after the effective  
18          date of this Act, that is within the range that applies to the  
19          prisoner under the applicable parole guideline. A release date  
20          set pursuant to this paragraph shall be set early enough to  
21          permit consideration of an appeal of the release date, in ac-  
22          cordance with Parole Commission procedures, before the ex-  
23          piration of five years following the effective date of this Act.

1 \_\_\_\_\_ (4) Notwithstanding the other provisions of this subsec-  
2 tion, all laws in effect on the day before the effective date of  
3 this Act pertaining to an individual who is—

4 (A) released pursuant to a provision listed in para-  
5 graph (1); and

6 (B)(i) subject to supervision on the day before the  
7 expiration of the five-year period following the effective  
8 date of this Act; or

9 (ii) released on a date set pursuant to paragraph  
10 (3);

11 including laws pertaining to terms and conditions of release,  
12 revocation of release, provision of counsel, and payment of  
13 transportation costs, shall remain in effect as to the individual  
14 until the expiration of his sentence, except that the district  
15 court shall determine, in accord with the Federal Rules of  
16 Criminal Procedure, whether release should be revoked or  
17 the conditions of release amended for violation of a condition  
18 of release.

19 (5) Notwithstanding the provisions of section 991 of title  
20 28, United States Code, and sections 4351 and 5002 of title  
21 18, United States Code, the Chairman of the United States  
22 Parole Commission or his designee shall be a member of the  
23 National Institute of Corrections, and the Chairman of the  
24 United States Parole Commission shall be a member of the  
25 Advisory Corrections Council and a nonvoting member of the

1 United States Sentencing Commission, ex officio, until the  
2 expiration of the five-year period following the effective date  
3 of this Act. Notwithstanding the provisions of section 4351 of  
4 title 18, during the five-year period the National Institute of  
5 Corrections shall have seventeen members, including seven  
6 ex officio members. Notwithstanding the provisions of section  
7 991 of title 28, during the five-year period the United States  
8 Sentencing Commission shall consist of nine members, in-  
9 cluding two ex officio, nonvoting members.

10       SEC. 236. (a)(1) Four years after the sentencing guide-  
11 lines promulgated pursuant to section 994(a)(1), and the pro-  
12 visions of sections 3581, 3583, and 3624 of title 18, United  
13 States Code, go into effect, the General Accounting Office  
14 shall undertake a study of the guidelines in order to deter-  
15 mine their impact and compare the guidelines system with  
16 the operation of the previous sentencing and parole release  
17 system, and, within six months of the undertaking of such  
18 study, report to the Congress the results of its study.

19       (2) Within one month of the start of the study required  
20 under subsection (a), the United States Sentencing Commis-  
21 sion shall submit a report to the General Accounting Office,  
22 all appropriate courts, the Department of Justice, and the  
23 Congress detailing the operation of the sentencing guideline  
24 system and discussing any problems with the system or re-  
25 forms needed. The report shall include an evaluation of the

1 impact of the sentencing guidelines on prosecutorial discre-  
2 tion, plea bargaining, disparities in sentencing, and the use of  
3 incarceration, and shall be issued by affirmative vote of a  
4 majority of the voting members of the Commission.

5 (b) The Congress shall review the study submitted pur-  
6 suant to subsection (a) in order to determine—

7 (1) whether the sentencing guideline system has  
8 been effective;

9 (2) whether any changes should be made in the  
10 sentencing guideline system; and

11 (3) whether the parole system should be reinstated  
12 in some form and the life of the Parole Commission  
13 extended.

14 SEC. 237. (a)(1) Except as provided in paragraph (2),  
15 for each criminal fine for which the unpaid balance exceeds  
16 \$100 as of the effective date of this Act, the Attorney Gener-  
17 al shall, within one hundred and twenty days, notify the  
18 person by certified mail of his obligation, within thirty days  
19 after notification, to—

20 (A) pay the fine in full;

21 (B) specify, and demonstrate compliance with, an  
22 installment schedule established by a court before en-  
23 actment of the amendments made by this Act, specify-  
24 ing the dates on which designated partial payments  
25 will be made; or



1           (C) establish with the concurrence of the Attorney  
2           General, a new installment schedule of a duration not  
3           exceeding two years, except in special circumstances,  
4           and specifying the dates on which designated partial  
5           payments will be made.

6           (2) This subsection shall not apply in cases in which—

7                 (A) the Attorney General believes the likelihood  
8                 of collection is remote; or

9                 (B) criminal fines have been stayed pending  
10                appeal.

11           (b) The Attorney General shall, within one hundred and  
12           eighty days after the effective date of this Act, declare all  
13           fines for which this obligation is unfulfilled to be in criminal  
14           default, subject to the civil and criminal remedies established  
15           by amendments made by this Act. No interest or monetary  
16           penalties shall be charged on any fines subject to this section.

17           (c) Not later than one year following the effective date  
18           of this Act, the Attorney General shall include in the annual  
19           crime report steps taken to implement this Act and the  
20           progress achieved in criminal fine collection, including collec-  
21           tion data for each judicial district.

22           SEC. 238. (a) Title 18 of the United States Code is  
23           amended by adding the following new chapter after chapter  
24           227:

1           **"CHAPTER 228—IMPOSITION, PAYMENT, AND**  
2                                   **COLLECTION OF FINES**

"Sec.

"3591. Imposition of a fine.

"3592. Payment of a fine, delinquency and default.

"3593. Modification or remission of fine.

"3594. Certification and notification.

"3595. Interest, monetary penalties for delinquency, and default.

"3596. Civil remedies for satisfaction of an unpaid fine.

"3597. Resentencing upon failure to pay a fine.

"3598. Statute of limitations.

"3599. Criminal default.

3   **"§ 3591. Imposition of a fine**

4           **"(a) FACTORS TO BE CONSIDERED IN IMPOSING A**  
5   **FINE.—**The court, in determining whether to impose a fine,  
6   the amount of any fine, the time for payment, and the method  
7   of payment, shall consider—

8           **"(1) the ability of the defendant to pay the fine in**  
9           **view of the income of the defendant, earning capacity**  
10          **and financial resources, and, if the defendant is an**  
11          **organization, the size of the organization;**

12          **"(2) the nature of the burden that payment of the**  
13          **fine will impose on the defendant, and on any person**  
14          **who is financially dependent on the defendant, relative**  
15          **to the burden which alternative punishments would**  
16          **impose;**

17          **"(3) any restitution or reparation made by the**  
18          **defendant in connection with the offense and any**  
19          **obligation imposed upon the defendant to make such**  
20          **restitution or reparation;**

1           “(4) if the defendant is an organization, any  
2           measure taken by the organization to discipline its em-  
3           ployees or agents responsible for the offense or to  
4           ensure against a recurrence of such an offense; and

5           “(5) any other pertinent consideration.

6           “(b) EFFECT OF FINALITY OF JUDGMENT.—Notwith-  
7           standing the fact that a sentence to pay a fine can subse-  
8           quently be—

9           “(1) modified or remitted pursuant to the provi-  
10          sions of section 3592;

11          “(2) corrected pursuant to the provisions of rule  
12          35; or

13          “(3) appealed;  
14          a judgment of conviction that includes such a sentence  
15          constitutes a final judgment for all other purposes.

16          “§ 3592. Payment of a fine, delinquency and default

17          “(a) TIME AND METHOD OF PAYMENT.—Payment of a  
18          fine is due immediately unless the court, at the time of  
19          sentencing—

20          “(1) requires payment by a date certain; or

21          “(2) establishes an installment schedule, the spe-  
22          cific terms of which shall be fixed by the court.

23          “(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—

24          If a fine is imposed on an organization, it is the duty of each  
25          individual authorized to make disbursement of the assets of

1 the organization to pay the fine from assets of the organiza-  
2 tion. If a fine is imposed on an agent or shareholder of an  
3 organization, the fine shall not be paid, directly or indirectly,  
4 out of the assets of the organization, unless the court finds  
5 that such payment is expressly permissible under applicable  
6 State law.

7       “(c) RESPONSIBILITY TO PROVIDE CURRENT AD-  
8 DRESS.—At the time of imposition of the fine, the court shall  
9 order the person fined to provide the Attorney General with  
10 a current mailing address for the entire period that any part  
11 of the fine remains unpaid. Failure to provide the Attorney  
12 General with a current address or a change in address shall  
13 be punishable as a contempt of court.

14       “(d) STAY OF FINE PENDING APPEAL.—Unless excep-  
15 tional circumstances exist, if a sentence to pay a fine is  
16 stayed pending appeal, the court granting the stay shall in-  
17 clude in such stay—

18               “(1) a requirement that the defendant, pending  
19 appeal, to deposit the entire fine amount, or the  
20 amount due under an installment schedule, during the  
21 pendency of an appeal, in an escrow account in the  
22 registry of the district court, or to give bond for the  
23 payment thereof; or

1           “(2) an order restraining the defendant from  
2 transferring or dissipating assets found to be sufficient,  
3 if sold, to meet the defendant’s fine obligation.

4           “(e) DELINQUENT FINE.—A fine is delinquent if any  
5 portion of such fine is not paid within thirty days of when it is  
6 due, including any fines to be paid pursuant to an installment  
7 schedule.

8           “(f) DEFAULT.—A fine is in default if any portion of  
9 such fine is more than ninety days delinquent. When a criminal  
10 fine is in default, the entire amount is due within thirty  
11 days of notification of the default, notwithstanding any installment  
12 schedule.

13 **“§ 3593. Modification or remission of fine**

14           “(a) PETITION FOR MODIFICATION OR REMISSION.—  
15 A person who has been sentenced to pay a fine, and who—

16           “(1) can show a good faith effort to comply with  
17 the terms of the sentence and concerning whom the  
18 circumstances no longer exist that warranted the imposition  
19 of the fine in the amount imposed or payment by  
20 the installment schedule, may at any time petition the  
21 court for—

22           “(A) an extension of the installment schedule,  
23 not to exceed two years except in case of  
24 incarceration or special circumstances; or

1           “(B) a remission of all or part of the unpaid  
2           portion including interest and penalties; or

3           “(2) has voluntarily made restitution or reparation  
4           to the victim of the offense, may at any time petition  
5           the court for a remission of the unpaid portion of the  
6           fine in an amount not exceeding the amount of such  
7           restitution or reparation.

8 Any petition filed pursuant to this subsection shall be filed in  
9 the court in which sentence was originally imposed, unless  
10 that court transfers jurisdiction to another court. The peti-  
11 tioner shall notify the Attorney General that the petition has  
12 been filed within ten working days after filing. For the pur-  
13 poses of clause (1), unless exceptional circumstances exist, a  
14 person may be considered to have made a good faith effort to  
15 comply with the terms of the sentence only after payment of  
16 a reasonable portion of the fine.

17       “(b) ORDER OF MODIFICATION OR REMISSION.—If,  
18 after the filing of a petition as provided in subsection (a), the  
19 court finds that the circumstances warrant relief, the court  
20 may enter an appropriate order, in which case it shall provide  
21 the Attorney General with a copy of such order.

22 **“§ 3594. Certification and notification**

23       “(a) DISPOSITION OF PAYMENT.—The clerk shall for-  
24 ward each fine payment to the United States Treasury and

1 shall notify the Attorney General of its receipt within ten  
2 working days.

3       “(b) CERTIFICATION OF IMPOSITION.—If a fine ex-  
4 ceeding \$100 is imposed, modified, or remitted, the sentenc-  
5 ing court shall incorporate in the order imposing, remitting,  
6 and modifying such fine, and promptly certify to the Attorney  
7 General—

8           “(1) the name of the person fined;

9           “(2) his current address;

10          “(3) the docket number of the case;

11          “(4) the amount of the fine imposed;

12          “(5) any installment schedule;

13          “(6) the nature of any modification or remission of  
14 the fine or installment schedule; and

15          “(7) the amount of the fine that is due and  
16 unpaid.

17       “(c) RESPONSIBILITY FOR COLLECTION.—The Attor-  
18 ney General shall be responsible for collection of an unpaid  
19 fine concerning which a certification has been issued as  
20 provided in subsection (a).

21       “(d) NOTIFICATION OF DELINQUENCY.—Within ten  
22 working days after a fine is determined to be delinquent as  
23 provided in section 3592(e), the Attorney General shall notify  
24 the person whose fine is delinquent, by certified mail, to  
25 inform him that the fine is delinquent.

1           “(e) **NOTIFICATION OF DEFAULT.**—Within ten work-  
2 ing days after a fine is determined to be in default as provided  
3 in section 3592(f), the Attorney General shall notify the  
4 person defaulting, by certified mail, to inform him that the  
5 fine is in default and the entire unpaid balance, including  
6 interest and penalties, is due within thirty days.

7           **“§ 3595. Interest, monetary penalties for delinquency, and**  
8                                   **default**

9           “Upon a determination of willful nonpayment, the court  
10 may impose the following interest and monetary penalties:

11                   “(1) **INTEREST.**—Notwithstanding any other pro-  
12 vision of law, interest at the rate of 1 per centum per  
13 month, or 12 per centum per year, shall be charged,  
14 beginning the thirty-first day after sentencing on the  
15 first day of each month during which any fine balance  
16 remains unpaid, including sums to be paid pursuant to  
17 an installment schedule.

18                   “(2) **MONETARY PENALTIES FOR DELINQUENT**  
19 **FINES.**—Notwithstanding any other provision of law, a  
20 penalty sum equal to 10 per centum shall be charged  
21 for any portion of a criminal fine which has become  
22 delinquent. The Attorney General may waive all or  
23 part of the penalty for good cause.



1 **“§ 3596. Civil remedies for satisfaction of an unpaid fine**

2       **“(a) LIEN.—**A fine imposed as a sentence is a lien in  
3 favor of the United States upon all property belonging to the  
4 person fined. The lien arises at the time of the entry of the  
5 judgment and continues until the liability is satisfied, remit-  
6 ted, or set aside, or until it becomes unenforceable pursuant  
7 to the provisions of subsection (b). On application of the  
8 person fined, the Attorney General shall—

9               **“(1)** issue a certificate of release, as described in  
10 section 6325 of the Internal Revenue Code, of any lien  
11 imposed pursuant to this section, upon his acceptance  
12 of a bond described in section 6325(a)(2) of the Inter-  
13 nal Revenue Code; or

14               **“(2)** issue a certificate of discharge, as described  
15 in section 6325 of the Internal Revenue Code, of any  
16 part of the person’s property subject to a lien imposed  
17 pursuant to this section, upon his determination that  
18 the fair market value of that part of such property re-  
19 maining subject to and available to satisfy the lien is at  
20 least three times the amount of the fine.

21       **“(b) EXPIRATION OF LIEN.—**A lien becomes unen-  
22 forceable at the time liability to pay a fine expires as provided  
23 in section 3598.

24       **“(c) APPLICATION OF OTHER LIEN PROVISIONS.—**The  
25 provisions of sections 6323, 6331, 6334 through 6336,  
26 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424

1 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal  
2 Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334  
3 through 6336, 6337(a), 6338 through 6343, 6901, 7402,  
4 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805)  
5 and of section 513 of the Act of October 17, 1940 (54 Stat.  
6 1190), apply to a fine and to the lien imposed by subsection  
7 (a) as if the liability of the person fined were for an internal  
8 revenue tax assessment, except to the extent that the appli-  
9 cation of such statutes is modified by regulations issued by  
10 the Attorney General to accord with differences in the nature  
11 of the liabilities. For the purposes of this subsection, refer-  
12 ences in the preceding sections of the Internal Revenue Code  
13 of 1954 to 'the Secretary' shall be construed to mean 'the  
14 Attorney General,' and references in those sections to 'tax'  
15 shall be construed to mean 'fine.'

16       “(d) EFFECT ON NOTICE OF LIEN.—A notice of the  
17 lien imposed by subsection (a) shall be considered a notice of  
18 lien for taxes payable to the United States for the purposes of  
19 any State or local law providing for the filing of a notice of a  
20 tax lien. The registration, recording, docketing, or indexing,  
21 in accordance with 28 U.S.C. 1962, of the judgment under  
22 which a fine is imposed shall be considered for all purposes as  
23 the filing prescribed by section 6323(f)(1)(A) of the Internal  
24 Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by  
25 subsection (c).

1       “(e) **ALTERNATIVE ENFORCEMENT.**—Notwithstanding  
2 any other provision of this section, a judgment imposing a  
3 fine may be enforced by execution against the property of the  
4 person fined in like manner as judgments in civil cases.

5       “(f) **DISCHARGE OF DEBTS INAPPLICABLE.**—No dis-  
6 charge of debts pursuant to a bankruptcy proceeding shall  
7 render a lien under this section unenforceable or discharge  
8 liability to pay a fine.

9       “§ 3597. **Resentencing upon failure to pay a fine**

10       “(a) **RESENTENCING.**—Subject to the provisions of sub-  
11 section (b), if a person knowingly fails to pay a delinquent  
12 fine the court may resentence the person to any sentence  
13 which might originally have been imposed.

14       “(b) **IMPRISONMENT.**—The defendant may be sen-  
15 tenced to a term of imprisonment under subsection (a) only if  
16 the court determines that—

17               “(1) the person willfully refused to pay the delin-  
18 quent fine or had failed to make sufficient bona fide  
19 efforts to pay the fine; or

20               “(2) in light of the nature of the offense and the  
21 characteristics of the person, alternatives to imprison-  
22 ment are not adequate to serve the purposes of punish-  
23 ment and deterrence.

24       “§ 3598. **Statute of limitations**

25       “(a) **LIABILITY TO PAY A FINE EXPIRES.**—

1           “(1) twenty years after the entry of the judgment;

2           “(2) upon the death of the person fined.

3           “(b) The period set forth in subsection (a) may be ex-  
4 tended, prior to its expiration, by a written agreement be-  
5 tween the person fined and the Attorney General. The run-  
6 ning of the period set forth in subsection (a) is suspended  
7 during any interval for which the running of the period of  
8 limitations for collection of a tax would be suspended pursu-  
9 ant to section 6503(b), 6503(c), 6503(f), 6503(i), or  
10 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26  
11 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)),  
12 or section 513 of the Act of October 17, 1940 (54 Stat.  
13 1190).

14   **“§ 3599. Criminal default**

15           “Whoever, having been sentenced to pay a fine, willful-  
16 ly fails to pay the fine, shall be fined not more than twice the  
17 amount of the unpaid balance of the fine or \$10,000, which-  
18 ever is greater, imprisoned not more than one year, or  
19 both.”.

20           (b) Section 3651 of title 18, United States Code, is  
21 amended by inserting after “May be required to provide for  
22 the support of any persons, for whose support he is legally  
23 responsible.” the following new paragraph:

24           “**If the court has imposed and ordered execution of a**  
25 **fine and placed the defendant on probation, payment of the**

1 fine or adherence to the court-established installment sched-  
2 ule shall be a condition of the probation.”.

3 (c) Section 3651 of title 18, United States Code, is  
4 amended by striking out the last paragraph and inserting in  
5 lieu thereof the following:

6 “The defendant’s liability for any unexecuted fine or  
7 other punishment imposed as to which probation is granted,  
8 shall be fully discharged by the fulfillment of the terms and  
9 conditions of probation.”.

10 (d) The second paragraph of section 3655 of title 18,  
11 United States Code, is amended to read as follows:

12 “He shall keep informed concerning the conduct, condi-  
13 tion, and compliance with any condition of probation, includ-  
14 ing the payment of a fine or restitution of each probationer  
15 under his supervision, and shall report thereon to the court  
16 placing such person on probation. He shall report to the court  
17 any failure of a probationer under his supervision to pay a  
18 fine in default within thirty days after notification that it is in  
19 default so that the court may determine whether probation  
20 should be revoked.”.

21 (e) Section 4209 of title 18, United States Code, is  
22 amended in subsection (a) by striking out the period at the  
23 end of the first sentence and inserting in lieu thereof “and, in  
24 a case involving a criminal fine that has not already been  
25 paid, that the parolee pay or agree to adhere to an install-

1 ment schedule, not to exceed two years except in special cir-  
2 cumstances, to pay for any fine imposed for the offense.”.

3 (f) Subsection (b)(1) of section 4214 of title 18, United  
4 States Code, is amended by adding after “parole” the follow-  
5 ing: “or a failure to pay a fine in default within thirty days  
6 after notification that it is in default”.

7 (g)(1) Section 3565 of title 18, United States Code, is  
8 repealed.

9 (2) The table of sections for chapter 227 of title 18,  
10 United States Code, is amended by striking out the item for  
11 section 3565 and inserting in lieu thereof the following:

“3565. Repealed.”.

12 (h) Section 3569 of title 18, United States Code, is  
13 amended by—

14 (1) striking out “(a)”; and

15 (2) striking out subsection (b).

16 (i) This section shall be repealed on the first day of the  
17 first calendar month beginning twenty-four months after the  
18 date of enactment of this Act.

19 SEC. 239. Since, due to an impending crisis in prison  
20 overcrowding, available Federal prison space must be treated  
21 as a scarce resource in the sentencing of criminal defendants;

22 Since, sentencing decisions should be designed to ensure  
23 that prison resources are, first and foremost, reserved for  
24 those violent and serious criminal offenders who pose the  
25 most dangerous threat to society;

1        Since, in cases of nonviolent and nonserious offenders,  
2 the interests of society as a whole as well as individual  
3 victims of crime can continue to be served through the  
4 imposition of alternative sentences, such as restitution and  
5 community service;

6        Since, in the two years preceding the enactment of sen-  
7 tencing guidelines, Federal sentencing practice should ensure  
8 that scarce prison resources are available to house violent  
9 and serious criminal offenders by the increased use of restitu-  
10 tion, community service, and other alternative sentences in  
11 cases of nonviolent and nonserious offenders: Now, therefore,  
12 be it

13        Declared, That it is the sense of the Senate that in the  
14 two years preceding the enactment of the sentencing guide-  
15 lines, Federal judges, in determining the particular sentence  
16 to be imposed, consider—

17            (1) the nature and circumstances of the offense  
18            and the history and characteristics of the defendant;

19            (2) the general appropriateness of imposing a sen-  
20            tence other than imprisonment in cases in which the  
21            defendant has not been convicted of a crime of violence  
22            or otherwise serious offense; and

23            (3) the general appropriateness of imposing a sen-  
24            tence of imprisonment in cases in which the defendant

1 has been convicted of a crime of violence or otherwise  
2 serious offense.

3 **CHAPTER III—FORFEITURE**

4 **SEC. 301.** This title may be cited as the “Comprehen-  
5 sive Forfeiture Act of 1984”.

6 **PART A**

7 **SEC. 302.** Section 1963 of title 18 of the United States  
8 Code is amended to read as follows:

9 **“§ 1963. Criminal penalties**

10 **“(a)** Whoever violates any provision of section 1962 of  
11 this chapter shall be fined not more than \$25,000 or impris-  
12 oned not more than twenty years, or both, and shall forfeit to  
13 the United States, irrespective of any provision of State  
14 law—

15 **“(1)** any interest the person has acquired or main-  
16 tained in violation of section 1962;

17 **“(2)** any—

18 **“(A)** interest in;

19 **“(B)** security of;

20 **“(C)** claim against; or

21 **“(D)** property or contractual right of any  
22 kind affording a source of influence over;

23 any enterprise which the person has established, oper-  
24 ated, controlled, conducted, or participated in the con-  
25 duct of, in violation of section 1962; and



1           “(3) any property constituting, or derived from,  
2           any proceeds which the person obtained, directly or in-  
3           directly, from racketeering activity or unlawful debt  
4           collection in violation of section 1962.

5           The court, in imposing sentence on such person shall order,  
6           in addition to any other sentence imposed pursuant to this  
7           section, that the person forfeit to the United States all  
8           property described in this subsection.

9           “(b) Property subject to criminal forfeiture under this  
10          section includes—

11           “(1) real property, including things growing on,  
12          affixed to, and found in land; and

13           “(2) tangible and intangible personal property, in-  
14          cluding rights, privileges, interests, claims, and securi-  
15          ties.

16           “(c) All right, title, and interest in property described in  
17          subsection (a) vests in the United States upon the commission  
18          of the act giving rise to forfeiture under this section. Any  
19          such property that is subsequently transferred to a person  
20          other than the defendant may be the subject of a special ver-  
21          dict of forfeiture and thereafter shall be ordered forfeited to  
22          the United States, unless the transferee establishes in a hear-  
23          ing pursuant to subsection (m) that he is a bona fide purchas-  
24          er for value of such property who at the time of purchase was

1 reasonably without cause to believe that the property was  
2 subject to forfeiture under this section.

3 “(d) If any of the property described in subsection (a)—

4 “(1) cannot be located;

5 “(2) has been transferred to, sold to, or deposited  
6 with, a third party;

7 “(3) has been placed beyond the jurisdiction of the  
8 court;

9 “(4) has been substantially diminished in value by  
10 any act or omission of the defendant; or

11 “(5) has been commingled with other property  
12 which cannot be divided without difficulty;

13 the court shall order the forfeiture of any other property of  
14 the defendant up to the value of any property described in  
15 paragraphs (1) through (5).

16 “(e)(1) Upon application of the United States, the court  
17 may enter a restraining order or injunction, require the exe-  
18 cution of a satisfactory performance bond, or take any other  
19 action to preserve the availability of property described in  
20 subsection (a) for forfeiture under this section—

21 “(A) upon the filing of an indictment or informa-  
22 tion charging a violation of section 1962 of this chap-  
23 ter and alleging that the property with respect to  
24 which the order is sought would, in the event of con-  
25 viction, be subject to forfeiture under this section; or

1           “(B) prior to the filing of such an indictment or  
2 information, if, after notice to persons appearing to  
3 have an interest in the property and opportunity for a  
4 hearing, the court determines that—

5           “(i) there is a substantial probability that the  
6 United States will prevail on the issue of forfeit-  
7 ure and that failure to enter the order will result  
8 in the property being destroyed, removed from the  
9 jurisdiction of the court, or otherwise made un-  
10 available for forfeiture; and

11           “(ii) the need to preserve the availability of  
12 the property through the entry of the requested  
13 order outweighs the hardship on any party against  
14 whom the order is to be entered:

15 *Provided, however,* That an order entered pursuant to sub-  
16 paragraph (B) shall be effective for not more than ninety  
17 days, unless extended by the court for good cause shown or  
18 unless an indictment or information described in subpara-  
19 graph (A) has been filed.

20           “(2) A temporary restraining order under this subsection  
21 may be entered upon application of the United States without  
22 notice or opportunity for a hearing when an information or  
23 indictment has not yet been filed with respect to the proper-  
24 ty, if the United States demonstrates that there is probable  
25 cause to believe that the property with respect to which the

1 order is sought would, in the event of conviction, be subject  
2 to forfeiture under this section and that provision of notice  
3 will jeopardize the availability of the property for forfeiture.  
4 Such a temporary order shall expire not more than ten days  
5 after the date on which it is entered, unless extended for good  
6 cause shown or unless the party against whom it is entered  
7 consents to an extension for a longer period. A hearing re-  
8 quested concerning an order entered under this paragraph  
9 shall be held at the earliest possible time, and prior to the  
10 expiration of the temporary order.

11       “(3) The court may receive and consider, at a hearing  
12 held pursuant to this subsection, evidence and information  
13 that would be inadmissible under the Federal Rules of Evi-  
14 dence.

15       “(f) Upon conviction of a person under this section, the  
16 court shall enter a judgment of forfeiture of the property to  
17 the United States and shall also authorize the Attorney Gen-  
18 eral to seize all property ordered forfeited upon such terms  
19 and conditions as the court shall deem proper. Following the  
20 entry of an order declaring the property forfeited, the court  
21 may, upon application of the United States, enter such appro-  
22 priate restraining orders or injunctions, require the execution  
23 of satisfactory performance bonds, appoint receivers, conser-  
24 vators, appraisers, accountants, or trustees, or take any other  
25 action to protect the interest of the United States in the prop-

1 erty ordered forfeited. Any income accruing to, or derived  
2 from, an enterprise or an interest in an enterprise which has  
3 been ordered forfeited under this section may be used to  
4 offset ordinary and necessary expenses to the enterprise  
5 which are required by law, or which are necessary to protect  
6 the interests of the United States or third parties.

7       “(g) Following the seizure of property ordered forfeited  
8 under this section, the Attorney General shall direct the dis-  
9 position of the property by sale or any other commercially  
10 feasible means, making due provision for the rights of any  
11 innocent persons. Any property right or interest not exercis-  
12 able by, or transferable for value to, the United States shall  
13 expire and shall not revert to the defendant, nor shall the  
14 defendant or any person acting in concert with or on behalf of  
15 the defendant be eligible to purchase forfeited property at any  
16 sale held by the United States. Upon application of a person,  
17 other than the defendant or a person acting in concert with or  
18 on behalf of the defendant, the court may restrain or stay the  
19 sale or disposition of the property pending the conclusion of  
20 any appeal of the criminal case giving rise to the forfeiture, if  
21 the applicant demonstrates that proceeding with the sale or  
22 disposition of the property will result in irreparable injury,  
23 harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the  
24 proceeds of any sale or other disposition of property forfeited  
25 under this section and any moneys forfeited shall be used to

1 pay all proper expenses for the forfeiture and the sale, includ-  
2 ing expenses of seizure, maintenance and custody of the  
3 property pending its disposition, advertising and court costs.  
4 The Attorney General shall deposit in the Treasury any  
5 amounts of such proceeds or moneys remaining after the pay-  
6 ment of such expenses.

7       “(h) With respect to property ordered forfeited under  
8 this section, the Attorney General is authorized to—

9               “(1) grant petitions for mitigation or remission of  
10 forfeiture, restore forfeited property to victims of a vio-  
11 lation of this chapter, or take any other action to pro-  
12 tect the rights of innocent persons which is in the in-  
13 terest of justice and which is not inconsistent with the  
14 provisions of this chapter;

15               “(2) compromise claims arising under this section;

16               “(3) award compensation to persons providing in-  
17 formation resulting in a forfeiture under this section;

18               “(4) direct the disposition by the United States of  
19 all property ordered forfeited under this section by  
20 public sale or any other commercially feasible means,  
21 making due provision for the rights of innocent per-  
22 sons; and

23               “(5) take appropriate measures necessary to safe-  
24 guard and maintain property ordered forfeited under  
25 this section pending its disposition.

1       “(i) The Attorney General may promulgate regulations  
2 with respect to—

3               “(1) making reasonable efforts to provide notice to  
4 persons who may have an interest in property ordered  
5 forfeited under this section;

6               “(2) granting petitions for remission or mitigation  
7 of forfeiture;

8               “(3) the restitution of property to victims of an of-  
9 fense petitioning for remission or mitigation of forfeit-  
10 ure under this chapter;

11              “(4) the disposition by the United States of forfeit-  
12 ed property by public sale or other commercially feasi-  
13 ble means;

14              “(5) the maintenance and safekeeping of any  
15 property forfeited under this section pending its disposi-  
16 tion; and

17              “(6) the compromise of claims arising under this  
18 chapter.

19 Pending the promulgation of such regulations, all provisions  
20 of law relating to the disposition of property, or the proceeds  
21 from the sale thereof, or the remission or mitigation of forfeit-  
22 ures for violation of the customs laws, and the compromise of  
23 claims and the award of compensation to informers in respect  
24 of such forfeitures shall apply to forfeitures incurred, or al-  
25 leged to have been incurred, under the provisions of this sec-

1 tion, insofar as applicable and not inconsistent with the provi-  
2 sions hereof. Such duties as are imposed upon the Customs  
3 Service or any person with respect to the disposition of prop-  
4 erty under the customs law shall be performed under this  
5 chapter by the Attorney General.

6 “(j) Except as provided in subsection (m), no party  
7 claiming an interest in property subject to forfeiture under  
8 this section may—

9 “(1) intervene in a trial or appeal of a criminal  
10 case involving the forfeiture of such property under this  
11 section; or

12 “(2) commence an action at law or equity against  
13 the United States concerning the validity of his alleged  
14 interest in the property subsequent to the filing of an  
15 indictment or information alleging that the property is  
16 subject to forfeiture under this section.

17 “(k) The district courts of the United States shall have  
18 jurisdiction to enter orders as provided in this section without  
19 regard to the location of any property which may be subject  
20 to forfeiture under this section or which has been ordered  
21 forfeited under this section.

22 “(l) In order to facilitate the identification or location of  
23 property declared forfeited and to facilitate the disposition of  
24 petitions for remission or mitigation of forfeiture, after the  
25 entry of an order declaring property forfeited to the United



1 States the court may, upon application of the United States,  
2 order that the testimony of any witness relating to the prop-  
3 erty forfeited be taken by deposition and that any designated  
4 book, paper, document, record, recording, or other material  
5 not privileged be produced at the same time and place, in the  
6 same manner as provided for the taking of depositions under  
7 Rule 15 of the Federal Rules of Criminal Procedure.

8       “(m)(1) Following the entry of an order of forfeiture  
9 under this section, the United States shall publish notice of  
10 the order and of its intent to dispose of the property for at  
11 least seven successive court days in such manner as the At-  
12 torney General may direct. The Government may also, to the  
13 extent practicable, provide direct written notice to any  
14 person known to have alleged an interest in the property that  
15 is the subject of the order of forfeiture as a substitute for  
16 published notice as to those persons so notified.

17       “(2) Any person, other than the defendant, asserting a  
18 legal interest in property which has been ordered forfeited to  
19 the United States pursuant to this section may, within thirty  
20 days of the final publication of notice or his receipt of notice  
21 under paragraph (1), whichever is earlier, petition the court  
22 for a hearing to adjudicate the validity of his alleged interest  
23 in the property. The hearing shall be held before the court  
24 alone, without a jury.

1           “(3) The petition shall be signed by the petitioner under  
2 penalty of perjury and shall set forth the nature and extent of  
3 the petitioner’s right, title, or interest in the property, the  
4 time and circumstances of the petitioner’s acquisition of the  
5 right, title, or interest in the property, any additional facts  
6 supporting the petitioner’s claim, and the relief sought.

7           “(4) The hearing on the petition shall, to the extent  
8 practicable and consistent with the interests of justice, be  
9 held within thirty days of the filing of the petition. The court  
10 may consolidate the hearing on the petition with a hearing on  
11 any other petition filed by a person other than the defendant  
12 under this subsection.

13           “(5) At the hearing, the petitioner may testify and  
14 present evidence and witnesses on his own behalf, and cross-  
15 examine witnesses who appear at the hearing. The United  
16 States may present evidence and witnesses in rebuttal and in  
17 defense of its claim to the property and cross-examine wit-  
18 nesses who appear at the hearing. In addition to testimony  
19 and evidence presented at the hearing, the court shall consid-  
20 er the relevant portions of the record of the criminal case  
21 which resulted in the order of forfeiture.

22           “(6) If, after the hearing, the court determines that the  
23 petitioner has established by a preponderance of the evidence  
24 that—



1 et seq.) is amended by adding at the end thereof the following  
2 new sections 413 and 414:

3 **“CRIMINAL FORFEITURES**

4 **“PROPERTY SUBJECT TO CRIMINAL FORFEITURE**

5 **“SEC. 413. (a) Any person convicted of a violation of**  
6 **this title or title III punishable by imprisonment for more**  
7 **than one year shall forfeit to the United States, irrespective**  
8 **of any provision of State law—**

9 **“(1) any property constituting, or derived from,**  
10 **any proceeds the person obtained, directly or indirectly,**  
11 **as the result of such violation;**

12 **“(2) any of the person’s property used, or intend-**  
13 **ed to be used, in any manner or part, to commit, or to**  
14 **facilitate the commission of, such violation; and**

15 **“(3) in the case of a person convicted of engaging**  
16 **in a continuing criminal enterprise in violation of sec-**  
17 **tion 408 of this title (21 U.S.C. 848), the person shall**  
18 **forfeit, in addition to any property described in para-**  
19 **graph (1) or (2), any of his interest in, claims against,**  
20 **and property or contractual rights affording a source of**  
21 **control over, the continuing criminal enterprise.**

22 **The court, in imposing sentence on such person, shall order,**  
23 **in addition to any other sentence imposed pursuant to this**  
24 **title or title III, that the person forfeit to the United States**  
25 **all property described in this subsection.**

**“MEANING OF TERM ‘PROPERTY’**

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“(b) Property subject to criminal forfeiture under this section includes—

“(1) real property, including things growing on, affixed to, and found in land; and

“(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

**“THIRD PARTY TRANSFERS**

“(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

“(d) If any of the property described in subsection (a)—

“(1) cannot be located;

“(2) has been transferred to, sold to, or deposited with a third party;

1           “(3) has been placed beyond the jurisdiction of the  
2           court;

3           “(4) has been substantially diminished in value by  
4           any act or omission of the defendant; or

5           “(5) has been commingled with other property  
6           which cannot be divided without difficulty;

7           the court shall order the forfeiture of any other property of  
8           the defendant up to the value of any property described in  
9           paragraphs (1) through (5).

10                           “REBUTTABLE PRESUMPTION

11           “(e) There is a rebuttable presumption at trial that any  
12           property of a person convicted of a felony under this title or  
13           title III is subject to forfeiture under this section if the  
14           United States establishes by a preponderance of the evidence  
15           that—

16                           “(1) such property was acquired by such person  
17           during the period of the violation of this title or title  
18           III or within a reasonable time after such period; and

19                           “(2) there was no likely source for such property  
20           other than the violation of this title or title III.

21                           “PROTECTIVE ORDERS

22           “(f)(1) Upon application of the United States, the court  
23           may enter a restraining order or injunction, require the exe-  
24           cution of a satisfactory performance bond, or take any other

1 action to preserve the availability of property described in  
2 subsection (a) for forfeiture under this section—

3 “(A) upon the filing of an indictment or informa-  
4 tion charging a violation of this title or title III for  
5 which criminal forfeiture may be ordered under this  
6 section and alleging that the property with respect to  
7 which the order is sought would, in the event of con-  
8 viction, be subject to forfeiture under this section; or

9 “(B) prior to the filing of such an indictment or  
10 information, if, after notice to persons appearing to  
11 have an interest in the property and opportunity for a  
12 hearing, the court determines that—

13 “(i) there is a substantial probability that the  
14 United States will prevail on the issue of forfeit-  
15 ure and that failure to enter the order will result  
16 in the property being destroyed, removed from the  
17 jurisdiction of the court, or otherwise made un-  
18 available for forfeiture; and

19 “(ii) the need to preserve the availability of  
20 the property through the entry of the requested  
21 order outweighs the hardship on any party against  
22 whom the order is to be entered:

23 *Provided, however,* That an order entered pursuant to sub-  
24 paragraph (B) shall be effective for not more than ninety  
25 days, unless extended by the court for good cause shown or

1 unless an indictment or information described in subpara-  
2 graph (A) has been filed.

3       “(2) A temporary restraining order under this subsection  
4 may be entered upon application of the United States without  
5 notice or opportunity for a hearing when an information or  
6 indictment has not yet been filed with respect to the proper-  
7 ty, if the United States demonstrates that there is probable  
8 cause to believe that the property with respect to which the  
9 order is sought would, in the event of conviction, be subject  
10 to forfeiture under this section and that provision of notice  
11 will jeopardize the availability of the property for forfeiture.  
12 Such a temporary order shall expire not more than ten days  
13 after the date on which it is entered, unless extended for good  
14 cause shown or unless the party against whom it is entered  
15 consents to an extension for a longer period. A hearing re-  
16 quested concerning an order entered under this paragraph  
17 shall be held at the earliest possible time and prior to the  
18 expiration of the temporary order.

19       “(3) The court may receive and consider, at a hearing  
20 held pursuant to this subsection, evidence and information  
21 that would be inadmissible under the Federal Rules of Evi-  
22 dence.

23                                   “WARRANT OF SEIZURE

24       “(g) The Government may request the issuance of a  
25 warrant authorizing the seizure of property subject to forfeit-



1 ure under this section in the same manner as provided for a  
2 search warrant. If the court determines that there is probable  
3 cause to believe that the property to be seized would, in the  
4 event of conviction, be subject to forfeiture and that an order  
5 under subsection (f) may not be sufficient to assure the avail-  
6 ability of the property for forfeiture, the court shall issue a  
7 warrant authorizing the seizure of such property.

8 "EXECUTION

9 "(h) Upon entry of an order of forfeiture under this sec-  
10 tion, the court shall authorize the Attorney General to seize  
11 all property ordered forfeited upon such terms and conditions  
12 as the court shall deem proper. Following entry of an order  
13 declaring the property forfeited, the court may, upon applica-  
14 tion of the United States, enter such appropriate restraining  
15 orders or injunctions, require the execution of satisfactory  
16 performance bonds, appoint receivers, conservators, apprais-  
17 ers, accountants, or trustees, or take any other action to pro-  
18 tect the interest of the United States in the property ordered  
19 forfeited. Any income accruing to or derived from property  
20 ordered forfeited under this section may be used to offset or-  
21 dinary and necessary expenses to the property which are re-  
22 quired by law, or which are necessary to protect the interests  
23 of the United States or third parties.

**“DISPOSITION OF PROPERTY**

1  
2       “(i) Following the seizure of property ordered forfeited  
3 under this section, the Attorney General shall direct the dis-  
4 position of the property by sale or any other commercially  
5 feasible means, making due provision for the rights of any  
6 innocent persons. Any property right or interest not exercis-  
7 able by, or transferable for value to, the United States shall  
8 expire and shall not revert to the defendant, nor shall the  
9 defendant or any person acting in concert with him or on his  
10 behalf be eligible to purchase forfeited property at any sale  
11 held by the United States. Upon application of a person,  
12 other than the defendant or a person acting in concert with  
13 him or on his behalf, the court may restrain or stay the sale  
14 or disposition of the property pending the conclusion of any  
15 appeal of the criminal case giving rise to the forfeiture, if the  
16 applicant demonstrates that proceeding with the sale or dis-  
17 position of the property will result in irreparable injury,  
18 harm, or loss to him.

**“AUTHORITY OF THE ATTORNEY GENERAL**

19  
20       “(j) With respect to property ordered forfeited under this  
21 section, the Attorney General is authorized to—

22               “(1) grant petitions for mitigation or remission of  
23 forfeiture, restore forfeited property to victims of a vio-  
24 lation of this chapter, or take any other action to pro-  
25 tect the rights of innocent persons which is in the in-

1       terest of justice and which is not inconsistent with the  
2       provisions of this section;

3             “(2) compromise claims arising under this section;

4             “(3) award compensation to persons providing in-  
5       formation resulting in a forfeiture under this section;

6             “(4) direct the disposition by the United States, in  
7       accordance with the provisions of section 511(e) of this  
8       title (21 U.S.C. 881(e)), of all property ordered forfeit-  
9       ed under this section by public sale or any other com-  
10      mercially feasible means, making due provision for the  
11      rights of innocent persons; and

12            “(5) take appropriate measures necessary to safe-  
13      guard and maintain property ordered forfeited under  
14      this section pending its disposition.

15            “APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

16            “(k) Except to the extent that they are inconsistent with  
17      the provisions of this section, the provisions of section 511(d)  
18      of this title (21 U.S.C. 881(d)) shall apply to a criminal for-  
19      feiture under this section.

20            “BAR ON INTERVENTION

21            “(l) Except as provided in subsection (o), no party claim-  
22      ing an interest in property subject to forfeiture under this  
23      section may—

1           “(1) intervene in a trial or appeal of a criminal  
2 case involving the forfeiture of such property under this  
3 section; or

4           “(2) commence an action at law or equity against  
5 the United States concerning the validity of his alleged  
6 interest in the property subsequent to the filing of an  
7 indictment or information alleging that the property is  
8 subject to forfeiture under this section.

9                           **“JURISDICTION TO ENTER ORDERS**

10          “(m) The district courts of the United States shall have  
11 jurisdiction to enter orders as provided in this section without  
12 regard to the location of any property which may be subject  
13 to forfeiture under this section or which has been ordered  
14 forfeited under this section.

15                           **“DEPOSITIONS**

16          “(n) In order to facilitate the identification and location  
17 of property declared forfeited and to facilitate the disposition  
18 of petitions for remission or mitigation of forfeiture, after the  
19 entry of an order declaring property forfeited to the United  
20 States, the court may, upon application of the United States,  
21 order that the testimony of any witness relating to the prop-  
22 erty forfeited be taken by deposition and that any designated  
23 book, paper, document, record, recording, or other material  
24 not privileged be produced at the same time and place, in the

1 same manner as provided for the taking of depositions under  
2 Rule 15 of the Federal Rules of Criminal Procedure.

3 "THIRD PARTY INTERESTS

4 "(o)(1) Following the entry of an order of forfeiture  
5 under this section, the United States shall publish notice of  
6 the order and of its intent to dispose of the property for at  
7 least seven successive court days in such manner as the At-  
8 torney General may direct. The Government may also, to the  
9 extent practicable, provide direct written notice to any  
10 person known to have alleged an interest in the property that  
11 is the subject of the order of forfeiture as a substitute for  
12 published notice as to those persons so notified.

13 "(2) Any person, other than the defendant, asserting a  
14 legal interest in property which has been ordered forfeited to  
15 the United States pursuant to this section, may, within thirty  
16 days of the final publication of notice or his receipt of notice  
17 under paragraph (1), whichever is earlier, petition the court  
18 for a hearing to adjudicate the validity of his alleged interest  
19 in the property. The hearing shall be held before the court  
20 alone, without a jury.

21 "(3) The petition shall be signed by the petitioner under  
22 penalty of perjury and shall set forth the nature and extent of  
23 the petitioner's right, title, or interest in the property, the  
24 time and circumstances of the petitioner's acquisition of the

1 right, title, or interest in the property, any additional facts  
2 supporting the petitioner's claim, and the relief sought.

3       “(4) The hearing on the petition shall, to the extent  
4 practicable and consistent with the interests of justice, be  
5 held within thirty days of the filing of the petition. The court  
6 may consolidate the hearing on the petition with a hearing on  
7 any other petition filed by a person other than the defendant  
8 under this subsection.

9       “(5) At the hearing, the petitioner may testify and  
10 present evidence and witnesses on his own behalf, and cross-  
11 examine witnesses who appear at the hearing. The United  
12 States may present evidence and witnesses in rebuttal and in  
13 defense of its claim to the property and cross-examine wit-  
14 nesses who appear at the hearing. In addition to testimony  
15 and evidence presented at the hearing, the court shall consid-  
16 er the relevant portions of the record of the criminal case  
17 which resulted in the order of forfeiture.

18       “(6) If, after the hearing, the court determines that the  
19 petitioner has established by a preponderance of the evidence  
20 that—

21               “(A) the petitioner has a legal right, title, or in-  
22 terest in the property, and such right, title, or interest  
23 renders the order of forfeiture invalid in whole or in  
24 part because the right, title, or interest was vested in  
25 the petitioner rather than the defendant or was superi-

1 or to any right, title, or interest of the defendant at the  
2 time of the commission of the acts which gave rise to  
3 the forfeiture of the property under this section; or

4 "(B) the petitioner is a bona fide purchaser for  
5 value of the right, title, or interest in the property and  
6 was at the time of purchase reasonably without cause  
7 to believe that the property was subject to forfeiture  
8 under this section;

9 the court shall amend the order of forfeiture in accordance  
10 with its determination.

11 "(7) Following the court's disposition of all petitions  
12 filed under this subsection, or if no such petitions are filed  
13 following the expiration of the period provided in paragraph  
14 (2) for the filing of such petitions, the United States shall  
15 have clear title to property that is the subject of the order of  
16 forfeiture and may warrant good title to any subsequent pur-  
17 chaser or transferee."

18 "(p) The provisions of this section shall be liberally con-  
19 strued to effectuate its remedial purposes.

20 "INVESTMENT OF ILLICIT DRUG PROFITS

21 "SEC. 414. (a) It shall be unlawful for any person who  
22 has received any income derived, directly or indirectly, from  
23 a violation of this title or title III punishable by imprison-  
24 ment for more than one year in which such person has par-  
25 ticipated as a principal within the meaning of section 2 of

1 title 18, United States Code, to use or invest, directly or  
2 indirectly, any part of such income, or the proceeds of such  
3 income, in acquisition of any interest in, or the establishment  
4 or operation of, any enterprise which is engaged in, or the  
5 activities of which affect interstate or foreign commerce. A  
6 purchase of securities on the open market for purposes of  
7 investment, and without the intention of controlling or par-  
8 ticipating in the control of the issuer, or of assisting another  
9 to do so, shall not be unlawful under this section if the securi-  
10 ties of the issuer held by the purchaser, the members of his  
11 immediate family, and his or their accomplices in any viola-  
12 tion of this title or title III after such purchase do not amount  
13 in the aggregate to 1 per centum of the outstanding securities  
14 of any one class, and do not confer, either in law or in fact,  
15 the power to elect one or more directors of the issuer.

16       “(b) Whoever violates this section shall be fined not  
17 more than \$50,000 or imprisoned not more than ten years, or  
18 both.

19       “(c) As used in this section, the term ‘enterprise’ in-  
20 cludes any individual, partnership, corporation, association,  
21 or other legal entity, and any union or group of individuals  
22 associated in fact although not a legal entity.

23       “(d) The provisions of this section shall be liberally con-  
24 strued to effectuate its remedial purposes.”.



1       **SEC. 304.** Section 304 of the Comprehensive Drug  
2 Abuse Prevention and Control Act of 1970 (21 U.S.C. 824)  
3 is amended by adding at the end of subsection (f) the follow-  
4 ing sentence: "All right, title, and interest in such controlled  
5 substances shall vest in the United States upon a revocation  
6 order becoming final."

7       **SEC. 305.** Section 408 of the Comprehensive Drug  
8 Abuse Prevention and Control Act of 1970 (21 U.S.C. 848)  
9 is amended—

10       (a) in subsection (a)—

11           (1) by striking out "(1)";

12           (2) by striking out "paragraph (2)" each time it  
13 appears, and inserting in lieu thereof "section 413 of  
14 this title"; and

15           (3) by striking out paragraph (2); and

16       (b) by striking out subsection (d).

17       **SEC. 306.** Section 511 of the Comprehensive Drug  
18 Abuse Prevention and Control Act of 1970 (21 U.S.C. 881)  
19 is amended—

20       (a) in subsection (a) by inserting at the end thereof the  
21 following new subsection:

22           "(7) All real property, including any right, title,  
23 and interest in the whole of any lot or tract of land and  
24 any appurtenances or improvements, which is used, or  
25 intended to be used, in any manner or part, to commit,

1 or to facilitate the commission of, a violation of this  
2 title punishable by more than one year's imprisonment,  
3 except that no property shall be forfeited under this  
4 paragraph, to the extent of an interest of an owner, by  
5 reason of any act or omission established by that  
6 owner to have been committed or omitted without the  
7 knowledge or consent of that owner.”;

8 (b) in subsection (b)—

9 (1) by inserting “civil or criminal” after “Any  
10 property subject to”; and

11 (2) by striking out in paragraph (4) “has been  
12 used or is intended to be used in violation of” and in-  
13 serting in lieu thereof “is subject to civil or criminal  
14 forfeiture under”;

15 (c) in subsection (c)—

16 (1) by inserting in the second sentence “any of”  
17 after “Whenever property is seized under”; and

18 (2) by inserting in paragraph (3) “, if practicable,”  
19 after “remove it”;

20 (d) in subsection (d), by inserting “any of” after “alleged  
21 to have been incurred, under”;

22 (e) in subsection (e)—

23 (1) by inserting “civilly or criminally” in the first  
24 sentence after “Whenever property is”; and

1           (2) by striking out in paragraph (3) “and remove  
2           it for disposition” and inserting in lieu thereof “and  
3           dispose of it”; and

4           (f) by inserting at the end thereof the following new sub-  
5 sections:

6           “(h) All right, title, and interest in property described in  
7 subsection (a) shall vest in the United States upon commis-  
8 sion of the act giving rise to forfeiture under this section.

9           “(i) The filing of an indictment or information alleging a  
10 violation of this title or title III which is also related to a  
11 civil forfeiture proceeding under this section shall, upon  
12 motion of the United States and for good cause shown, stay  
13 the civil forfeiture proceeding.

14           “(j) In addition to the venue provided for in section  
15 1395 of title 28, United States Code, or any other provision  
16 of law, in the case of property of a defendant charged with a  
17 violation that is the basis for forfeiture of the property under  
18 this section, a proceeding for forfeiture under this section  
19 may be brought in the judicial district in which the defendant  
20 owning such property is found or in the judicial district in  
21 which the criminal prosecution is brought.”.

22           SEC. 307. Part A of title III of the Comprehensive  
23 Drug Abuse Prevention and Control Act of 1970 is amended  
24 by adding at the end thereof the following new section:



1 (b) Section 511(e) of the Comprehensive Drug Abuse  
2 Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is  
3 amended by inserting before "The proceeds from any sale  
4 under paragraph (2)" the following: "The Attorney General  
5 shall ensure the equitable transfer pursuant to paragraph (1)  
6 of any forfeited property to the appropriate State or local law  
7 enforcement agency so as to reflect generally the contribution  
8 of any such agency participating directly in any of the acts  
9 which led to the seizure or forfeiture of such property. A  
10 decision by the Attorney General pursuant to paragraph (1)  
11 shall not be subject to review."

12 (c) Section 511(e) of the Comprehensive Drug Abuse  
13 Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is  
14 further amended by striking out "the general fund of the  
15 United States Treasury" in the sentence beginning "The At-  
16 torney General shall" and inserting in lieu thereof "accord-  
17 ance with section 524(c) of title 28, United States Code".

18 SEC. 310. Section 524 of title 28, United States Code,  
19 is amended by adding at the end the following new subsec-  
20 tion:

21 "(c)(1) There is established in the United States Treas-  
22 ury a special fund to be known as the Department of Justice  
23 Assets Forfeiture Fund (hereinafter in this subsection re-  
24 ferred to as the 'fund') which shall be available to the Attor-  
25 ney General without fiscal year limitation in such amounts as

1 may be specified in appropriations Acts for the following pur-  
2 poses of the Department of Justice—

3           “(A) the payment, at the discretion of the Attor-  
4           ney General, of any expenses necessary to seize,  
5           detain, inventory, safeguard, maintain, advertise, or  
6           sell property under seizure, detention, or forfeited pur-  
7           suant to any law enforced or administered by the De-  
8           partment of Justice, or of any other necessary ex-  
9           penses incident to the seizure, detention, or forfeiture  
10          of such property; such payments may include payments  
11          for contract services and payments to reimburse any  
12          Federal, State, or local agency for any expenditures  
13          made to perform the foregoing functions;

14          “(B) the payment of awards for information or as-  
15          sistance leading to a civil or criminal forfeiture under  
16          the Comprehensive Drug Abuse Prevention and Con-  
17          trol Act of 1970 (21 U.S.C. 800 et seq.) or a criminal  
18          forfeiture under the Racketeer Influenced and Corrupt  
19          Organizations statute (18 U.S.C. 1961 et seq.), at the  
20          discretion of the Attorney General;

21          “(C) the compromise and payment of valid liens  
22          and mortgages against property that has been forfeited  
23          pursuant to any law enforced or administered by the  
24          Department of Justice, subject to the discretion of the  
25          Attorney General to determine the validity of any such

1       lien or mortgage and the amount of payment to be  
2       made; and

3               “(D) disbursements authorized in connection with  
4       remission or mitigation procedures relating to property  
5       forfeited under any law enforced or administered by the  
6       Department of Justice.

7               “(2) Any award paid from the fund for information con-  
8       cerning a forfeiture, as provided in paragraph (1)(B), shall be  
9       paid at the discretion of the Attorney General or his delegate,  
10      except that the authority to pay an award of \$10,000 or  
11      more shall not be delegated to any person other than the  
12      Deputy Attorney General, the Associate Attorney General,  
13      the Director of the Federal Bureau of Investigation, or the  
14      Administrator of the Drug Enforcement Administration. Any  
15      award for such information shall not exceed the lesser of  
16      \$150,000 or one-fourth of the amount realized by the United  
17      States from the property forfeited.

18              “(3) There shall be deposited in the fund all amounts  
19      from the forfeiture of property under any law enforced or  
20      administered by the Department of Justice remaining after  
21      the payment of expenses for forfeiture and sale authorized by  
22      law.

23              “(4) Amounts in the fund which are not currently  
24      needed for the purpose of this section shall be kept on deposit

1 or invested in obligations of, or guaranteed by, the United  
2 States.

3       “(5) The Attorney General shall transmit to the Con-  
4 gress, not later than four months after the end of each fiscal  
5 year a detailed report on the amounts deposited in the fund  
6 and a description of expenditures made under this subsection.

7       “(6) The provisions of this subsection relating to depos-  
8 its in the fund shall apply to all property in the custody of the  
9 Department of Justice on or after the effective date of the  
10 Comprehensive Forfeiture Act of 1983.

11       “(7) For fiscal years 1984, 1985, 1986, and 1987, there  
12 are authorized to be appropriated such sums as may be nec-  
13 essary for the purposes described in paragraph (1). At the end  
14 of each fiscal year, any amount in the fund in excess of the  
15 amount appropriated shall be deposited in the general fund of  
16 the Treasury of the United States, except that an amount not  
17 to exceed \$5,000,000 may be carried forward and available  
18 for appropriation in the next fiscal year.

19       “(8) For the purposes of this subsection, property is for-  
20 feited pursuant to a law enforced or administered by the De-  
21 partment of Justice if it is forfeited pursuant to—

22               “(A) any criminal forfeiture proceeding;

23               “(B) any civil judicial forfeiture proceeding; or

24               “(C) any civil administrative forfeiture proceeding  
25               conducted by the Department of Justice;



1 except to the extent that the seizure was effected by a Cus-  
2 toms officer or that custody was maintained by the Customs  
3 Service in which case the provisions of section 613a of the  
4 Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.”.

5 **PART D**

6 **SEC. 311.** Section 607 of the Tariff Act of 1930 (19  
7 U.S.C. 1607) is amended to read as follows:

8 **“§ 607. Seizure; value \$100,000 or less, prohibited articles,**  
9 **transporting conveyances**

10 **“(a) If—**

11 **“(1) the value of such seized vessel, vehicle, air-**  
12 **craft, merchandise, or baggage does not exceed**  
13 **\$100,000;**

14 **“(2) such seized merchandise consists of articles**  
15 **the importation of which is prohibited; or**

16 **“(3) such seized vessel, vehicle, or aircraft was**  
17 **used to import, export, or otherwise transport or store**  
18 **any controlled substances;**

19 the appropriate customs officer shall cause a notice of the  
20 seizure of such articles and the intention to forfeit and sell or  
21 otherwise dispose of the same according to law to be pub-  
22 lished for at least three successive weeks in such manner as  
23 the Secretary of the Treasury may direct. Written notice of  
24 seizure together with information on the applicable proce-

1 dures shall be sent to each party who appears to have an  
2 interest in the seized article.

3       “(b) As used in this section, the term ‘controlled sub-  
4 stance’ has the meaning given that term in section 102 of the  
5 Controlled Substances Act (21 U.S.C. 802).”.

6       SEC. 312. Section 608 of the Tariff Act of 1930 (19  
7 U.S.C. 1608) is amended in the second sentence by inserting  
8 after “penal sum of” the following: “\$5,000 or 10 per  
9 centum of the value of the claimed property, whichever is  
10 lower, but not less than,”.

11       SEC. 313. Section 609 of the Tariff Act of 1930 (19  
12 U.S.C. 1609) is amended by striking out “after deducting the  
13 actual expenses of seizure, publication, and sale in the Treas-  
14 ury of the United States.” and inserting in lieu thereof “after  
15 deducting expenses enumerated in section 613 of this Act  
16 into the Customs Forfeiture Fund.”.

17       SEC. 314. Section 610 of the Tariff Act of 1930 (19  
18 U.S.C. 1610) is amended by striking out “If the value of any  
19 vessel, vehicle, merchandise, or baggage so seized is greater  
20 than \$10,000,” and substituting in lieu thereof the following:  
21 “If any vessel, vehicle, aircraft, merchandise, or baggage is  
22 not subject to the procedure set forth in section 607,”.

23       SEC. 315. Section 612 of the Tariff Act of 1930 (19  
24 U.S.C. 1612) is amended by—

1 (1) inserting "aircraft," immediately after "vehi-  
2 cle," wherever it appears in the section;

3 (2) striking out "and the value of such vessel, ve-  
4 hicle, merchandise, or baggage as determined under  
5 section 606 does not exceed \$10,000," in the first sen-  
6 tence and inserting in lieu thereof the following: "and  
7 the article is subject to the provisions of section 607 of  
8 this Act,"; and

9 (3) striking out "If such value of such vessel, ve-  
10 hicle, merchandise, or baggage exceeds \$10,000," in  
11 the second sentence and inserting in lieu thereof the  
12 following: "If the article is not subject to the provi-  
13 sions of section 607 of this Act,".

14 SEC. 316. Section 613(a)(3) of the Tariff Act of 1930  
15 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

16 "(3) The residue shall be deposited in the Cus-  
17 toms Forfeiture Fund."

18 SEC. 317. The Tariff Act of 1930 is amended by adding  
19 a new section immediately after section 613 (19 U.S.C.  
20 1613) to read as follows:

21 **"§ 613a. Customs Forfeiture Fund**

22 "(a) There is hereby established in the Treasury of the  
23 United States a special fund for the United States Customs  
24 Service that shall be entitled the 'Customs Forfeiture Fund'  
25 (hereinafter referred to in this section as the 'fund'). This

1 fund shall be available without fiscal year limitation in such  
2 amounts as may be specified in appropriations Acts for the  
3 following purposes of the United States Customs Service—

4           “(1) the payment of all proper expenses of the sei-  
5 zure or detention or the proceedings of forfeiture and  
6 sale (not otherwise recovered under section 613(a)) in-  
7 cluding but not limited to, expenses of inventory, secu-  
8 rity, maintaining the custody of the property, advertis-  
9 ing and sale, and if condemned by the court and a  
10 bond for such costs was not given, the costs as taxed  
11 by the court; and

12           “(2) the payment of awards of compensation to in-  
13 formers under section 619 of the Tariff Act of 1930, as  
14 amended.

15           “(b) There shall be deposited in the fund all proceeds  
16 from the sale or other disposition of property forfeited under,  
17 and any currency or monetary instruments seized and forfeit-  
18 ed under, the laws enforced or administered by the United  
19 States Customs Service.

20           “(c) Amounts in the fund which are not currently  
21 needed for the purposes of this section shall be kept on depos-  
22 it or invested in obligations of, or guaranteed by, the United  
23 States.

24           “(d) The Commissioner of Customs shall transmit to the  
25 Congress, not later than four months after the end of each

1 fiscal year a detailed report on the amounts deposited in the  
2 fund and a description of expenditures made under this sec-  
3 tion.

4 “(e) The provisions of this section relating to deposits in  
5 the fund shall apply to all property in the custody of the  
6 United States Customs Service on or after the effective date  
7 of the Comprehensive Forfeiture Act of 1983.

8 “(f) For the purposes described in subsection (a), there  
9 are authorized to be appropriated from the fund for fiscal  
10 year 1984 not more than \$10,000,000, for fiscal year 1985  
11 not more than \$15,000,000, for fiscal year 1986 not more  
12 than \$20,000,000, and for fiscal year 1987 not more than  
13 \$20,000,000. Amounts in the fund in excess of the amounts  
14 appropriated at the end of each fiscal year shall be deposited  
15 in the General Fund of the Treasury of the United States. At  
16 the end of the last fiscal year for which appropriations from  
17 the fund are authorized by this Act, the fund shall cease to  
18 exist and any amount then remaining in the fund shall be  
19 deposited in the General Fund of the Treasury of the United  
20 States.”.

21 SEC. 318. A new section 616 is added to the Tariff Act  
22 of 1930 (19 U.S.C. 1616) to read as follows:

23 **“§ 616. Disposition of forfeited property**

24 “(a) Notwithstanding any other provision of the law, the  
25 Commissioner is authorized to retain forfeited property, or to

1 transfer such property on such terms and conditions as he  
2 may determine to—

3           “(1) any other Federal agency; or

4           “(2) any State or local law enforcement agency  
5       which participated directly in any of the acts which led  
6       to the seizure or forfeiture of the property.

7 The Secretary of the Treasury shall ensure the equitable  
8 transfer pursuant to paragraph (2) of any forfeited property to  
9 the appropriate State or local law enforcement agency so as  
10 to reflect generally the contribution of any such agency par-  
11 ticipating directly in any of the acts which led to the seizure  
12 or forfeiture of such property. A decision by the Secretary  
13 pursuant to paragraph (2) shall not be subject to review. The  
14 United States shall not be liable in any action arising out of  
15 the use of any property the custody of which was transferred  
16 pursuant to this section to any non-Federal agency.

17       “(b) The Secretary of the Treasury may order the dis-  
18 continuance of any forfeiture proceedings under this Act in  
19 favor of the institution of forfeiture proceedings by State or  
20 local authorities under an appropriate State or local statute.  
21 After the filing of a complaint for forfeiture under this Act,  
22 the Attorney General may seek dismissal of the complaint in  
23 favor of forfeiture proceedings under State or local law.

24       “(c) Whenever forfeiture proceedings are discontinued  
25 by the United States in favor of State or local proceedings,

1 the United States may transfer custody and possession of the  
2 seized property to the appropriate State or local official im-  
3 mediately upon the initiation of the proper actions by such  
4 officials.

5       “(d) Whenever forfeiture proceedings are discontinued  
6 by the United States in favor of State or local proceedings,  
7 notice shall be sent to all known interested parties advising  
8 them of the discontinuance or dismissal. The United States  
9 shall not be liable in any action arising out of the seizure,  
10 detention, and transfer of seized property to State or local  
11 officials.”.

12       SEC. 319. Section 619 of the Tariff Act of 1930 (19  
13 U.S.C. 1619) is amended by—

14           (a) striking out “\$50,000” each time it appears  
15 and inserting in lieu thereof “\$150,000”; and

16           (b) adding at the end thereof “In no event shall  
17 the Secretary delegate the authority to pay an award  
18 under this section in excess of \$10,000 to an official  
19 below the level of the Commissioner of Customs.”.

20       SEC. 320. The Tariff Act of 1930 is amended by adding  
21 a new section 589, to read as follows:

22       “§ 589. Arrest authority of customs officers

23           “Subject to the direction of the Secretary of the Treas-  
24 ury, an officer of the Customs Service as defined in section  
25 401(i) of this Act, as amended, may—

1           “(1) carry a firearm;

2           “(2) execute and serve any order, warrant, subpe-  
3           na, summons, or other process issued under the author-  
4           ity of the United States;

5           “(3) make an arrest without a warrant for any of-  
6           fense against the United States committed in the offi-  
7           cer’s presence or for a felony, cognizable under the  
8           laws of the United States committed outside the offi-  
9           cer’s presence if the officer has reasonable grounds to  
10          believe that the person to be arrested has committed or  
11          is committing a felony; and

12          “(4) perform any other law enforcement duty that  
13          the Secretary of the Treasury may designate.”.

14          (b) Section 7607 of the Internal Revenue Act of 1954  
15          (26 U.S.C. 7607) is repealed.

16          SEC. 321. Sections 602, 605, 606, 608, 609, 611, 613,  
17          614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608,  
18          1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the  
19          Tariff Act of 1930 are amended by inserting the word “air-  
20          craft,” immediately after the words “vehicle” or “vehicles,”  
21          wherever they appear.

22          SEC. 322. Section 644 of the Tariff Act of 1930 (19  
23          U.S.C. 1644) is amended to read as follows:



1 **“§ 644. Application of the Federal Aviation Act and sec-**  
2 **tion 1518(d) of title 33**

3 “(a) The authority vested by section 1109 of the Feder-  
4 al Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of  
5 the Treasury, by regulation to provide for the application to  
6 civil air navigation of the laws and regulations relating to the  
7 administration of customs, and of the laws and regulations  
8 relating to the entry and clearance of vessels, shall extend to  
9 the application in like manner of any of the provisions of this  
10 Act, or of the Anti-Smuggling Act of 1935, or of any regula-  
11 tions promulgated hereunder.

12 “(b) For purposes of section 1518(d) of title 33, the term  
13 ‘customs laws administered by the Secretary of the Treasury’  
14 shall mean this chapter and any other provisions of law clas-  
15 sified to this title.”.

16 **SEC. 323.** The Tariff Act of 1930 is amended by adding  
17 a new section 600 to read as follows:

18 **“§ 600. Application of the customs laws to other seizures**  
19 **by customs officers**

20 “The procedures set forth in sections 602 through 619  
21 of this Act (19 U.S.C. 1602 through 1619) shall apply to  
22 seizures of any property effected by customs officers under  
23 any law enforced or administered by the Customs Service  
24 unless such law specifies different procedures.”.

1           **CHAPTER IV—OFFENDERS WITH MENTAL**  
2                           **DISEASE OR DEFECT**

3           **SEC. 401.** This chapter may be sited as the “Insanity  
4 Defense Reform Act of 1984.”

5           **SEC. 402. (a)** Chapter 1 of title 18, United States Code,  
6 is amended by adding at the end thereof the following new  
7 section:

          “§ 20. Insanity defense

8           “(a) **AFFIRMATIVE DEFENSE.**—It is an affirmative de-  
9 fense to a prosecution under any Federal statute that, at the  
10 time of the commission of the acts constituting the offense,  
11 the defendant, as a result of a severe mental disease or  
12 defect, was unable to appreciate the nature and quality or the  
13 wrongfulness of his acts. Mental disease or defect does not  
14 otherwise constitute a defense.

15           “(b) **BURDEN OF PROOF.**—The defendant has the  
16 burden of proving the defense of insanity by clear and con-  
17 vincing evidence.”.

18           “(b) The sectional analysis of chapter 1 of title 18,  
19 United States Code, is amended to add the following new  
20 section 20:

          “20. Insanity Defense.”.

21           **SEC. 403. (a)** Chapter 313 of title 18, United States  
22 Code, is amended to read as follows:

1           **"CHAPTER 313—OFFENDERS WITH MENTAL**  
2                           **DISEASE OR DEFECT**

"Sec.

"4241. Determination of mental competency to stand trial.

"4242. Determination of the existence of insanity at the time of the offense.

"4243. Hospitalization of a person found not guilty only by reason of insanity.

"4244. Hospitalization of a convicted person suffering from mental disease or defect.

"4245. Hospitalization of an imprisoned person suffering from mental disease or defect.

"4246. Hospitalization of a person due for release but suffering from mental disease or defect.

"4247. General provisions for chapter.

3   **"§ 4241. Determination of mental competency to stand**  
4                           **trial**

5           **"(a) MOTION TO DETERMINE COMPETENCY OF DE-**  
6   **FENDANT.**—At any time after the commencement of a pros-  
7   ecution for an offense and prior to the sentencing of the de-  
8   fendant, the defendant or the attorney for the Government  
9   may file a motion for a hearing to determine the mental com-  
10   petency of the defendant. The court shall grant the motion,  
11   or shall order such a hearing on its own motion, if there is  
12   reasonable cause to believe that the defendant may presently  
13   be suffering from a mental disease or defect rendering him  
14   mentally incompetent to the extent that he is unable to un-  
15   derstand the nature and consequences of the proceedings  
16   against him or to assist properly in his defense.

17           **"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION**  
18   **AND REPORT.**—Prior to the date of the hearing, the court  
19   may order that a psychiatric or psychological examination of  
20   the defendant be conducted, and that a psychiatric or psycho-

1 logical report be filed with the court, pursuant to the provi-  
2 sions of section 4247 (b) and (c).

3       “(c) HEARING.—The hearing shall be conducted pursu-  
4 ant to the provisions of section 4247(d).

5       “(d) DETERMINATION AND DISPOSITION.—If, after the  
6 hearing, the court finds by a preponderance of the evidence  
7 that the defendant is presently suffering from a mental dis-  
8 ease or defect rendering him mentally incompetent to the  
9 extent that he is unable to understand the nature and conse-  
10 quences of the proceedings against him or to assist properly  
11 in his defense, the court shall commit the defendant to the  
12 custody of the Attorney General. The Attorney General shall  
13 hospitalize the defendant for treatment in a suitable facility—

14               “(1) for such a reasonable period of time, not to  
15 exceed four months, as is necessary to determine  
16 whether there is a substantial probability that in the  
17 foreseeable future he will attain the capacity to permit  
18 the trial to proceed; and

19               “(2) for an additional reasonable period of time  
20 until—

21                       “(A) his mental condition is so improved that  
22 trial may proceed, if the court finds that there is a  
23 substantial probability that within such additional  
24 period of time he will attain the capacity to  
25 permit the trial to proceed; or

1                   “(B) the pending charges against him are  
2                   disposed of according to law;  
3                   whichever is earlier.

4 If, at the end of the time period specified, it is determined  
5 that the defendant’s mental condition has not so improved as  
6 to permit the trial to proceed, the defendant is subject to the  
7 provisions of section 4246.

8           “(e) DISCHARGE.—When the director of the facility in  
9 which a defendant is hospitalized pursuant to subsection (d)  
10 determines that the defendant has recovered to such an  
11 extent that he is able to understand the nature and conse-  
12 quences of the proceedings against him and to assist properly  
13 in his defense, he shall promptly file a certificate to that  
14 effect with the clerk of the court that ordered the commit-  
15 ment. The clerk shall send a copy of the certificate to the  
16 defendant’s counsel and to the attorney for the Government.  
17 The court shall hold a hearing, conducted pursuant to the  
18 provisions of section 4247(d), to determine the competency of  
19 the defendant. If, after the hearing, the court finds by a pre-  
20 ponderance of the evidence that the defendant has recovered  
21 to such an extent that he is able to understand the nature and  
22 consequences of the proceedings against him and to assist  
23 properly in his defense, the court shall order his immediate  
24 discharge from the facility in which he is hospitalized and

1 shall set the date for trial. Upon discharge, the defendant is  
2 subject to the provisions of chapter 207.

3       “(f) **ADMISSIBILITY OF FINDING OF COMPETENCY.**—A  
4 finding by the court that the defendant is mentally competent  
5 to stand trial shall not prejudice the defendant in raising the  
6 issue of his insanity as a defense to the offense charged, and  
7 shall not be admissible as evidence in a trial for the offense  
8 charged.

9       “§ 4242. **Determination of the existence of insanity at the**  
10                               **time of the offense**

11       “(a) **MOTION FOR PRETRIAL PSYCHIATRIC OR PSY-**  
12 **CHOLOGICAL EXAMINATION.**—Upon the filing of a notice,  
13 as provided in Rule 12.2 of the Federal Rules of Criminal  
14 Procedure, that the defendant intends to rely on the defense  
15 of insanity, the court, upon motion of the attorney for the  
16 Government, shall order that a psychiatric or psychological  
17 examination of the defendant be conducted, and that a psy-  
18 chiatric or psychological report be filed with the court, pursu-  
19 ant to the provisions of section 4247 (b) and (c).

20       “(b) **SPECIAL VERDICT.**—If the issue of insanity is  
21 raised by notice as provided in Rule 12.2 of the Federal  
22 Rules of Criminal Procedure on motion of the defendant or of  
23 the attorney for the Government, or on the court’s own  
24 motion, the jury shall be instructed to find, or, in the event of  
25 a nonjury trial, the court shall find the defendant—

1           “(1) guilty;

2           “(2) not guilty; or

3           • “(3) not guilty only by reason of insanity.

4   **“§ 4243. Hospitalization of a person found not guilty only**  
5           **by reason of insanity**

6           “(a) DETERMINATION OF PRESENT MENTAL CONDI-  
7   TION OF ACQUITTED PERSON.—If a person is found not  
8   guilty only by reason of insanity at the time of the offense  
9   charged, he shall be committed to a suitable facility until  
10 such time as he is eligible for release pursuant to subsection  
11 (e).

12          “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION  
13 AND REPORT.—Prior to the date of the hearing, pursuant to  
14 subsection (c), the court shall order that a psychiatric or psy-  
15 chological examination of the defendant be conducted, and  
16 that a psychiatric or psychological report be filed with the  
17 court, pursuant to the provisions of section 4247 (b) and (c).

18          “(c) HEARING.—A hearing shall be conducted pursuant  
19 to the provisions of section 4247(d) and shall take place not  
20 later than forty days following the special verdict.

21          “(d) BURDEN OF PROOF.—In a hearing pursuant to  
22 subsection (c) of this section, a person found not guilty only  
23 by reason of insanity of an offense involving bodily injury to,  
24 or serious damage to the property of, another person, or in-  
25 volving a substantial risk of such injury or damage, has the

1 burden of proving by clear and convincing evidence that his  
2 release would not create a substantial risk of bodily injury to  
3 another person or serious damage of property of another due  
4 to a present mental disease or defect. With respect to any  
5 other offense, the person has the burden of such proof by a  
6 preponderance of the evidence.

7       “(e) DETERMINATION AND DISPOSITION.—If, after the  
8 hearing, the court fails to find by the standard specified in  
9 subsection (d) of this section that the person’s release would  
10 not create a substantial risk of bodily injury to another person  
11 or serious damage of property of another due to a present  
12 mental disease or defect, the court shall commit the person to  
13 the custody of the Attorney General. The Attorney General  
14 shall release the person to the appropriate official of the State  
15 in which the person is domiciled or was tried if such State  
16 will assume responsibility for his custody, care, and treat-  
17 ment. The Attorney General shall make all reasonable efforts  
18 to cause such a State to assume such responsibility. If, not-  
19 withstanding such efforts, neither such State will assume  
20 such responsibility, the Attorney General shall hospitalize the  
21 person for treatment in a suitable facility until—

22               “(1) such a State will assume such responsibility;

23               or

24               “(2) the person’s mental condition is such that his  
25               release, or his conditional release under a prescribed



1 regimen of medical, psychiatric, or psychological care  
2 or treatment, would not create a substantial risk of  
3 bodily injury to another person or serious damage to  
4 property of another;

5 whichever is earlier. The Attorney General shall continue  
6 periodically to exert all reasonable efforts to cause such a  
7 State to assume such responsibility for the person's custody,  
8 care, and treatment.

9 "(f) DISCHARGE.—When the director of the facility in  
10 which an acquitted person is hospitalized pursuant to subsec-  
11 tion (e) determines that the person has recovered from his  
12 mental disease or defect to such an extent that his release, or  
13 his conditional release under a prescribed regimen of medical,  
14 psychiatric, or psychological care or treatment, would no  
15 longer create a substantial risk of bodily injury to another  
16 person or serious damage to property of another, he shall  
17 promptly file a certificate to that effect with the clerk of the  
18 court that ordered the commitment. The clerk shall send a  
19 copy of the certificate to the person's counsel and to the at-  
20 torney for the Government. The court shall order the dis-  
21 charge of the acquitted person or, on the motion of the attor-  
22 ney for the Government or on its own motion, shall hold a  
23 hearing, conducted pursuant to the provisions of section  
24 4247(d), to determine whether he should be released. If, after  
25 the hearing, the court finds by the standard specified in sub-

1 section (d) that the person has recovered from his mental  
2 disease or defect to such an extent that—

3 “(1) his release would no longer create a substan-  
4 tial risk of bodily injury to another person or serious  
5 damage to property of another, the court shall order  
6 that he be immediately discharged; or

7 “(2) his conditional release under a prescribed  
8 regimen of medical, psychiatric, or psychological care  
9 or treatment would no longer create a substantial risk  
10 of bodily injury to another person or serious damage to  
11 property of another, the court shall—

12 “(A) order that he be conditionally dis-  
13 charged under a prescribed regimen of medical,  
14 psychiatric, or psychological care or treatment  
15 that has been prepared for him, that has been cer-  
16 tified to the court as appropriate by the director of  
17 the facility in which he is committed, and that has  
18 been found by the court to be appropriate; and

19 “(B) order, as an explicit condition of re-  
20 lease, that he comply with the prescribed regimen  
21 of medical, psychiatric, or psychological care or  
22 treatment.

23 The court at any time may, after a hearing employing the  
24 same criteria, modify or eliminate the regimen of medical,  
25 psychiatric, or psychological care or treatment.

1           “(g) REVOCATION OF CONDITIONAL DISCHARGE.—  
 2 The director of a medical facility responsible for administer-  
 3 ing a regimen imposed on an acquitted person conditionally  
 4 discharged under subsection (f) shall notify the Attorney Gen-  
 5 eral and the court having jurisdiction over the person of any  
 6 failure of the person to comply with the regimen. Upon such  
 7 notice, or upon other probable cause to believe that the  
 8 person has failed to comply with the prescribed regimen of  
 9 medical, psychiatric, or psychological care or treatment, the  
 10 person may be arrested, and, upon arrest, shall be taken  
 11 without unnecessary delay before the court having jurisdic-  
 12 tion over him. The court shall, after a hearing, determine  
 13 whether the person should be remanded to a suitable facility  
 14 on the ground that, in light of his failure to comply with the  
 15 prescribed regimen of medical, psychiatric, or psychological  
 16 care or treatment, his continued release would create a sub-  
 17 stantial risk of bodily injury to another person or serious  
 18 damage to property of another.

19           **“§ 4244. Hospitalization of a convicted person suffering**  
 20   **from mental disease or defect**

21           “(a) MOTION TO DETERMINE PRESENT MENTAL CON-  
 22 DITION OF CONVICTED DEFENDANT.—A defendant found  
 23 guilty of an offense, or the attorney for the Government,  
 24 may, within ten days after the defendant is found guilty, and  
 25 prior to the time the defendant is sentenced, file a motion for

1 a hearing on the present mental condition of the defendant if  
2 the motion is supported by substantial information indicating  
3 that the defendant may presently be suffering from a mental  
4 disease or defect for the treatment of which he is in need of  
5 custody for care or treatment in a suitable facility. The court  
6 shall grant the motion, or at any time prior to the sentencing  
7 of the defendant shall order such a hearing on its own  
8 motion, if it is of the opinion that there is reasonable cause to  
9 believe that the defendant may presently be suffering from a  
10 mental disease or defect for the treatment of which he is in  
11 need of custody for care or treatment in a suitable facility.

12       “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION  
13 AND REPORT.—Prior to the date of the hearing, the court  
14 may order that a psychiatric or psychological examination of  
15 the defendant be conducted, and that a psychiatric or psycho-  
16 logical report be filed with the court, pursuant to the provi-  
17 sions of section 4247 (b) and (c). In addition to the informa-  
18 tion required to be included in the psychiatric or psychologi-  
19 cal report pursuant to the provisions of section 4247(c), if the  
20 report includes an opinion by the examiners that the defend-  
21 ant is presently suffering from a mental disease or defect but  
22 that it is not such as to require his custody for care or treat-  
23 ment in a suitable facility, the report shall also include an  
24 opinion by the examiner concerning the sentencing alterna-

1 tives that could best accord the defendant the kind of treat-  
2 ment he does need.

3       “(c) HEARING.—The hearing shall be conducted pursu-  
4 ant to the provisions of section 4247(d).

5       “(d) DETERMINATION AND DISPOSITION.—If, after the  
6 hearing, the court finds by a preponderance of the evidence  
7 that the defendant is presently suffering from a mental dis-  
8 ease or defect and that he should, in lieu of being sentenced  
9 to imprisonment, be committed to a suitable facility for care  
10 or treatment, the court shall commit the defendant to the  
11 custody of the Attorney General. The Attorney General shall  
12 hospitalize the defendant for care or treatment in a suitable  
13 facility. Such a commitment constitutes a provisional sen-  
14 tence of imprisonment to the maximum term authorized by  
15 law for the offense for which the defendant was found guilty.

16       “(e) DISCHARGE.—When the director of the facility in  
17 which the defendant is hospitalized pursuant to subsection (d)  
18 determines that the defendant has recovered from his mental  
19 disease or defect to such an extent that he is no longer in  
20 need of custody for care or treatment in such a facility, he  
21 shall promptly file a certificate to that effect with the clerk of  
22 the court that ordered the commitment. The clerk shall send  
23 a copy of the certificate to the defendant’s counsel and to the  
24 attorney for the Government. If, at the time of the filing of  
25 the certificate, the provisional sentence imposed pursuant to

1 subsection (d) has not expired, the court shall proceed finally  
2 to sentencing and may modify the provisional sentence.

3 **“§ 4245. Hospitalization of an imprisoned person suffering**  
4 **from mental disease or defect**

5 **“(a) MOTION TO DETERMINE PRESENT MENTAL CON-**  
6 **DITION OF IMPRISONED PERSON.—**If a person serving a  
7 sentence of imprisonment objects either in writing or through  
8 his attorney to being transferred to a suitable facility for care  
9 or treatment, an attorney for the Government, at the request  
10 of the director of the facility in which the person is impris-  
11 oned, may file a motion with the court for the district in  
12 which the facility is located for a hearing on the present  
13 mental condition of the person. The court shall grant the  
14 motion if there is reasonable cause to believe that the person  
15 may presently be suffering from a mental disease or defect for  
16 the treatment of which he is in need of custody for care or  
17 treatment in a suitable facility. A motion filed under this sub-  
18 section shall stay the transfer of the person pending comple-  
19 tion of procedures contained in this section.

20 **“(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION**  
21 **AND REPORT.—**Prior to the date of the hearing, the court  
22 may order that a psychiatric or psychological examination of  
23 the person may be conducted, and that a psychiatric or psy-  
24 chological report be filed with the court, pursuant to the pro-  
25 visions of section 4247 (b) and (c).

1           “(c) HEARING.—The hearing shall be conducted pursu-  
2 ant to the provisions of section 4247(d).

3           “(d) DETERMINATION AND DISPOSITION.—If, after the  
4 hearing, the court finds by a preponderance of the evidence  
5 that the person is presently suffering from a mental disease  
6 or defect for the treatment of which he is in need of custody  
7 for care or treatment in a suitable facility, the court shall  
8 commit the person to the custody of the Attorney General.  
9 The Attorney General shall hospitalize the person for treat-  
10 ment in a suitable facility until he is no longer in need of such  
11 custody for care or treatment or until the expiration of the  
12 sentence of imprisonment, whichever occurs earlier.

13           “(e) DISCHARGE.—When the director of the facility in  
14 which the person is hospitalized pursuant to subsection (d)  
15 determines that the person has recovered from his mental  
16 disease or defect to such an extent that he is no longer in  
17 need of custody for care or treatment in such a facility, he  
18 shall promptly file a certificate to that effect with the clerk of  
19 the court that ordered the commitment. The clerk shall send  
20 a copy of the certificate to the person’s counsel and to the  
21 attorney for the Government. If, at the time of the filing of  
22 the certificate, the term of imprisonment imposed upon the  
23 person has not expired, the court shall order that the person  
24 be reimprisoned until the expiration of his sentence of impris-  
25 onment.

1 **“§ 4246. Hospitalization of a person due for release but**  
2 **suffering from mental disease or defect**

3       “(a) INSTITUTION OF PROCEEDING.—If the director of  
4 a facility in which a person is hospitalized certifies that a  
5 person whose sentence is about to expire, or who has been  
6 committed to the custody of the Attorney General pursuant  
7 to section 4241(d), or against whom all criminal charges have  
8 been dismissed solely for reasons related to the mental condi-  
9 tion of the person, is presently suffering from a mental dis-  
10 ease or defect as a result of which his release would create a  
11 substantial risk of bodily injury to another person or serious  
12 damage to property of another, and that suitable arrange-  
13 ments for State custody and care of the person are not avail-  
14 able, he shall transmit the certificate to the clerk of the court  
15 for the district in which the person is confined. The clerk  
16 shall send a copy of the certificate to the person, and to the  
17 attorney for the Government, and, if the person was commit-  
18 ted pursuant to section 4241(d), to the clerk of the court that  
19 ordered the commitment. The court shall order a hearing to  
20 determine whether the person is presently suffering from a  
21 mental disease or defect as a result of which his release  
22 would create a substantial risk of bodily injury to another  
23 person or serious damage to property of another. A certifi-  
24 cate filed under this subsection shall stay the release of the  
25 person pending completion of procedures contained in this  
26 section.



1           “(b) **PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION**  
2 **AND REPORT.**—Prior to the date of the hearing, the court  
3 may order that a psychiatric or psychological examination of  
4 the defendant be conducted, and that a psychiatric or psycho-  
5 logical report be filed with the court, pursuant to the provi-  
6 sions of section 4247 (b) and (c).

7           “(c) **HEARING.**—The hearing shall be conducted pursu-  
8 ant to the provisions of section 4247(d).

9           “(d) **DETERMINATION AND DISPOSITION.**—If, after the  
10 hearing, the court finds by clear and convincing evidence that  
11 the person is presently suffering from a mental disease or  
12 defect as a result of which his release would create a substan-  
13 tial risk of bodily injury to another person or serious damage  
14 to property of another, the court shall commit the person to  
15 the custody of the Attorney General. The Attorney General  
16 shall release the person to the appropriate official of the State  
17 in which the person is domiciled or was tried if such State  
18 will assume responsibility for his custody, care, and treat-  
19 ment. The Attorney General shall make all reasonable efforts  
20 to cause such a State to assume such responsibility. If, not-  
21 withstanding such efforts, neither such State will assume  
22 such responsibility, the Attorney General shall hospitalize the  
23 person for treatment in a suitable facility, until—

24                   “(1) such a State will assume such responsibility;

25           or

1           “(2) the person’s mental condition is such that his  
2           release, or his conditional release under a prescribed  
3           regimen of medical, psychiatric, or psychological care  
4           or treatment would not create a substantial risk of  
5           bodily injury to another person or serious damage to  
6           property of another;

7           whichever is earlier. The Attorney General shall continue  
8           periodically to exert all reasonable efforts to cause such a  
9           State to assume such responsibility for the person’s custody,  
10          care, and treatment.

11          “(e) DISCHARGE.—When the director of the facility in  
12          which a person is hospitalized pursuant to subsection (d) de-  
13          termines that the person has recovered from his mental dis-  
14          ease or defect to such an extent that his release would no  
15          longer create a substantial risk of bodily injury to another  
16          person or serious damage to property of another, he shall  
17          promptly file a certificate to that effect with the clerk of the  
18          court that ordered the commitment. The clerk shall send a  
19          copy of the certificate to the person’s counsel and to the at-  
20          torney for the Government. The court shall order the dis-  
21          charge of the person or, on the motion of the attorney for the  
22          Government or on its own motion, shall hold a hearing, con-  
23          ducted pursuant to the provisions of section 4247(d), to deter-  
24          mine whether he should be released. If, after the hearing, the  
25          court finds by a preponderance of the evidence that the

1 person has recovered from his mental disease or defect to  
2 such an extent that—

3 “(1) his release would no longer create a substan-  
4 tial risk of bodily injury to another person or serious  
5 damage to property of another, the court shall order  
6 that he be immediately discharged; or

7 “(2) his conditional release under a prescribed  
8 regimen of medical, psychiatric, or psychological care  
9 or treatment would no longer create a substantial risk  
10 of bodily injury to another person or serious damage to  
11 property of another, the court shall—

12 “(A) order that he be conditionally dis-  
13 charged under a prescribed regimen of medical,  
14 psychiatric, or psychological care or treatment  
15 that has been prepared for him, that has been cer-  
16 tified to the court as appropriate by the director of  
17 the facility in which he is committed, and that has  
18 been found by the court to be appropriate; and

19 “(B) order, as an explicit condition of re-  
20 lease, that he comply with the prescribed regimen  
21 of medical, psychiatric, or psychological care or  
22 treatment.

23 The court at any time may, after a hearing employing the  
24 same criteria, modify or eliminate the regimen of medical,  
25 psychiatric, or psychological care or treatment.

1           “(f) **REVOCATION OF CONDITIONAL DISCHARGE.**—  
2 The director of a medical facility responsible for administer-  
3 ing a regimen imposed on a person conditionally discharged  
4 under subsection (e) shall notify the Attorney General and  
5 the court having jurisdiction over the person of any failure of  
6 the person to comply with the regimen. Upon such notice, or  
7 upon other probable cause to believe that the person has  
8 failed to comply with the prescribed regimen of medical, psy-  
9 chiatric, or psychological care or treatment, the person may  
10 be arrested, and, upon arrest, shall be taken without unneces-  
11 sary delay before the court having jurisdiction over him. The  
12 court shall, after a hearing, determine whether the person  
13 should be remanded to a suitable facility on the ground that,  
14 in light of his failure to comply with the prescribed regimen  
15 of medical, psychiatric, or psychological care or treatment,  
16 his continued release would create a substantial risk of bodily  
17 injury to another person or serious damage to property of  
18 another.

19           “(g) **RELEASE TO STATE OF CERTAIN OTHER PER-**  
20 **SONS.**—If the director of a facility in which a person is hospi-  
21 talized pursuant to this subchapter certifies to the Attorney  
22 General that a person, against whom all charges have been  
23 dismissed for reasons not related to the mental condition of  
24 the person, is presently suffering from a mental disease or  
25 defect as a result of which his release would create a substan-

1 tial risk of bodily injury to another person or serious damage  
2 to property of another, the Attorney General shall release the  
3 person to the appropriate official of the State in which the  
4 person is domiciled or was tried for the purpose of institution  
5 of State proceedings for civil commitment. If neither such  
6 State will assume such responsibility, the Attorney General  
7 shall release the person upon receipt of notice from the State  
8 that it will not assume such responsibility, but not later than  
9 ten days after certification by the director of the facility.

10 **“§ 4247. General provisions for chapter—**

11 **“(a) DEFINITIONS.—As used in this chapter—**

12 **“(1) ‘rehabilitation program’ includes—**

13 **“(A) basic educational training that will**  
14 **assist the individual in understanding the society**  
15 **to which he will return and that will assist him in**  
16 **understanding the magnitude of his offense and its**  
17 **impact on society;**

18 **“(B) vocational training that will assist the**  
19 **individual in contributing to, and in participating**  
20 **in, the society to which he will return;**

21 **“(C) drug, alcohol, and other treatment pro-**  
22 **grams that will assist the individual in overcoming**  
23 **his psychological or physical dependence; and**

24 **“(D) organized physical sports and recreation**  
25 **programs; and**

1           “(2) ‘suitable facility’ means a facility that is suit-  
2           able to provide care or treatment given the nature of  
3           the offense and the characteristics of the defendant.

4           “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINA-  
5           TION.—A psychiatric or psychological examination ordered  
6           pursuant to this chapter shall be conducted by a licensed or  
7           certified psychiatrist or clinical psychologist, or, if the court  
8           finds it appropriate, by more than one such examiner. Each  
9           examiner shall be designated by the court, except that if the  
10          examination is ordered under section 4245 or 4246, upon the  
11          request of the defendant an additional examiner may be se-  
12          lected by the defendant. For the purposes of an examination  
13          pursuant to an order under section 4241, 4244, or 4245, the  
14          court may commit the person to be examined for a reasonable  
15          period, but not to exceed thirty days, and under section 4242,  
16          4243, or 4246, for a reasonable period, but not to exceed  
17          forty-five days, to the custody of the Attorney General for  
18          placement in a suitable facility. Unless impracticable, the  
19          psychiatric or psychological examination shall be conducted  
20          in the suitable facility closest to the court. The director of the  
21          facility may apply for a reasonable extension, but not to  
22          exceed fifteen days under section 4241, 4244, or 4245, and  
23          not to exceed thirty days under section 4242, 4243, or 4246,  
24          upon a showing of good cause that the additional time is  
25          necessary to observe and evaluate the defendant.

1       “(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A  
2 psychiatric or psychological report ordered pursuant to this  
3 chapter shall be prepared by the examiner designated to con-  
4 duct the psychiatric or psychological examination, shall be  
5 filed with the court with copies provided to the counsel for  
6 the person examined and to the attorney for the Government,  
7 and shall include—

8           “(1) the person’s history and present symptoms;

9           “(2) a description of the psychiatric, psychologi-  
10 cal, and medical tests that were employed and their re-  
11 sults;

12           “(3) the examiner’s findings; and

13           “(4) the examiner’s opinions as to diagnosis, prog-  
14 nosis, and—

15           “(A) if the examination is ordered under sec-  
16 tion 4241, whether the person is suffering from a  
17 mental disease or defect rendering him mentally  
18 incompetent to the extent that he is unable to un-  
19 derstand the nature and consequences of the pro-  
20 ceedings against him or to assist properly in his  
21 defense;

22           “(B) if the examination is ordered under sec-  
23 tion 4242, whether the person was insane at the  
24 time of the offense charged;

1           “(C) if the examination is ordered under sec-  
2           tion 4243 or 4246, whether the person is suffer-  
3           ing from a mental disease or defect as a result of  
4           which his release would create a substantial risk  
5           of bodily injury to another person or serious  
6           damage to property of another;

7           “(D) if the examination is ordered under sec-  
8           tion 4244 or 4245, whether the person is suffer-  
9           ing from a mental disease or defect as a result of  
10          which he is in need of custody for care or treat-  
11          ment in a suitable facility; or

12          “(E) if the examination is ordered as a part  
13          of a presentence investigation, any recommenda-  
14          tion the examiner may have as to how the mental  
15          condition of the defendant should affect the sen-  
16          tence.

17          “(d) HEARING.—At a hearing ordered pursuant to this  
18          chapter the person whose mental condition is the subject of  
19          the hearing shall be represented by counsel and, if he is fi-  
20          nancially unable to obtain adequate representation, counsel  
21          shall be appointed for him pursuant to section 3006A. The  
22          person shall be afforded an opportunity to testify, to present  
23          evidence, to subpoena witnesses on his behalf, and to con-  
24          front and cross-examine witnesses who appear at the hear-  
25          ing.



1       “(e) **PERIODIC REPORT AND INFORMATION REQUIRE-**  
2 **MENTS.**—(1) The director of the facility in which a person is  
3 hospitalized pursuant to—

4               “(A) section 4241 shall prepare semiannual re-  
5       ports; or

6               “(B) section 4243, 4244, 4245, or 4246 shall pre-  
7       pare annual reports concerning the mental condition of  
8       the person and containing recommendations concerning  
9       the need for his continued hospitalization. The reports  
10       shall be submitted to the court that ordered the per-  
11       son’s commitment to the facility and copies of the re-  
12       ports shall be submitted to such other persons as the  
13       court may direct.

14       “(2) The director of the facility in which a person is  
15 hospitalized pursuant to section 4241, 4243, 4244, 4245, or  
16 4246 shall inform such person of any rehabilitation programs  
17 that are available for persons hospitalized in that facility.

18       “(f) **VIDEOTAPE RECORD.**—Upon written request of  
19 defense counsel, the court may order a videotape record  
20 made of the defendant’s testimony or interview upon which  
21 the periodic report is based pursuant to subsection (e). Such  
22 videotape record shall be submitted to the court along with  
23 the periodic report.

24       “(g) **HABEAS CORPUS UNIMPAIRED.**—Nothing con-  
25 tained in section 4243 or 4246 precludes a person who is

1 committed under either of such sections from establishing by  
2 writ of habeas corpus the illegality of his detention.

3       “(h) DISCHARGE.—Regardless of whether the director  
4 of the facility in which a person is hospitalized has filed a  
5 certificate pursuant to the provisions of subsection (e) of sec-  
6 tion 4241, 4243, 4244, 4245, or 4246, counsel for the  
7 person or his legal guardian may, at any time during such  
8 person’s hospitalization, file with the court that ordered the  
9 commitment a motion for a hearing to determine whether the  
10 person should be discharged from such facility, but no such  
11 motion may be filed within one hundred and eighty days of a  
12 court determination that the person should continue to be  
13 hospitalized. A copy of the motion shall be sent to the direc-  
14 tor of the facility in which the person is hospitalized and to  
15 the attorney for the Government.

16       “(i) AUTHORITY AND RESPONSIBILITY OF THE AT-  
17 TORNEY GENERAL.—The Attorney General—

18               “(A) may contract with a State, a political subdi-  
19 vision, a locality, or a private agency for the confine-  
20 ment, hospitalization, care, or treatment of, or the pro-  
21 vision of services to, a person committed to his custody  
22 pursuant to this chapter;

23               “(B) may apply for the civil commitment, pursu-  
24 ant to State law, of a person committed to his custody  
25 pursuant to section 4243 or 4246;

1           “(C) shall, before placing a person in a facility  
2           pursuant to the provisions of section 4241, 4243,  
3           4244, 4245, or 4246, consider the suitability of the fa-  
4           cility’s rehabilitation programs in meeting the needs of  
5           the person; and

6           “(D) shall consult with the Secretary of the De-  
7           partment of Health and Human Services in the general  
8           implementation of the provisions of this chapter and in  
9           the establishment of standards for facilities used in the  
10          implementation of this chapter.

11          “(j) This chapter does not apply to a prosecution under  
12          an Act of Congress applicable exclusively to the District of  
13          Columbia or the Uniform Code of Military Justice.”.

14          (b) The item relating to chapter 313 in the chapter anal-  
15          ysis of part III of title 18, United States Code, is amended to  
16          read as follows:

          “313. Offenders with mental disease or defect.”.

17          SEC. 404. Rule 12.2 of the Federal Rules of Criminal  
18          Procedure is amended—

19                 (a) by deleting “crime” in subdivision (a) and in-  
20                 serting in lieu thereof “offense”;

21                 (b) by deleting “other condition bearing upon the  
22                 issue of whether he had the mental state required for  
23                 the offense charged” in subdivision (b) and inserting in  
24                 lieu thereof “any other mental condition bearing upon  
25                 the issue of guilt”;

1 (c) by deleting “to a psychiatric examination by a  
2 psychiatrist designated for this purpose in the order of  
3 the court” in subdivision (c) and inserting in lieu there-  
4 of “to an examination pursuant to 18 U.S.C. 4242”;  
5 and

6 (d) by deleting “mental state” in subdivision (d)  
7 and inserting in lieu thereof “guilt”.

8 SEC. 405. Section 3006A of title 18, United States  
9 Code, is amended—

10 (a) in subsection (a), by deleting “or, (4)” and  
11 substituting “(4) whose mental condition is the subject  
12 of a hearing pursuant to chapter 313 of this title, or  
13 (5)”; and

14 (b) in subsection (g), by deleting “or section 4245  
15 of title 18”.

16 SEC. 406. Rule 704 of the Federal Rules of Evidence is  
17 amended to read as follows:

18 **“Rule 704. Opinion on ultimate issue**

19 “(a) Except as provided in subdivision (b), testimony in  
20 the form of an opinion or inference otherwise admissible is  
21 not objectionable because it embraces an ultimate issue to be  
22 decided by the trier of fact.

23 “(b) No expert witness testifying with respect to the  
24 mental state or condition of a defendant in a criminal case  
25 may state an opinion or inference as to whether the defend-

1 ant did or did not have the mental state or condition consti-  
 2 tuting an element of the crime charged or of a defense there-  
 3 to. Such ultimate issues are matters for the trier of fact  
 4 alone.”.

## 5 CHAPTER V—DRUG ENFORCEMENT

### 6 AMENDMENTS

#### 7 PART A—CONTROLLED SUBSTANCES PENALTIES

8 SEC. 501. This chapter may be cited as the “Controlled  
 9 Substances Penalties Amendments Act of 1984”.

10 SEC. 502. Subsection (b) of section 401 of the Con-  
 11 trolled Substances Act (21 U.S.C. 841(b)) is amended—

12 (1) in paragraph (1), by—

13 (A) redesignating subparagraphs (A) and (B)  
 14 as subparagraphs (B) and (C), respectively, and  
 15 inserting after “(1)” a new subparagraph to read  
 16 as follows:

17 “(A) In the case of a violation of subsection (a) of this  
 18 section involving—

19 “(i) 100 grams or more of a controlled substance  
 20 in schedule I or II which is a mixture or substance  
 21 containing a detectable amount of a narcotic drug other  
 22 than a narcotic drug consisting of—

23 “(I) coca leaves;

24 “(II) a compound, manufacture, salt, deriva-  
 25 tive, or preparation of coca leaves; or

1                   “(III) a substance chemically identical there-  
2                   to;

3                   “(ii) a kilogram or more of any other controlled  
4                   substance in schedule I or II which is a narcotic drug;

5                   “(iii) 500 grams or more of phencyclidine (PCP);  
6                   or

7                   “(iv) 5 grams or more of lysergic acid diethyla-  
8                   mide (LSD);

9 such person shall be sentenced to a term of imprisonment of  
10 not more than 20 years, a fine of not more than \$250,000, or  
11 both. If any person commits such a violation after one or  
12 more prior convictions of him for an offense punishable under  
13 this paragraph, or for a felony under any other provision of  
14 this title or title III or other law of a State, the United  
15 States, or a foreign country relating to narcotic drugs, mari-  
16 huana, or depressant or stimulant substances, have become  
17 final, such person shall be sentenced to a term of imprison-  
18 ment of not more than 40 years, a fine of not more than  
19 \$500,000, or both”;

20                   (B) in subparagraph (B), as redesignated  
21                   above, by—

22                   (i) striking out “which is a narcotic  
23                   drug” in the first sentence and inserting in  
24                   lieu thereof “except as provided in subpara-  
25                   graphs (A) and (C),”

1 (ii) striking out "\$25,000" and  
2 "\$50,000" and inserting in lieu thereof  
3 "\$125,000" and "\$250,000", respectively;  
4 and

5 (iii) striking out "of the United States"  
6 in the second sentence and inserting in lieu  
7 thereof "of a State, the United States, or a  
8 foreign country"; and

9 (C) in subparagraph (C), as redesignated  
10 above, by—

11 (i) striking out "a controlled substance  
12 in schedule I or II which is not a narcotic  
13 drug" and ", (5), and (6)" and inserting in  
14 lieu thereof "less than 50 kilograms of mari-  
15 huana, 10 kilograms of hashish, or one kilo-  
16 gram of hashish oil" and "and (5)", respec-  
17 tively;

18 (ii) striking out "\$15,000" and  
19 "\$30,000" and inserting in lieu thereof  
20 "\$50,000" and "\$100,000", respectively;  
21 and

22 (iii) striking out "of the United States"  
23 in the second sentence and inserting in lieu  
24 thereof "of a State, the United States, or a  
25 foreign country";

1 (2) in paragraph (2), by—

2 (A) striking out “\$10,000” and “\$20,000”  
3 and inserting in lieu thereof “\$25,000” and  
4 “\$50,000”, respectively; and

5 (B) striking out “of the United States” and  
6 inserting in lieu thereof “of a State, the United  
7 States, or a foreign country”;

8 (3) in paragraph (3), by—

9 (A) striking out “\$5,000” and “\$10,000”  
10 and inserting in lieu thereof “\$10,000” and  
11 “\$20,000”, respectively; and

12 (B) striking out “of the United States” and  
13 inserting in lieu thereof “of a State, the United  
14 States, or a foreign country”;

15 (4) in paragraph (4), by striking out “(1)(B)” and  
16 inserting in lieu thereof “(1)(C)”;

17 (5) by striking out paragraphs (5) and (6);

18 (6) by adding at the end thereof the following:

19 “(5) Notwithstanding paragraph (1), any person  
20 who violates subsection (a) by cultivating a controlled  
21 substance on Federal property shall be fined not more  
22 than—

23 “(A) \$500,000 if such person is an individ-  
24 ual; and



1                   “(B) \$1,000,000 if such person is not an in-  
2                   dividual.”.

3           **SEC. 503. (a)** Part D of the Controlled Substances Act  
4 is amended by adding after section 405 of the following new  
5 section:

6                   **“DISTRIBUTION IN OR NEAR SCHOOLS**

7           **“SEC. 405A. (a)** Any person who violates section  
8 401(a)(1) by distributing a controlled substance in or on, or  
9 within one thousand feet of, the real property comprising a  
10 public or private elementary or secondary school is (except as  
11 provided in subsection (b)) punishable (1) by a term of impris-  
12 onment, or fine, or both up to twice that authorized by sec-  
13 tion 841(b) of this title; and (2) at least twice any special  
14 parole term authorized by section 401(b) for a first offense  
15 involving the same controlled substance and schedule.

16           **“(b)** Any person who violates section 401(a)(1) by dis-  
17 tributing a controlled substance in or on, or within one thou-  
18 sand feet of, the real property comprising a public or private  
19 elementary or secondary school after a prior conviction or  
20 convictions under subsection (a) have become final is punish-  
21 able (1) by a term of imprisonment of not less than three  
22 years and not more than life imprisonment and (2) at least  
23 three times any special term authorized by section 401(b) for  
24 a second or subsequent offense involving the same controlled  
25 substance and schedule.

1           “(c) In the case of any sentence imposed under subsec-  
2 tion (b), imposition or execution of such sentence shall not be  
3 suspended and probation shall not be granted. An individual  
4 convicted under subsection (b) shall not be eligible for parole  
5 under section 4202 of title 18 of the United States Code until  
6 the individual has served the minimum sentence required by  
7 such subsection.”.

8           (b)(1) Section 401(b) of such Act (21 U.S.C. 841(b)) is  
9 amended by inserting “or 405A” after “405”.

10          (2) Section 401(c) of such Act is amended by inserting  
11 “405A” after “405” each place it occurs.

12          (3) Section 405 of such Act (21 U.S.C. 845) is amended  
13 by striking out “Any” in subsections (a) and (b) and inserting  
14 in lieu thereof “Except as provided in section 405A, any”.

15          SEC. 504. Subsection (b) of section 1010 of the Con-  
16 trolled Substances Import and Export Act (21 U.S.C. 960(b))  
17 is amended—

18           (1) by redesignating paragraphs (1) and (2) as  
19 paragraphs (2) and (3), respectively, and inserting after  
20 “(b)” a new paragraph to read as follows:

21           “(1) In the case of a violation under subsection (a) of  
22 this section involving—

23           “(A) 100 grams or more of a mixture or sub-  
24 stance containing a detectable amount of a narcotic

1 drug in schedule I or II other than a narcotic drug  
2 consisting of—

3 “(i) coca leaves;

4 “(ii) a compound, manufacture, salt, deriva-  
5 tive, or preparation of coca leaves; or

6 “(iii) a substance chemically identical there-  
7 to;

8 “(B) a kilogram or more of any other narcotic  
9 drug in schedule I or II;

10 “(C) 500 grams or more of phencyclidine (PCP);

11 “(D) 5 grams or more of lysergic acid diethyla-  
12 mide (LSD);

13 the person committing such violation shall be imprisoned for  
14 not more than twenty years, or fined not more than  
15 \$250,000, or both.”;

16 (2) in paragraph (2), as redesignated above, by—

17 (A) striking out “narcotic drug in schedule I  
18 or II, the person committing such violation shall”  
19 and inserting in lieu thereof “controlled substance  
20 in schedule I or II, the person committing such  
21 violation shall, except as provided in paragraphs  
22 (1) and (3),”; and

23 (B) striking out “\$25,000” and inserting in  
24 lieu thereof “\$125,000”;

25 (3) in paragraph (3), as redesignated above, by—

1 (A) striking out "a controlled substance other  
2 than a narcotic drug in schedule I or II, the  
3 person committing such violation shall" and in-  
4 serting in lieu thereof "less than 50 kilograms of  
5 marihuana, less than 10 kilograms of hashish, less  
6 than one kilogram of hashish oil, or any quantity  
7 of a controlled substance in schedule III, IV, or  
8 V, the person committing such violation shall,  
9 except as provided in paragraph (4)"; and

10 (B) striking out "\$15,000" and substituting  
11 "\$50,000".

12 SEC. 505. Section 1012 of the Controlled Substances  
13 Import and Export Act (21 U.S.C. 962) is amended by strik-  
14 ing out "the United States" in subsection (b) and inserting in  
15 lieu thereof "a State, the United States, or a foreign coun-  
16 try".

17 PART B—DIVERSION CONTROL AMENDMENTS

18 (133) SEC. 506. Section 102 of the Controlled Sub-  
19 stances Act (21 U.S.C. 802) is amended by adding the fol-  
20 lowing new paragraph (14):

21 "(14) The term 'isomer' means the optical isomer,  
22 except as used in section 202(e) schedule I(e) and sec-  
23 tion 202(e) schedule II(a)(4). As used in section 202(e)  
24 schedule I(e), the term 'isomer' means the optical, po-  
25 sitional or geometric isomer. As used in section 202(e)

1 schedule II(a)(4), the term 'isomer' means the optical  
2 or geometric isomer."

3 Section 102 is further amended by redesignating subse-  
4 quent paragraphs accordingly and by amending redesignated  
5 paragraph (17) to read as follows:

6 "(17) The term 'narcotic drug' means any of the  
7 following whether produced directly or indirectly by  
8 extraction from substances of vegetable origin, or inde-  
9 pendently by means of chemical synthesis, or by a  
10 combination of extraction and chemical synthesis:

11 "(A) Opium, opiates, derivatives of opium  
12 and opiates, including their isomers, esters,  
13 ethers, salts, and salts of isomers, esters, and  
14 ethers, whenever the existence of such isomers,  
15 esters, ethers, and salts is possible within the spe-  
16 cific chemical designation. Such term does not in-  
17 clude the isoquinoline alkaloids of opium.

18 "(B) Poppy straw and concentrate of poppy  
19 straw.

20 "(C) Coca leaves. Such term does not in-  
21 clude coca leaves and extracts of coca leaves from  
22 which cocaine, ecgonine and derivatives of eogo-  
23 nine of their salts have been removed.

24 "(D) Cocaine, its salts, optical and geometric  
25 isomers, and salts of isomers.

1           “(E) Eegonine, its derivatives, their salts,  
2           isomers, and salts of isomers.

3           “(F) Any compound, mixture or preparation  
4           which contains any quantity of any of the sub-  
5           stances referred to in clauses (A) through (E).”.

6           **SEC. 507.** Section 202(e) schedule II(a)(4) of the Con-  
7           trolled Substances Act (21 U.S.C. 812(e) schedule II(a)(4)) is  
8           amended by adding the following sentence at the end thereof:  
9           “The substances described in this paragraph shall include co-  
10          caine, eegonine, their salts, isomers, derivatives, and salts of  
11          isomers and derivatives.”.

12          **SEC. 508.** Section 201 of the Controlled Substances Act  
13          (21 U.S.C. 811) is amended by adding a new subsection (h)  
14          as follows:

15          “(h) If the Attorney General finds that such action is  
16          necessary to avoid an imminent hazard to the public safety,  
17          he may, by temporary rule without prior notice or hearing,  
18          and without regard to the requirements of subsection (b) re-  
19          lating to the Secretary of Health and Human Services, con-  
20          trol any drug or other substance. A finding that the issuance  
21          of a temporary rule under this subsection is necessary to  
22          avoid an imminent hazard to the public safety shall be good  
23          cause for and, unless otherwise provided by the Attorney  
24          General, shall constitute a finding for the purpose of section  
25          552(b) of title 5, United States Code, that notice and public

1 procedure on making such a temporary rule are impractical,  
2 unnecessary, and contrary to the public interest.

3       “(1) When issuing a temporary rule under this subsec-  
4 tion, the Attorney General shall be required to consider, with  
5 respect to this finding of an imminent hazard to the public  
6 safety, only those factors set forth in section 201(e) (4), (5)  
7 and (6), including, but not limited to, actual abuse, diversion  
8 from legitimate channels, and clandestine importation, manu-  
9 facture or marketing.

10       “(2) The Attorney General shall transmit notice of the  
11 temporary scheduling of any drug or substance to the Secre-  
12 tary of Health and Human Services who, within thirty days  
13 from the date of such notice, may object to the temporary  
14 placement. Unless the Secretary has currently available evi-  
15 dence relating to the lack of abuse potential of the drug or  
16 substance, his consideration shall be limited to the factors set  
17 forth in subsection (1) of this section. The Secretary's objec-  
18 tion to temporary control shall be binding upon the Attorney  
19 General but shall be considered as affecting the temporary  
20 scheduling only and shall in no way reflect upon any subse-  
21 quent proceedings under section 201(a) to permanently con-  
22 trol or reschedule the same drug or substance.

23       “(3) The temporary scheduling of any drug or substance  
24 shall expire at the end of one year from the date of the tem-  
25 porary scheduling thereof, except that the Attorney General

1 may, during the pendency of proceedings under section  
2 201(a)(1), extend the temporary placement for periods of six  
3 months.

4       “(4) A temporary rule issued under this subsection shall  
5 be vacated upon the conclusion of a subsequent rulemaking  
6 proceeding initiated under section 201(a) and no such tempo-  
7 rary rule may be issued subsequent to the initiation of formal  
8 rulemaking proceedings as to the same drug or substance.

9       “(5) Notwithstanding the schedule in which a drug is  
10 placed pursuant to this subsection, the penalty for the illegal  
11 manufacture, distribution, dispensing or possession with  
12 intent to manufacture, distribute or dispense, shall be that  
13 provided by section 401(b)(1)(c) for schedule III controlled  
14 substances.

15       “(6) With respect to the requirements of title II, part C,  
16 only the requirements of section 302 (registration) and sec-  
17 tion 307 (recordkeeping and reporting) shall apply to a drug  
18 for as long as it is temporarily scheduled.

19       “(7) The issuance of a temporary rule under this subsec-  
20 tion shall not constitute a final determination for purposes of  
21 review under section 507 of this title, nor shall such tempo-  
22 rary rule be otherwise reviewable.”

23       **Sec. 509.** Section 201(g) of the Controlled Substances  
24 Act (21 U.S.C. 811(g)) is amended to add the following new  
25 paragraph:



1       “(2) The Attorney General may, by regulation, exempt  
2 any compound, mixture, or preparation containing a con-  
3 trolled substance from the application of all or any part of  
4 this title if he finds such compound, mixture, or preparation  
5 meets the requirements of one of the following categories:

6           “(A) EXEMPT PRESCRIPTION PREPARATIONS.—

7       A compound, mixture or preparation containing a non-  
8 narcotic controlled substance and which is approved for  
9 prescription use and which contains one or more other  
10 active ingredients which are not listed in any schedule.  
11 In addition, such other ingredients are included therein  
12 in such combinations, quantity, proportion, or concen-  
13 tration as to vitiate the potential for abuse.

14           “(B) EXEMPT CHEMICAL PREPARATIONS.—A

15 compound, mixture or preparation which contains any  
16 controlled substance and which is not for administra-  
17 tion to a human being or animal, and is packaged in  
18 such form or concentration, or with adulterants or de-  
19 naturants, so that the packaged quantities do not  
20 present any significant potential for abuse.”.

21       SEC. 510. Section 202(d) of the Controlled Substances  
22 Act (21 U.S.C. 812(d)) is deleted.

23       SEC. 511. Section 202(a) of the Controlled Substances  
24 Act (21 U.S.C. 822(a)) is amended to read as follows:

1           “(a)(1) Every person who manufactures or distributes  
2 any controlled substance, or who proposes to engage in the  
3 manufacture or distribution of any controlled substance, shall  
4 obtain annually a registration issued by the Attorney General  
5 in accordance with the rules and regulations promulgated by  
6 him.

7           “(2) Every person who dispenses, or who proposes to  
8 dispense, any controlled substance, shall obtain from the At-  
9 torney General a registration issued in accordance with the  
10 rules and regulations promulgated by him. The Attorney  
11 General shall, by regulation, determine the period of such  
12 registrations. In no event, however, shall such registrations  
13 be issued for less than one year nor for more than three  
14 years.”

15           SEC. 512. Section 302(f) of the Controlled Substances  
16 Act (21 U.S.C. 822(f)) is amended to read as follows:

17           “(f) The Attorney General shall register practitioners  
18 (including pharmacies, as distinguished from—pharmacists)  
19 to dispense, or conduct research with, controlled substances  
20 in schedule II, III, IV, or V, if the applicant is authorized to  
21 dispense, or conduct research with respect to, controlled sub-  
22 stances under the laws of the State in which he practices:  
23 *Provided, however,* That the Attorney General may deny an  
24 application for such registration if he determines that the is-  
25 suance of such registration would be inconsistent with the

1 public interest. In determining the public interest, the follow-  
2 ing factors shall be considered:

3           “(1) the recommendation of the appropriate State  
4 licensing board or professional disciplinary authority;

5           “(2) the applicant's past experience in dispensing,  
6 or conducting research with respect to controlled sub-  
7 stances;

8           “(3) the applicant's prior conviction record under  
9 Federal, State or local laws relating to the manufac-  
10 ture, distribution, or dispensing of controlled sub-  
11 stances;

12           “(4) compliance with applicable State, Federal or  
13 local laws relating to controlled substances; and

14           “(5) such other factors as may be relevant to and  
15 consistent with the public health and safety.

16           “Separate registration under this part for practitioners  
17 engaging in research with controlled substances in schedule  
18 II, III, IV, or V, who are already registered under this part  
19 in another capacity, shall not be required. Registration appli-  
20 cations by practitioners wishing to conduct research with  
21 controlled substances in schedule I shall be referred to the  
22 Secretary, who shall determine the qualifications and compe-  
23 tency of each practitioner requesting registration, as well as  
24 the merits of the research protocol. The Secretary, in deter-  
25 mining the merits of each research protocol, shall consult

1 with the Attorney General as to effective procedures to ade-  
2 quately safeguard against diversion of such controlled sub-  
3 stances from legitimate medical or scientific use. Registration  
4 for the purpose of bona fide research with controlled sub-  
5 stances in schedule I by a practitioner deemed qualified by  
6 the Secretary may be denied by the Attorney General only  
7 on a ground specified in section 304(a). Article 7 of the Con-  
8 vention on Psychotropic Substances shall not be construed to  
9 prohibit, or impose additional restrictions upon, research in-  
10 volving drugs or other substances scheduled under the Con-  
11 vention which is conducted in conformity with this subsection  
12 and other applicable provisions of this subchapter."

13       **Sec. 513.** Section 304(a) of the Controlled Substances  
14 Act (21 U.S.C. 824(a)) is amended by deleting "or" at the  
15 end of subsection (2), by the addition of the word "or" to the  
16 end of subsection (3) thereof, and by the addition of a new  
17 subsection (4) as follows:

18               "(4) has committed such acts as would render his  
19 registration under section 303 inconsistent with the  
20 public interest as defined therein."

21       **Sec. 514.** Section 304(f) of the Controlled Substances  
22 Act (21 U.S.C. 824(f)) is redesignated section 304(f)(1) and  
23 the following new section 304(f) is added:

24               "(2) The Attorney General may, in his discretion, place  
25 under seal any controlled substances owned or possessed by a

1 registrant whose registration has expired, or who has ceased  
2 to practice or do business in the manner contemplated by his  
3 registration. Such controlled substances shall be held for the  
4 benefit of the registrant, or his successor in interest, for a  
5 period of ninety days, following which the Attorney General  
6 may dispose of such controlled substances in accordance with  
7 section 511(e).”

8 **SBC. 515.** Section 307(e)(1)(A) of the Controlled Sub-  
9 stances Act (21 U.S.C. 827(e)(1)(A)) is amended to read:

10 “(A) to the prescribing of controlled substances in  
11 schedule II, III, IV, or V by practitioners acting in  
12 the lawful course of their professional practice”;

13 **SBC. 516.** Section 307(e)(1)(B) of the Controlled Sub-  
14 stances Act (21 U.S.C. 827(e)(1)(B)) is amended to read:

15 “(B) to the administering of a controlled substance  
16 in schedule II, III, IV, or V unless the practitioner  
17 regularly engages in the dispensing or administering of  
18 controlled substances and charges his patients, either  
19 separately or together with charges for other profes-  
20 sional services, for substances so administered.”

21 **SBC. 517.** Section 307 of the Controlled Substances Act  
22 (21 U.S.C. 827) is further amended by adding thereto a new  
23 subsection (g) as follows:

24 “(g) Every registrant under this title shall be required to  
25 report any change of professional or business address in such

1 manner as the Attorney General shall by regulation re-  
2 quire.”

3 SEC. 518. Section 402(a)(2) of the Controlled Sub-  
4 stances Act (21 U.S.C. 842(a)(2)) is amended to read as fol-  
5 low.

6 “(2) to use in the course of the manufacture, dis-  
7 tribution, or dispensing of a controlled substance, or to  
8 use for the purpose of acquiring or obtaining a con-  
9 trolled substance, a registration number which is ficti-  
10 tious, revoked, suspended, expired, or issued to another  
11 person.”

12 SEC. 519. Section 502(a) of the Controlled Substances  
13 Act (21 U.S.C. 872(a)) is amended by deleting “and” after  
14 paragraph (4), deleting the period and substituting “; and”  
15 after paragraph (5), and adding thereto a new paragraph (6)  
16 as follows:

17 “(6) enter into grant-in-aid programs with State  
18 and local governments to assist them to suppress the  
19 diversion of controlled substances from legitimate medi-  
20 cal, scientific, and commercial channels. Funds annual-  
21 ly appropriated for this purpose shall remain available  
22 until expended.”

23 SEC. 520. Section 511(a)(1) of the Controlled Sub-  
24 stances Act (21 U.S.C. 881(a)(1)) is amended to read as fol-  
25 lows:

1           “(1) All controlled substances which have been  
2           manufactured, distributed, dispensed, acquired, or pos-  
3           sessed in violation of this title.”.

4           SEC. 521. Section 1002(a)(2) of the Controlled Sub-  
5           stances Import and Export Act (21 U.S.C. 952(a)(2)) is  
6           amended by deleting “or” at the end of subpart (A), by  
7           adding the word “or,” at the end of subpart (B) thereof, and  
8           by adding the following new subpart (C):

9                       “(C) in limited quantities for ultimate scien-  
10                      tific, analytical or research uses exclusively.”.

11           SEC. 522. Section 1002(b)(2) of the Controlled Sub-  
12           stances Import and Export Act (21 U.S.C. 952(b)(2)) is  
13           amended to read as follows:

14                      “(2) is imported pursuant to such notification, or  
15                      declaration, or in the case of any nonnarcotic con-  
16                      trolled substance in schedule III, such import permit,  
17                      notification or declaration, as the Attorney General  
18                      may by regulation prescribe, except that if a nonnar-  
19                      cotic controlled substance in schedule IV or V is also  
20                      listed in schedule I or II of the Convention on Psycho-  
21                      tropic Substances it shall be imported pursuant to such  
22                      import permit requirements, prescribed by regulation of  
23                      the Attorney General, as are required by the Conven-  
24                      tion.”.

1           **SEC. 522.** Section 1002(e) of the Controlled Substances  
2 **Import and Export Act (21 U.S.C. 952(e))** is amended to  
3 **read as follows:**

4           **“(e) It shall be unlawful to export from the United**  
5 **States to any other country any nonnarcotic controlled sub-**  
6 **stance in schedule III or IV or any controlled substances in**  
7 **schedule V unless—**

8           **“(1) there is furnished (before export) to the At-**  
9 **torney General documentary proof that importation is**  
10 **not contrary to the laws or regulations of the country**  
11 **of destination for consumption for medical, scientific or**  
12 **other legitimate purposes;**

13           **“(2) it is exported pursuant to such notification, or**  
14 **declaration, or in the case of any nonnarcotic con-**  
15 **trolled substance in schedule III, such import permit,**  
16 **notification or declaration, as the Attorney General**  
17 **may by regulation prescribe; and**

18           **“(3) in any case when a nonnarcotic controlled**  
19 **substance in schedule IV or V is also listed in schedule**  
20 **I or II of the Convention on Psychotropic Substances,**  
21 **it is exported pursuant to such export permit require-**  
22 **ments, prescribed by regulation of the Attorney Gener-**  
23 **al, as are required by the Convention, instead of any**  
24 **notification or declaration required by paragraph (2) of**  
25 **this subsection.”**



1       **SEC. 524.** Section 1007(a)(2) of the Controlled Sub-  
2 stances Import and Export Act (21 U.S.C. 957(a)(2)) is  
3 amended to read as follows:

4           “(2) export from the United States any controlled  
5 substance in schedule I, II, III, IV, or V.”

6       **SEC. 525.** Section 1008(a) of the Controlled Substances  
7 Import and Export Act (21 U.S.C. 958(a)) is amended to  
8 read as follows:

9           “(a) The Attorney General shall register an applicant to  
10 import or export a controlled substance in schedule I or II if  
11 he determines that such registration is consistent with the  
12 public interest and with United States obligations under  
13 international treaties, conventions, or protocols in effect on  
14 the effective date of this section. In determining the public  
15 interest, the following factors shall be considered:

16           “(1) maintenance of effective controls against the  
17 diversion of any controlled substances both within the  
18 United States and international commerce;

19           “(2) compliance with applicable State and local  
20 laws;

21           “(3) prior conviction record of the applicant under  
22 Federal and State laws relating to controlled sub-  
23 stances;

24           “(4) past experience in the handling of controlled  
25 substances; and

1           “(5) such other factors as may be relevant to and  
2           consistent with the public health and safety.”.

3           **SEC. 526.** Section 1008(b) of the Controlled Substances  
4 Import and Export Act (21 U.S.C. 958(b)) is amended to  
5 read as follows:

6           “(b) Registration granted under this section shall not  
7 entitle a registrant to import or export controlled substances  
8 other than those specified in the registration.”.

9           **SEC. 527.** Section 1008(e) of the Controlled Substances  
10 Import and Export Act (21 U.S.C. 958(e)) is amended to  
11 read as follows:

12           “(e) The Attorney General shall register an applicant to  
13 import or to export a controlled substance in schedule III,  
14 IV, or V, unless he determines that the issuance of such  
15 registration is inconsistent with the public interest. In deter-  
16 mining the public interest, the following factors shall be con-  
17 sidered:

18           “(1) maintenance of effective controls against the  
19 diversion of any controlled substances;

20           “(2) compliance with applicable State and local  
21 laws;

22           “(3) prior conviction record of the applicant under  
23 Federal and State laws relating to controlled sub-  
24 stances;

1           “(4) past experience in the handling of controlled  
2 substances; and

3           “(5) such other factors as may be relevant to and  
4 consistent with the public health and safety.”.

5       **SEN. 528.** Section 1008 of the Controlled Substances  
6 Import and Export Act (21 U.S.C. 958), is further amended  
7 by redesignating subsections (d), (e), (f), (g), and (h), as sub-  
8 sections (e), (f), (g), (h), and (i), respectively, and—

9           (1) by inserting the following new subsection (d):

10          “(d) Actions to deny an application for registration or to  
11 revoke or suspend a registration under this section.

12           “(1) The Attorney General may deny an applica-  
13 tion for registration or revoke or suspend a registration  
14 under subsection (a) if he is unable to determine that  
15 such registration is consistent with the public interest  
16 (as defined in subsection (a)) and with the United  
17 States obligations under international treaties, conven-  
18 tions, or protocols in effect on the effective date of this  
19 part.

20           “(2) The Attorney General may deny an applica-  
21 tion for registration or revoke or suspend a registration  
22 under subsection (e), if he determines that such regis-  
23 tration is inconsistent with the public interest (as de-  
24 fined in subsection (e)) or with United States obliga-

1       tions under international treaties, conventions, or pro-  
2       tocols in effect on the effective date of this part.

3           “(3) The Attorney General may limit the revoca-  
4       tion or suspension of a registration to the particular  
5       controlled substance, or substances, with respect to  
6       which grounds for revocation or suspension exist.

7           “(4) Before taking action pursuant to this section,  
8       the Attorney General shall serve upon the applicant or  
9       registrant an order to show cause as to why the regis-  
10      tration should not be denied, revoked or suspended.  
11      The order to show cause shall contain a statement of  
12      the basis thereof and shall call upon the applicant or  
13      registrant to appear before the Attorney General, or  
14      his designee, at a time and place stated in the order,  
15      but in no event less than thirty days after the date of  
16      receipt of the order. Proceedings to deny, revoke, or  
17      suspend shall be conducted pursuant to this section in  
18      accordance with subchapter II of chapter 5 of title 5 of  
19      the United States Code. Such proceeding shall be inde-  
20      pendent of, and not in lieu of, criminal prosecutions or  
21      other proceedings under this title or any other law of  
22      the United States.

23           “(5) The Attorney General may, in his discretion,  
24      suspend any registration simultaneously with the insti-  
25      tution of proceedings under this section, in cases where

1 he finds that there is an imminent danger to the public  
2 health and safety. Such suspension shall continue in  
3 effect until the conclusion of such proceedings, includ-  
4 ing judicial review thereof, unless sooner withdrawn by  
5 the Attorney General or dissolved by a court of compe-  
6 tent jurisdiction.

7       “(6) The suspension or revocation of a registra-  
8 tion under this section shall operate to suspend or  
9 revoke any quota applicable under section 306 of the  
10 Controlled Substances Act.

11       “(7) In the event that the Attorney General sus-  
12 pends or revokes a registration granted under this sec-  
13 tion, all controlled substances owned or possessed by  
14 the registrant pursuant to such registration at the time  
15 of suspension or the effective date of the revocation  
16 order, as the case may be, may, in the discretion of the  
17 Attorney General, be placed under seal. No disposition  
18 may be made of any controlled substances under seal  
19 until the time for taking an appeal has elapsed or until  
20 all appeals have been concluded, except that a court,  
21 upon application therefor, may at any time order the  
22 sale of perishable controlled substances. Any such  
23 order shall require the deposit of the proceeds of the  
24 sale with the court. Upon a revocation order becoming  
25 final, all such controlled substances (or proceeds of the

1 sale thereof which have been deposited with the court)  
2 shall be forfeited to the United States; and the Atter-  
3 ney General shall dispose of such controlled substances  
4 in accordance with section 511(e) of the Controlled  
5 Substances Act.”

6 (2) by deleting “304” in the second sentence of  
7 redesignated subsection (e); and

8 (2) by amending redesignated subsection (i) to  
9 read as follows:

10 “(i) prior to issuing a registration under section  
11 1002(a)(2)(B), the Attorney General shall give manu-  
12 facturers holding registrations for the bulk manufacture  
13 of such controlled substance an opportunity to com-  
14 ment upon the adequacy of existing competition among  
15 domestic manufacturers.”

16 **SEC. 520.** Section 1002(a)(1) of the Controlled Sub-  
17 stances Import and Export Act (21 U.S.C. 952(a)(1)) is  
18 amended to read as follows:

19 “(1) such amounts of crude opium, poppy straw,  
20 concentrate of poppy straw and coca leaves as the At-  
21 torney General finds to be necessary to provide for  
22 medical, scientific, or other legitimate purposes, and”

23 *SEC. 506. (a) This Part may be cited as the “Danger-*  
24 *ous Drug Diversion Control Act of 1984”.*

1           ***(b) Whenever in sections 507 through 519 an amend-***  
2 ***ment or repeal is expressed in terms of an amendment to, or***  
3 ***repeal of, a section or other provision, the reference shall be***  
4 ***considered to be made to a section or other provision of the***  
5 ***Controlled Substances Act, and whenever in sections 520***  
6 ***through 525 an amendment or repeal is expressed in terms of***  
7 ***an amendment to, or repeal of, a section or other provision,***  
8 ***the reference shall be considered to be made to a section or***  
9 ***other provision of the Controlled Substances Import and***  
10 ***Export Act.***

11           ***SEC. 507. (a) Section 102 (21 U.S.C. 802) is amended***  
12 ***by redesignating paragraphs (14) through (29) as paragraphs***  
13 ***(15) through (30), respectively, and by adding after para-***  
14 ***graph (13) the following:***

15           ***“(14) The term ‘isomer’ means the optical isomer,***  
16 ***except as used in schedule I(c) and schedule II(a)(4). As***  
17 ***used in schedule I(c), the term ‘isomer’ means the optical,***  
18 ***positional, or geometric isomer. As used in schedule II(a)(4),***  
19 ***the term ‘isomer’ means the optical or geometric isomer.”.***

20           ***(b) Paragraph (17) (as so redesignated) of section 102***  
21 ***is amended to read as follows:***

22           ***“(17) The term ‘narcotic drug’ means any of the follow-***  
23 ***ing whether produced directly or indirectly by extraction***  
24 ***from substances of vegetable origin, or independently by***

1 means of chemical synthesis, or by a combination of extrac-  
2 tion and chemical synthesis:

3           “(A) Opium, opiates, derivatives of opium and  
4 opiates, including their isomers, esters, ethers, salts,  
5 and salts of isomers, esters, and ethers, whenever the  
6 existence of such isomers, esters, ethers, and salts is  
7 possible within the specific chemical designation. Such  
8 term does not include the isoquinoline alkaloids of  
9 opium.

10           “(B) Poppy straw and concentrate of poppy  
11 straw.

12           “(C) Coca leaves, except coca leaves and extracts  
13 of coca leaves from which cocaine, ecgonine, and de-  
14 rivatives of ecgonine or their salts have been removed.

15           “(D) Cocaine, its salts, optical and geometric iso-  
16 mers, and salts of isomers.

17           “(E) Ecgonine, its derivatives, their salts, iso-  
18 mers, and salts of isomers.

19           “(F) Any compound, mixture, or preparation  
20 which contains any quantity of any of the substances  
21 referred to in subparagraphs (A) through (E).”.

22           (c) Paragraph (a)(4) of schedule II is amended by in-  
23 serting after “coca leaves” the first time it appears the follow-  
24 ing: “(including cocaine and ecgonine and their salts, iso-  
25 mers, derivatives, and salts of isomers and derivatives)”.



1        *SEC. 508. Section 201 (21 U.S.C. 811) is amended by*  
2 *adding a new subsection (h) as follows:*

3        *“(h)(1) If the Attorney General finds that the schedul-*  
4 *ing of a substance in schedule I on a temporary basis is*  
5 *necessary to avoid an imminent hazard to the public safety,*  
6 *he may, by order and without regard to the requirements of*  
7 *subsection (b) relating to the Secretary of Health and*  
8 *Human Services, schedule such substance in schedule I if the*  
9 *substance is not listed in any other schedule in section 202 or*  
10 *if no exemption or approval is in effect for the substance*  
11 *under section 505 of the Federal Food, Drug, and Cosmetic*  
12 *Act. Such an order may not be issued before the expiration of*  
13 *30 days from—*

14            *“(A) the date of the publication by the Attorney*  
15 *General of a notice in the Federal Register of the in-*  
16 *tention to issue such order and the grounds upon which*  
17 *such order is to be issued, and*

18            *“(B) the date the Attorney General has transmit-*  
19 *ted the notice required by paragraph (4).*

20        *“(2) The scheduling of a substance under this subsec-*  
21 *tion shall expire at the end of one year from the date of the*  
22 *issuance of the order scheduling such substance, except that*  
23 *the Attorney General may, during the pendency of proceed-*  
24 *ings under subsection (a)(1) with respect to the substance,*  
25 *extend the temporary scheduling for up to six months.*

1           “(3) When issuing an order under paragraph (1), the  
2 Attorney General shall be required to consider, with respect  
3 to the finding of an imminent hazard to the public safety,  
4 only those factors set forth in paragraphs (4), (5), and (6) of  
5 subsection (c), including actual abuse, diversion from legiti-  
6 mate channels, and clandestine importation, manufacture, or  
7 distribution.

8           “(4) The Attorney General shall transmit notice of an  
9 order proposed to be issued under paragraph (1) to the Secre-  
10 tary of Health and Human Services. In issuing an order  
11 under paragraph (1), the Attorney General shall take into  
12 consideration any comments submitted by the Secretary in  
13 response to a notice transmitted pursuant to this paragraph.

14           “(5) An order issued under paragraph (1) with respect  
15 to a substance shall be vacated upon the conclusion of a sub-  
16 sequent rulemaking proceeding initiated under subsection (a)  
17 with respect to such substance.

18           “(6) An order issued under paragraph (1) is not subject  
19 to judicial review.”.

20           **SEC. 509. (a) Section 201(g) (21 U.S.C. 811(g)) is**  
21 **amended by adding at the end the following:**

22           “(3) The Attorney General may, by regulation, exempt  
23 any compound, mixture, or preparation containing a con-  
24 trolled substance from the application of all or any part of

1 *this title if he finds such compound, mixture, or preparation*  
2 *meets the requirements of one of the following categories:*

3           “(A) *A mixture, or preparation containing a non-*  
4 *narcotic controlled substance, which mixture or prepa-*  
5 *ration is approved for prescription use, and which con-*  
6 *tains one or more other active ingredients which are*  
7 *not listed in any schedule and which are included*  
8 *therein in such combinations, quantity, proportion, or*  
9 *concentration as to vitiate the potential for abuse.*

10           “(B) *A compound, mixture, or preparation which*  
11 *contains any controlled substance, which is not for ad-*  
12 *ministration to a human being or animal, and which is*  
13 *packaged in such form or concentration, or with adul-*  
14 *terants or denaturants, so that as packaged it does not*  
15 *present any significant potential for abuse.”.*

16           *(b) Section 202(d) (21 U.S.C. 812(d)) is repealed.*

17           *SEC. 510. Section 302(a) (21 U.S.C. 822(a)) is*  
18 *amended to read as follows:*

19           “(a)(1) *Every person who manufactures or distributes*  
20 *any controlled substance, or who proposes to engage in the*  
21 *manufacture or distribution of any controlled substance, shall*  
22 *obtain annually a registration issued by the Attorney Gener-*  
23 *al in accordance with the rules and regulations promulgated*  
24 *by him.*

1       “(2) Every person who dispenses, or who proposes to  
2 dispense, any controlled substance, shall obtain from the At-  
3 torney General a registration issued in accordance with the  
4 rules and regulations promulgated by him. The Attorney  
5 General shall, by regulation, determine the period of such  
6 registrations. In no event, however, shall such registrations  
7 be issued for less than one year nor for more than three  
8 years.”

9       SEC. 511. Section 303(f) (21 U.S.C. 823(f)) is amend-  
10 ed to read as follows:

11       “(f) The Attorney General shall register practitioners  
12 (including pharmacies, as distinguished from pharmacists) to  
13 dispense, or conduct research with, controlled substances in  
14 schedules II, III, IV, or V, if the applicant is authorized to  
15 dispense, or conduct research with respect to, controlled sub-  
16 stances under the laws of the State in which he practices. The  
17 Attorney General may deny an application for such registra-  
18 tion if he determines that the issuance of such registration  
19 would be inconsistent with the public interest. In determining  
20 the public interest, the following factors shall be considered:

21               “(1) The recommendation of the appropriate State  
22       licensing board or professional disciplinary authority.

23               “(2) The applicant's experience in dispensing, or  
24       conducting research with respect to controlled sub-  
25       stances.

1           “(3) *The applicant’s conviction record under Fed-*  
2           *eral or State laws relating to the manufacture, distri-*  
3           *bution, or dispensing of controlled substances.*

4           “(4) *Compliance with applicable State, Federal,*  
5           *or local laws relating to controlled substances.*

6           “(5) *Such other conduct which may threaten the*  
7           *public health and safety.*

8           *Separate registration under this part for practitioners engag-*  
9           *ing in research with controlled substances in schedules II,*  
10          *III, IV, or V, who are already registered under this part in*  
11          *another capacity, shall not be required. Registration applica-*  
12          *tions by practitioners wishing to conduct research with con-*  
13          *trolled substances in schedule I shall be referred to the Secre-*  
14          *tary, who shall determine the qualifications and competency*  
15          *of each practitioner requesting registration, as well as the*  
16          *merits of the research protocol. The Secretary, in determining*  
17          *the merits of each research protocol, shall consult with the*  
18          *Attorney General as to effective procedures to adequately*  
19          *safeguard against diversion of such controlled substances*  
20          *from legitimate medical or scientific use. Registration for the*  
21          *purpose of bona fide research with controlled substances in*  
22          *schedule I by a practitioner deemed qualified by the Secre-*  
23          *tary may be denied by the Attorney General only on a*  
24          *ground specified in section 304(a). Article 7 of the Conven-*  
25          *tion on Psychotropic Substances shall not be construed to*

1 *prohibit, or impose additional restrictions upon, research in-*  
2 *volving drugs or other substances scheduled under the con-*  
3 *vention which is conducted in conformity with this subsection*  
4 *and other applicable provisions of this title.”*

5 *SEC. 512. Section 304(a) (21 U.S.C. 824(a)) is*  
6 *amended—*

7 *(1) by inserting before the period in paragraph (3)*  
8 *the following: “or has had the suspension, revocation,*  
9 *or denial of his registration recommended by competent*  
10 *State authority”; and*

11 *(2) by striking out “or” at the end of paragraph*  
12 *(2), by striking out the period at the end of paragraph*  
13 *(3) and inserting in lieu thereof “; or”, and by adding*  
14 *after paragraph (3) the following:*

15 *“(4) has committed such acts as would render his*  
16 *registration under section 303 inconsistent with the*  
17 *public interest as determined under such section.”*

18 *SEC. 513. Section 304 (21 U.S.C. 824) is amended by*  
19 *adding at the end the following:*

20 *“(g) The Attorney General may, in his discretion, seize*  
21 *or place under seal any controlled substances owned or pos-*  
22 *sessed by a registrant whose registration has expired or who*  
23 *has ceased to practice or do business in the manner contem-*  
24 *plated by his registration. Such controlled substances shall be*  
25 *held for the benefit of the registrant, or his successor in inter-*

1 *est. The Attorney General shall notify a registrant, or his*  
2 *successor in interest, who has any controlled substance seized*  
3 *or placed under seal of the procedures to be followed to secure*  
4 *the return of the controlled substance and the conditions*  
5 *under which it will be returned. The Attorney General may*  
6 *not dispose of any controlled substance seized or placed under*  
7 *seal under this subsection until the expiration of one hundred*  
8 *and eighty days from the date such substance was seized or*  
9 *placed under seal."*

10 *SEC. 514. (a) Section 307(c)(1)(A) (21 U.S.C.*  
11 *827(c)(1)(A)) is amended to read as follows:*

12 *"(A) to the prescribing of controlled substances in*  
13 *schedule II, III, IV, or V by practitioners acting in*  
14 *the lawful course of their professional practice unless*  
15 *such substance is prescribed in the course of mainte-*  
16 *nance or detoxification treatment of an individual; or"*

17 *(b) Section 307(c)(1)(B) (21 U.S.C. 827(c)(1)(B)) is*  
18 *amended to read as follows:*

19 *"(B) to the administering of a controlled sub-*  
20 *stance in schedule II, III, IV, or V unless the practi-*  
21 *tioner regularly engages in the dispensing or adminis-*  
22 *tering of controlled substances and charges his patients,*  
23 *either separately or together with charges for other pro-*  
24 *fessional services, for substances so dispensed or ad-*  
25 *ministered or unless such substance is administered in*

1        *the course of maintenance treatment or detoxification*  
2        *treatment of an individual;”.*

3        *SEC. 515. Section 307 (21 U.S.C. 827) is further*  
4        *amended by adding at the end a new subsection (g) as fol-*  
5        *lows:*

6            *“(g) Every registrant under this title shall be required*  
7        *to report any change of professional or business address in*  
8        *such manner as the Attorney General shall by regulation*  
9        *require.”.*

10        *SEC. 516. (a) The first sentence of section 401(b)(1)(A)*  
11        *(21 U.S.C. 841(b)(1)(A)) is amended by striking out “con-*  
12        *trolled substance in schedule I or II which is a narcotic*  
13        *drug” and inserting in lieu thereof “controlled substance in*  
14        *schedule I which is a narcotic drug or a controlled substance*  
15        *in schedule II”.*

16            *(b) The first sentence of section 401(b)(1)(B) is amend-*  
17        *ed by striking out “or II”.*

18            *(c) Paragraph (5) of section 401(b) is repealed and*  
19        *paragraph (6) of such section, as amended by section 404(f)*  
20        *of this Act, is redesignated as paragraph (5).*

21        *SEC. 517. Section 403(a)(2) (21 U.S.C. 843(a)(2)) is*  
22        *amended to read as follows:*

23            *“(2) to use in the course of the manufacture, dis-*  
24        *tribution, or dispensing of a controlled substance, or to*  
25        *use for the purpose of acquiring or obtaining a con-*



1 *trolled substance, a registration number which is ficti-*  
2 *tious, revoked, suspended, expired, or issued to another*  
3 *person.”.*

4 *SEC. 518. (a) Section 503(a) (21 U.S.C. 873(a)) is*  
5 *amended by striking out “and” at the end of paragraph (4),*  
6 *by striking out the period at the end of paragraph (5) and*  
7 *inserting in lieu thereof “; and” and by adding at the end the*  
8 *following:*

9 *“(6) assist State and local governments in sup-*  
10 *pressing the diversion of controlled substances from le-*  
11 *gitimate medical, scientific, and commercial channels*  
12 *by—*

13 *“(A) making periodic assessments of the ca-*  
14 *pabilities of State and local governments to ade-*  
15 *quately control the diversion of controlled sub-*  
16 *stances;*

17 *“(B) providing advice and counsel to State*  
18 *and local governments on the methods by which*  
19 *such governments may strengthen their controls*  
20 *against diversion; and*

21 *“(C) establishing cooperative investigative ef-*  
22 *forts to control diversion.”.*

23 *(b) Section 503 is amended by adding at the end the*  
24 *following:*

1       “(d)(1) *The Attorney General may make grants, in ac-*  
2 *cordance with paragraph (2), to State and local governments*  
3 *to assist in meeting the costs of—*

4               “(A) *collecting and analyzing data on the diver-*  
5 *sion of controlled substances,*

6               “(B) *conducting investigations and prosecutions*  
7 *of such diversions,*

8               “(C) *improving regulatory controls and other au-*  
9 *thorities to control such diversions,*

10              “(D) *programs to prevent such diversions,*

11              “(E) *preventing and detecting forged prescrip-*  
12 *tions, and*

13              “(F) *training law enforcement and regulatory*  
14 *personnel to improve the control of such diversions.*

15       “(2) *No grant may be made under paragraph (1) unless*  
16 *an application therefor is submitted to the Attorney General*  
17 *in such form and manner as the Attorney General may pre-*  
18 *scribe. No grant may exceed 80 per centum of the costs for*  
19 *which the grant is made, and no grant may be made unless*  
20 *the recipient of the grant provides assurances satisfactory to*  
21 *the Attorney General that it will obligate funds to meet the*  
22 *remaining 20 per centum of such costs. The Attorney Gener-*  
23 *al shall review the activities carried out with grants under*  
24 *paragraph (1) and shall report annually to Congress on such*  
25 *activities.*

1       “(3) To carry out this subsection there is authorized to  
2 be appropriated \$6,000,000 for fiscal year 1985 and  
3 \$6,000,000 for fiscal year 1986.”.

4       SEC. 519. Section 511(a) (21 U.S.C. 881(a)) is  
5 amended by inserting the following new paragraph:

6             “(8) All controlled substances which have been  
7 possessed in violation of this title.”.

8       SEC. 520. Section 1002(a)(1) (21 U.S.C. 952(a)(1)) is  
9 amended to read as follows:

10           “(1) such amounts of crude opium, poppy straw,  
11 concentrate of poppy straw, and coca leaves as the At-  
12 torney General finds to be necessary to provide for  
13 medical, scientific, or other legitimate purposes, and”.

14       SEC. 521. Section 1002(a)(2) (21 U.S.C. 952(a)(2)) is  
15 amended by striking out “or” at the end of subparagraph (A),  
16 by adding “or” at the end of subparagraph (B), and by  
17 adding the following after subparagraph (B):

18           “(C) in any case in which the Attorney  
19 General finds that such controlled substance is in  
20 limited quantities exclusively for scientific, ana-  
21 lytical, or research uses.”.

22       SEC. 522. Section 1002(b)(2) (21 U.S.C. 952(b)(2)) is  
23 amended to read as follows:

24           “(2) is imported pursuant to such notification, or  
25 declaration, or in the case of any nonnarcotic con-

1 *trolled substance in schedule III, such import permit,*  
2 *notification, or declaration, as the Attorney General*  
3 *may by regulation prescribe, except that if a nonnar-*  
4 *cotic controlled substance in schedule IV of V is also*  
5 *listed in schedule I or II of the Convention on Psycho-*  
6 *tropic Substances it shall be imported pursuant to such*  
7 *import permit requirements, prescribed by regulation of*  
8 *the Attorney General, as are required by the Conven-*  
9 *tion.”.*

10 *SEC. 523. Section 1003(e) (21 U.S.C. 953(e)) is*  
11 *amended to read as follows:*

12 *“(e) It shall be unlawful to export from the United*  
13 *States to any other country any nonnarcotic controlled sub-*  
14 *stance in schedule III or IV or any controlled substances in*  
15 *schedule V unless—*

16 *“(1) there is furnished (before export) to the At-*  
17 *torney General documentary proof that importation is*  
18 *not contrary to the laws or regulations of the country*  
19 *of destination for consumption for medical, scientific,*  
20 *or other legitimate purposes;*

21 *“(2) it is exported pursuant to such notification or*  
22 *declaration, or in the case of any nonnarcotic con-*  
23 *trolled substance in schedule III, such export permit,*  
24 *notification, or declaration as the Attorney General*  
25 *may by regulation prescribe; and*

1           “(3) in the case of a nonnarcotic controlled sub-  
2 stance in schedule IV or V which is also listed in  
3 schedule I or II of the Convention on Psychotropic  
4 Substances, it is exported pursuant to such export  
5 permit requirements, prescribed by regulation of the  
6 Attorney General, as are required by the Convention.”.

7       SEC. 524. Section 1007(a)(2) (21 U.S.C. 957(a)(2)) is  
8 amended to read as follows:

9           “(2) export from the United States any controlled  
10 substance in schedule I, II, III, IV, or V,”.

11       SEC. 525. Section 1008(b) (21 U.S.C. 958(b)) is  
12 amended to read as follows:

13           “(b) Registration granted under this section shall not  
14 entitle a registrant to import or export controlled substances  
15 other than specified in the registration.”.

16       SEC. 526. Section 1008 (21 U.S.C. 958) is further  
17 amended by redesignating subsections (d), (e), (f), (g), and  
18 (h) as subsections (e), (f), (g), (h), and (i), respectively,  
19 and—

20           (1) by inserting after subsection (c) the following  
21 new subsection (d):

22           “(d)(1) The Attorney General may deny an application  
23 for registration under subsection (a) if he is unable to deter-  
24 mine that such registration is consistent with the public inter-  
25 est (as defined in subsection (a)) and with the United States

1 *obligations under international treaties, conventions, or pro-*  
2 *ocols in effect on the effective date of this part.*

3       “(2) *The Attorney General may deny an application for*  
4 *registration under subsection (c), or revoke or suspend a reg-*  
5 *istration under subsection (a) or (c), if he determines that*  
6 *such registration is inconsistent with the public interest (as*  
7 *defined in subsection (a) or (c)) or with the United States*  
8 *obligations under international treaties, conventions, or pro-*  
9 *ocols in effect on the effective date of this part.*

10       “(3) *The Attorney General may limit the revocation or*  
11 *suspension of a registration to the particular controlled sub-*  
12 *stance, or substances, with respect to which grounds for revo-*  
13 *cation or suspension exist.*

14       “(4) *Before taking action pursuant to this subsection,*  
15 *the Attorney General shall serve upon the applicant or regis-*  
16 *trant an order to show cause as to why the registration should*  
17 *not be denied, revoked, or suspended. The order to show cause*  
18 *shall contain a statement of the basis thereof and shall call*  
19 *upon the applicant or registrant to appear before the Attorney*  
20 *General, or his designee, at a time and place stated in the*  
21 *order, but in no event less than thirty days after the date of*  
22 *receipt of the order. Proceedings to deny, revoke, or suspend*  
23 *shall be conducted pursuant to this subsection in accordance*  
24 *with subchapter II of chapter 5 of title 5 of the United States*  
25 *Code. Such proceedings shall be independent of, and not in*

1 lieu of, criminal prosecutions or other proceedings under this  
2 title or any other law of the United States.

3       “(5) The Attorney General may, in his discretion, sus-  
4 pend any registration simultaneously with the institution of  
5 proceedings under this subsection, in cases where he finds  
6 that there is an imminent danger to the public health and  
7 safety. Such suspension shall continue in effect until the con-  
8 clusion of such proceedings, including judicial review thereof,  
9 unless sooner withdrawn by the Attorney General or dis-  
10 solved by a court of competent jurisdiction.

11       “(6) In the event that the Attorney General suspends or  
12 revokes a registration granted under this section, all con-  
13 trolled substances owned or possessed by the registrant pursu-  
14 ant to such registration at the time of suspension or the effec-  
15 tive date of the revocation order, as the case may be, may, in  
16 the discretion of the Attorney General, be seized or placed  
17 under seal. No disposition may be made of any controlled  
18 substances under seal until the time for taking an appeal has  
19 elapsed or until all appeals have been concluded, except that  
20 a court, upon application therefor, may at any time order the  
21 sale of perishable controlled substances. Any such order shall  
22 require the deposit of the proceeds of the sale with the court.  
23 Upon a revocation order becoming final, all such controlled  
24 substances (or proceeds of the sale thereof which have been  
25 deposited with the court) shall be forfeited to the United

1 *States; and the Attorney General shall dispose of such con-*  
2 *trolled substances in accordance with section 511(e) of the*  
3 *Controlled Substances Act.”; and*

4 (2) *by striking out “304,” in the second sentence*  
5 *of redesignated subsection (e).*

6 SEC. 530. (a) Section 508 of the Controlled Substances  
7 Act (21 U.S.C. 878) is amended by—

8 (1) inserting “(a)” before “Any officer or em-  
9 ployee”;

10 (2) inserting after “Drug Enforcement Adminis-  
11 tration” the following: “or any State or local law en-  
12 forcement officer”; and

13 (3) inserting at the end thereof the following new  
14 subsection:

15 “(b) State and local law enforcement officers performing  
16 functions under this section shall not be deemed Federal em-  
17 ployees and shall not be subject to provisions of law relating  
18 to Federal employees, except that such officers shall be sub-  
19 ject to section 3374(c) of title 5, United States Code.”.

20 (b) Section 503(a) of the Controlled Substances Act (21  
21 U.S.C. 873(a)) as amended by this Act is further amended  
22 by—

23 (1) striking out “and” at the end of clause (5);

24 (2) striking out the period at the end of clause (6)

25 and inserting in lieu thereof “; and”; and



1 (3) adding at the end thereof the following:

2 “(7) notwithstanding any other provision of law,  
3 enter into contractual agreements with State and local  
4 law enforcement agencies to provide for cooperative  
5 enforcement and regulatory activities under this Act.”.

6 **(134) CHAPTER VI—JUSTICE ASSISTANCE**

7 **SEC. 601.** Title I of the Omnibus Crime Control and  
8 Safe Streets Act of 1968 is amended to read as follows:

**“TITLE I—JUSTICE ASSISTANCE**

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**“PART A—OFFICE OF JUSTICE ASSISTANCE**

- “Sec. 101. Establishment of Office of Justice Assistance.
- “Sec. 102. Duties and functions of Assistant Attorney General.
- “Sec. 103. Advisory Board.

**“PART B—BUREAU OF JUSTICE PROGRAMS**

- “Sec. 201. Establishment of Bureau of Justice Programs.
- “Sec. 202. Duties and functions of Director.

**“PART C—NATIONAL INSTITUTE OF JUSTICE**

- “Sec. 301. National Institute of Justice.
- “Sec. 302. Establishment, duties, and functions.
- “Sec. 303. Authority for 100 per centum grants.

**“PART D—BUREAU OF JUSTICE STATISTICS**

- “Sec. 401. Bureau of Justice Statistics.
- “Sec. 402. Establishment, duties, and functions.
- “Sec. 403. Authority for 100 per centum grants.
- “Sec. 404. Use of data.

**“PART E—STATE AND LOCAL ALLOCATIONS**

- “Sec. 501. Description of program.
- “Sec. 502. Federal share.
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- “Sec. 504. Review of applications.
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**“PART F—DISCRETIONARY GRANTS**

- “Sec. 601. Purpose.
- “Sec. 602. Procedure for establishing funding and selection criteria.

"Sec. 603. Application requirements.

"Sec. 604. Period for award.

#### "PART G—CRIMINAL JUSTICE FACILITIES

"Sec. 701. Establishment of the Bureau of Criminal Justice Facilities.

"Sec. 702. Functions of the Bureau.

"Sec. 703. Grants authorized for the renovation and construction of criminal justice facilities.

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#### "PART H—ADMINISTRATIVE PROVISIONS

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"Sec. 806. Title to personal property.

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"Sec. 808. Nondiscrimination.

"Sec. 809. Recordkeeping requirement.

"Sec. 810. Confidentiality of information.

#### "PART I—DEFINITIONS

"Sec. 901. Definitions.

#### "PART J—FUNDING

"Sec. 1001. Authorization of appropriations.

#### "PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"Sec. 1101. Payments.

"Sec. 1102. Limitations.

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"Sec. 1104. Administrative provisions.

"Sec. 1105. Judicial review.

#### "PART L—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"Sec. 1201. Authority for FBI to train State and local criminal justice personnel.

#### "PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"Sec. 1301. Application requirements.

"Sec. 1302. Assistance provided.

"Sec. 1303. Definitions.

"Sec. 1304. Administrative requirement.

**"PART N—TRANSITION****"Sec. 1401. Continuation of rules, authorities, and proceedings.****1 "ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE**

**2 "SEC. 101. There is hereby established an Office of**  
**3 Justice Assistance within the Department of Justice under**  
**4 the general authority of the Attorney General. The Office of**  
**5 Justice Assistance (hereafter referred to in this title as the**  
**6 'Office') shall be headed by an Assistant Attorney General**  
**7 appointed by the President, by and with the consent of the**  
**8 Senate. The Assistant Attorney General shall have authority**  
**9 to award all grants, cooperative agreements, and contracts**  
**10 authorized under this title.**

**11 "DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY****12 GENERAL**

**13 "SEC. 102. (a) The Assistant Attorney General shall—**

**14 "(1) publish and disseminate information on the**  
**15 conditions and progress of the criminal justice systems;**

**16 "(2) maintain liaison with the executive and judi-**  
**17 cial branches of the Federal and State governments in**  
**18 matters relating to justice research and statistics, and**  
**19 cooperate in assuring as much uniformity as feasible in**  
**20 statistical systems of the executive and judicial**  
**21 branches;**

**22 "(3) provide information to the President, the**  
**23 Congress, the judiciary, State and local governments,**

1 and the general public on justice research and statis-  
2 tics;

3 "(4) maintain liaison with public and private edu-  
4 cational and research institutions, State and local gov-  
5 ernments, and governments of other nations concerning  
6 justice research and statistics;

7 "(5) cooperate in and participate with national  
8 and international organizations in the development of  
9 uniform justice statistics;

10 "(6) insure conformance with security and privacy  
11 regulations issued pursuant to section 810 and, identi-  
12 fy, analyze and participate in the development and im-  
13 plementation of privacy, security and information poli-  
14 cies which impact on Federal and State criminal justice  
15 operations and related statistical activities;

16 "(7) directly provide staff support to, supervise  
17 and coordinate the activities of the Bureau of Justice  
18 Programs, the Bureau of Criminal Justice Facilities,  
19 the National Institute of Justice, the Bureau of Justice  
20 Statistics and the Office of Juvenile Justice and Delin-  
21 quency Prevention;

22 "(8) exercise the powers and functions set out in  
23 part G; and

24 "(9) exercise such other powers and functions as  
25 may be vested in the Assistant Attorney General pur-

1 suant to this title or by delegation of the Attorney  
2 General.

3 "(b) The Attorney General shall submit an annual  
4 report to the President and to the Congress not later than  
5 March 31 of each year. Each annual report shall describe the  
6 activities carried out under the provisions of this title and  
7 shall contain such findings and recommendations as the At-  
8 torney General considers necessary or appropriate after con-  
9 sultation with the Assistant Attorney General and the Advi-  
10 sory Board.

11 "ADVISORY BOARD

12 "SEC. 102. (a) There is hereby established a Justice  
13 Assistance Board (hereinafter referred to as the 'Board'). The  
14 Board shall consist of not more than twenty-one members  
15 who shall be appointed by the President. The members shall  
16 include representatives of the public, various components of  
17 the criminal justice system at all levels of government, and  
18 persons experienced in the criminal justice system, including  
19 the design, operation and management of programs at the  
20 State and local level. The Board shall include at least one  
21 member who is experienced in addressing the unique problem  
22 of crime committed against the elderly. The President shall  
23 designate from among its members a Chairman and Vice  
24 Chairman. The Vice Chairman is authorized to sit and act in  
25 the place of the Chairman in the absence of the Chairman.

1 The Assistant Attorney General shall be a nonvoting  
2 member of the Board and shall not serve as Chairman or  
3 Vice Chairman. Vacancies in the membership of the Board  
4 shall not affect the power of the remaining members to exe-  
5 cute the functions of the Board and shall be filled in the same  
6 manner as in the case of an original appointment.

7       “(b) The Board may make such rules respecting organi-  
8 zation and procedures as it deems necessary, except that no  
9 recommendation shall be reported from the Board unless a  
10 majority of the full Board assents.

11       “(c) The members of the Board shall serve at the pleas-  
12 ure of the President and shall have no fixed term. The mem-  
13 bers of the Board shall receive compensation for each day  
14 engaged in the actual performance of duties vested in the  
15 Board at rates of pay not in excess of the daily equivalent of  
16 the highest rate of basic pay then payable in the General  
17 Schedule of section 5332(a) of title 5, United States Code,  
18 and in addition shall be reimbursed for travel, subsistence,  
19 and other necessary expenses.

20       “(d) The Board shall—

21               “(1) advise and make recommendations to the As-  
22 sistant Attorney General on the policies and priorities  
23 of the Bureau of Justice Programs, the Bureau of  
24 Criminal Justice Facilities, the National Institute of

1 Justice and the Bureau of Justice Statistics in re-  
2 search, statistics and program priorities;

3 “(2) review demonstration programs funded under  
4 part B, and evaluations thereof, and advise the Assist-  
5 ant Attorney General of the results of such review and  
6 evaluations; and

7 “(3) undertake such additional related tasks as the  
8 Board may deem necessary.

9 “(e) In addition to the powers and duties set forth else-  
10 where in this title, the Assistant Attorney General shall exer-  
11 cise such powers and duties of the Board as may be delegat-  
12 ed to the Assistant Attorney General by the Board.

13 “(f) The Assistant Attorney General shall provide staff  
14 support to assist the Board in carrying out its activities.

15 “PART B—BUREAU OF JUSTICE PROGRAMS

16 “ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

17 “SEC. 201. (a) There is established within the Office of  
18 Justice Assistance a Bureau of Justice Programs (hereinafter  
19 referred to in this part as the ‘Bureau’).

20 “(b) The Bureau shall be headed by a Director who  
21 shall be appointed by the Attorney General. The Director  
22 shall not engage in any employment other than that of serv-  
23 ing as the Director, nor shall the Director hold any office in,  
24 or act in any capacity for, any organization, agency, or insti-

1 tuition with which the Bureau makes any contract or other  
2 arrangement under this title.

3 **"DUTIES AND FUNCTIONS OF DIRECTOR**

4 **"Sec. 202. The Director shall—**

5 **"(1) provide funds to eligible States, units of local**  
6 **government and private nonprofit organizations pursu-**  
7 **ant to part E and part F;**

8 **"(2) establish priorities for programs in accord-**  
9 **ance with part E and, following public announcement**  
10 **of such priorities, award and allocate funds and techni-**  
11 **cal assistance in accordance with the criteria of part F**  
12 **and on terms and conditions determined by the Direc-**  
13 **tor to be consistent with part F;**

14 **"(3) cooperate with and provide technical assist-**  
15 **ance to States, units of local government, and other**  
16 **public and private organizations or international agen-**  
17 **cies involved in criminal justice activities;**

18 **"(4) provide for the development of technical as-**  
19 **sistance and training programs for State and local**  
20 **criminal justice agencies and foster local participation**  
21 **in such activities;**

22 **"(5) encourage the targeting of State and local re-**  
23 **sources on efforts to reduce the incidence of violent**  
24 **crime and on programs relating to the apprehension**  
25 **and prosecution of repeat offenders;**



1           “(6) advise and make recommendations to the As-  
2           sistant Attorney General on the policies and priorities  
3           of the Office relating to the Bureau; and

4           “(7) exercise such other powers and functions as  
5           may be vested in the Director pursuant to this title.

6           **“PART C—NATIONAL INSTITUTE OF JUSTICE**

7           **“NATIONAL INSTITUTE OF JUSTICE**

8           **“SEC. 301. It is the purpose of this part to establish a**  
9           **National Institute of Justice, which shall provide for and en-**  
10          **courage research and demonstration efforts for the purpose**  
11          **of—**

12           “(1) improving Federal, State and local criminal  
13           justice systems and related aspects of the civil justice  
14           system;

15           “(2) preventing and reducing crimes;

16           “(3) insuring citizen access to appropriate dispute-  
17           resolution forums;

18           “(4) improving efforts to detect, investigate, pros-  
19           ecute, and otherwise combat and prevent white-collar  
20           crime and public corruption;

21           “(5) addressing the unique problem of crime com-  
22           mitted against the elderly;

23           “(6) identifying programs of proven and demon-  
24           strated success or programs which are likely to be suc-  
25           cessful; and

1           “(7) developing improved strategies for rural  
2           areas to better utilize their dispersed resources in com-  
3           bating crime, with particular emphasis on violent  
4           crime, juvenile delinquency, and crime prevention.

5   The Institute shall have authority to engage in and encour-  
6   age research and development to improve and strengthen the  
7   criminal justice system and related aspects of the civil justice  
8   system and to disseminate the results of such efforts to units  
9   of Federal, State, and local governments, to develop alterna-  
10   tives to judicial resolution of disputes, to evaluate the effec-  
11   tiveness of programs funded under this title, to develop and  
12   demonstrate new or improved approaches and techniques, to  
13   improve and strengthen the administration of justice, and to  
14   identify programs or projects carried out under this title  
15   which have demonstrated success in improving the quality of  
16   justice systems and which offer the likelihood of success if  
17   continued or repeated. In carrying out the provisions of this  
18   part the Institute shall give primary emphasis to the prob-  
19   lems of State and local justice systems.

20           “ESTABLISHMENT, DUTIES, AND FUNCTIONS

21           “SEC. 302. (a) There is established within the Office of  
22   Justice Assistance a National Institute of Justice (hereinafter  
23   referred to in this title as the ‘Institute’).

24           “(b) The Institute shall be headed by a Director ap-  
25   pointed by the Attorney General. The Director shall have

1 had experience in justice research. The Director shall have  
2 such authority as delegated by the Assistant Attorney Gener-  
3 al to make grants, cooperative agreements, and contracts  
4 awarded by the Institute. The Director shall not engage in  
5 any other employment than that of serving as Director; nor  
6 shall the Director hold any office in, or act in any capacity  
7 for, any organization, agency, or institution with which the  
8 Institute makes any contract or other arrangements under  
9 this title.

10       “(e) The Institute is authorized to—

11               “(1) make grants to, or enter into cooperative  
12 agreements or contracts with, States, units of local  
13 government or combinations thereof, public agencies,  
14 institutions of higher education, private organizations,  
15 or individuals to conduct research, demonstration or  
16 special projects pertaining to the purposes described in  
17 this part, and provide technical assistance and training  
18 in support of tests, demonstrations, and special  
19 projects;

20               “(2) conduct or authorize multiyear and short-  
21 term research and development concerning the criminal  
22 and civil justice systems in an effort—

23                       “(A) to identify alternative programs for  
24 achieving system goals;

1           “(B) to provide more accurate information on  
2 the causes and correlates of crime;

3           “(C) to analyze the correlates of crime and  
4 juvenile delinquency and provide more accurate  
5 information on the causes and correlates of crime  
6 and juvenile delinquency;

7           “(D) to improve the functioning of the crimi-  
8 nal justice system;

9           “(E) to develop new methods for the preven-  
10 tion and reduction of crime, including but not lim-  
11 ited to the development of programs to facilitate  
12 cooperation among the States and units of local  
13 government, the detection and apprehension of  
14 criminals, the expeditious, efficient, and fair dispo-  
15 sition of criminal and juvenile delinquency cases,  
16 the improvement of police and minority relations,  
17 the conduct of research into the problems of vic-  
18 tims and witnesses of crime, the feasibility and  
19 consequences of allowing victims to participate in  
20 criminal justice decisionmaking, the feasibility and  
21 desirability of adopting procedures and programs  
22 which increase the victim's participation in the  
23 criminal justice process, the reduction in the need  
24 to seek court resolution of civil disputes, and the

1 . . . development of adequate corrections facilities and  
2 effective programs of correction; and

3           “(F) to develop programs and projects to im-  
4 prove and expand the capacity of States and units  
5 of local government and combinations of such  
6 units, to detect, investigate, prosecute, and other-  
7 wise combat and prevent white-collar crime and  
8 public corruption; to improve and expand coopera-  
9 tion among the Federal Government, States, and  
10 units of local government in order to enhance the  
11 overall criminal justice system response to white-  
12 collar crime and public corruption, and to foster  
13 the creation and implementation of a comprehen-  
14 sive national strategy to prevent and combat  
15 white-collar crime and public corruption.

16 In carrying out the provisions of this subsection, the  
17 Institute may request the assistance of both public and  
18 private research agencies;

19           “(3) evaluate the effectiveness of projects or pro-  
20 grams carried out under this title;

21           “(4) make recommendations to the Assistant At-  
22 torney General for action which can be taken by units  
23 of Federal, State, and local governments and by pri-  
24 vate persons and organizations to improve and  
25 strengthen criminal and civil justice systems;

1           “(5) provide research fellowships and clinical in-  
2           ternships and carry out programs of training and spe-  
3           cial workshops for the presentation and dissemination  
4           of information resulting from research, demonstrations,  
5           and special projects including those authorized by this  
6           part;

7           “(6) collect and disseminate information obtained  
8           by the Institute or other Federal agencies, public agen-  
9           cies, institutions of higher education, and private orga-  
10          nizations relating to the purposes of this part;

11          “(7) serve as a national and international clear-  
12          inghouse for the exchange of information with respect  
13          to the purposes of this part;

14          “(8) encourage, assist, and serve in a consulting  
15          capacity to Federal, State, and local justice system  
16          agencies in the development, maintenance, and coordi-  
17          nation of criminal and civil justice programs and serv-  
18          ices;

19          “(9) advise and make recommendations to the As-  
20          sistant Attorney General on the policies and priorities  
21          of the Office relating to the Institute; and

22          “(10) exercise such administrative functions under  
23          part H as may be delegated by the Assistant Attorney  
24          General.

1       “(d) To insure that all criminal and civil justice research  
2 is carried out in a coordinated manner, the Institute is au-  
3 thorized to—

4           “(1) utilize, with their consent, the services,  
5 equipment, personnel, information, and facilities of  
6 other Federal, State, local, and private agencies and  
7 instrumentalities with or without reimbursement there-  
8 fore;

9           “(2) confer with and avail itself of the coopera-  
10 tion, services, records, and facilities of State or of mu-  
11 nicipal or other local agencies;

12           “(3) request such information, data, and reports  
13 from any Federal agency as may be required to carry  
14 out the purposes of this section, and the agencies shall  
15 provide such information to the Institute as required to  
16 carry out the purposes of this part;

17           “(4) seek the cooperation of the judicial branches  
18 of Federal and State governments in coordinating civil  
19 and criminal justice research and development.

20           “AUTHORITY FOR 100 PER CENTUM GRANTS

21           “SEC. 303. A grant authorized under this part may be  
22 up to 100 per centum of the total cost of each project for  
23 which such grant is made. The Institute shall require, when-  
24 ever feasible, as a condition of approval of a grant under this

1 part, that the recipient contribute money, facilities, or serv-  
2 ices to carry out the purposes for which the grant is sought.

3 **"PART D—BUREAU OF JUSTICE STATISTICS**

4 **"BUREAU OF JUSTICE STATISTICS**

5 **"SEC. 401. It is the purpose of this part to provide for**  
6 **and encourage the collection and analysis of statistical infor-**  
7 **mation concerning crime, juvenile delinquency, and the oper-**  
8 **ation of the criminal justice system and related aspects of the**  
9 **civil justice system and to encourage the development of in-**  
10 **formation and statistical systems at the Federal, State, and**  
11 **local levels to improve the efforts of these levels of govern-**  
12 **ment to measure and understand the levels of crime, juvenile**  
13 **delinquency, and the operation of the criminal justice system**  
14 **and related aspects of the civil justice system. The Bureau**  
15 **shall give primary emphasis to the needs of State and local**  
16 **justice systems, both individually and as a whole.**

17 **"ESTABLISHMENT, DUTIES, AND FUNCTIONS**

18 **"SEC. 402. (a) There is established within the Office of**  
19 **Justice Assistance a Bureau of Justice Statistics (hereinafter**  
20 **referred to in this part as the 'Bureau').**

21 **"(b) The Bureau shall be headed by a Director appoint-**  
22 **ed by the Attorney General. The Director shall have had**  
23 **experience in statistical programs. The Director shall have**  
24 **such authority as delegated by the Assistant Attorney Gener-**  
25 **al to make grants, cooperative agreements, and contracts**



1 awarded by the Bureau. The Director shall not engage in any  
2 other employment than that of serving as Director; nor shall  
3 the Director hold any office in, or act in any capacity for, any  
4 organization, agency, or institution with which the Bureau  
5 makes any contract or other arrangement under this Act.

6       “(c) The Bureau is authorized to—

7           “(1) make grants to, or enter into cooperative  
8 agreements or contracts with public agencies, institu-  
9 tions of higher education, private organizations, or pri-  
10 vate individuals for purposes related to this part;  
11 grants shall be made subject to continuing compliance  
12 with standards for gathering justice statistics set forth  
13 in rules and regulations promulgated by the Director;

14           “(2) collect and analyze information concerning  
15 criminal victimization, including crimes against the old-  
16 erly, and civil disputes;

17           “(3) collect and analyze data that will serve as a  
18 continuous and comparable national social indication of  
19 the prevalence, incidence, rates, extent, distribution,  
20 and attributes of crime, juvenile delinquency, civil dis-  
21 putes, and other statistical factors related to crime,  
22 civil disputes, and juvenile delinquency, in support of  
23 National, State, and local justice policy and decision-  
24 making;

1           “(4) collect and analyze statistical information  
2           concerning the operations of the criminal justice system  
3           at the Federal, State, and local levels;

4           “(5) collect and analyze statistical information  
5           concerning the prevalence, incidence, rates, extent, dis-  
6           tribution, and attributes of crime, and juvenile delin-  
7           quency, at the Federal, State, and local levels.

8           “(6) analyze the correlates of crime, civil disputes  
9           and juvenile delinquency, by the use of statistical infor-  
10          mation, about criminal and civil justice systems at the  
11          Federal, State, and local levels, and about the extent,  
12          distribution and attributes of crime, and juvenile delin-  
13          quency, in the Nation and at the Federal, State, and  
14          local levels;

15          “(7) compile, collate, analyze, publish, and dis-  
16          seminate uniform national statistics concerning all as-  
17          pects of criminal justice and related aspects of civil jus-  
18          tice, crime, including crimes against the elderly, juve-  
19          nile delinquency, criminal offenders, juvenile delin-  
20          quents, rural crime, and civil disputes in the various  
21          States;

22          “(8) recommend to the Assistant Attorney Gener-  
23          al national standards for justice statistics and for insur-  
24          ing the reliability and validity of justice statistics sup-  
25          plied pursuant to this title;

1           “(9) establish or assist in the establishment of a  
2 system to provide State and local governments with  
3 access to Federal informational resources useful in the  
4 planning, implementation, and evaluation of programs  
5 under this Act;

6           “(10) conduct or support research relating to  
7 methods of gathering or analyzing justice statistics;

8           “(11) provide for the development of justice infor-  
9 mation systems programs and assistance to the States  
10 and units of local government relating to collection,  
11 analysis, or dissemination of justice statistics;

12           “(12) develop and maintain a data processing ca-  
13 pability to support the collection, aggregation, analysis  
14 and dissemination of information on the incidence of  
15 crime and the operation of the criminal justice system;

16           “(13) collect, analyze and disseminate comprehen-  
17 sive Federal justice transaction statistics (including sta-  
18 tistics on issues of Federal justice interest such as  
19 public fraud and high technology crime) and to provide  
20 assistance to and work jointly with other Federal agen-  
21 cies to improve the availability and quality of Federal  
22 justice data and other justice information;

23           “(14) insure conformance with security and priva-  
24 cy requirements of section 810 and regulations issued  
25 pursuant thereto;

1           “(16) advise and make recommendations to the  
2           Assistant Attorney General on the policies and prior-  
3           ities of the Office relating to the Bureau; and

4           “(16) exercise such administrative functions under  
5           part H as may be delegated by the Assistant Attorney  
6           General.

7           “(d) To insure that all justice statistical collection, anal-  
8           ysis, and dissemination is carried out in a coordinated  
9           manner, the Bureau is authorized to—

10           “(1) utilize, with their consent, the services,  
11           equipment, records, personnel, information, and facili-  
12           ties of other Federal, State, local and private agencies  
13           and instrumentalities with or without reimbursement  
14           therefore; and to enter into agreements with the afore-  
15           mentioned agencies and instrumentalities for purposes  
16           of data collection and analysis;

17           “(2) confer and cooperate with State, municipal,  
18           and other local agencies;

19           “(3) request such information, data, and reports  
20           from any Federal agency as may be required to carry  
21           out the purposes of this title;

22           “(4) seek the cooperation of the judicial branch of  
23           the Federal Government in gathering data from crimi-  
24           nal justice records; and

1           “(5) encourage replication, coordination and shar-  
2           ing among justice agencies regarding information sys-  
3           tems, information policy, and data.

4           “(e) Federal agencies requested to furnish information,  
5           data, or reports pursuant to subsection (d)(2) shall provide  
6           such information to the Bureau as is required to carry out the  
7           purposes of this section.

8           “(f) In recommending standards for gathering justice  
9           statistics under this section, the Bureau shall consult with  
10           representatives of State and local government, including,  
11           where appropriate, representatives of the judiciary.

12           “AUTHORITY FOR 100 PER CENTUM GRANTS

13           “SEC. 403. A grant authorized under this part may be  
14           up to 100 per centum of the total cost of each project for  
15           which such grant is made. The Bureau shall require, when-  
16           ever feasible as a condition of approval of a grant under this  
17           part, that the recipient contribute money, facilities, or serv-  
18           ices to carry out the purposes for which the grant is sought.

19           “USE OF DATA

20           “SEC. 404. Data collected by the Bureau shall be used  
21           only for statistical or research purposes, and shall be gath-  
22           ered in a manner that precludes their use for law enforcement  
23           or any purpose relating to a particular individual other than  
24           statistical or research purposes.

1           **"PART E—STATE AND LOCAL ALLOCATIONS**2                           **"DESCRIPTION OF PROGRAM**

3           **"SEC. 501. (a) It is the purpose of this part to assist**  
4 **States and units of local government in carrying out specific**  
5 **programs of proven effectiveness or which offer a high proba-**  
6 **bility of improving the functions of the criminal justice sys-**  
7 **tems and which focus primarily on violent crime and serious**  
8 **offenders. The Bureau of Justice Programs (hereinafter re-**  
9 **ferred to in this part as the 'Bureau') is authorized, pursuant**  
10 **to authority delegated by the Assistant Attorney General, to**  
11 **establish criteria and make grants under this part to States**  
12 **for the purpose of funding specific programs and projects**  
13 **that—**

14                       **"(1) increase the conviction rate of repeat or vio-**  
15 **lent offenders through focused enforcement and pres-**  
16 **ecution units which target serious offenders for special**  
17 **prosecution action;**

18                       **"(2) address the problem of serious and violent of-**  
19 **fenses committed by juveniles;**

20                       **"(3) combat arson;**

21                       **"(4) disrupt illicit commerce in stolen goods and**  
22 **property;**

23                       **"(5) improve assistance (other than compensation)**  
24 **to crime victims and witnesses;**

1           “(6) improve the operational effectiveness of law  
2 enforcement by integrating and maximizing the effec-  
3 tiveness of police field operations and the use of crime  
4 analysis techniques;

5           “(7) encourage citizen action in crime prevention  
6 and cooperation with law enforcement;

7           “(8) reduce recidivism among drug or alcohol  
8 abusing offenders;

9           “(9) improve workload management systems for  
10 prosecutors and expedite felony case processing by the  
11 courts;

12           “(10) provide training and technical assistance to  
13 justice personnel;

14           “(11) provide programs which alleviate prison and  
15 jail overcrowding, including alternatives to pretrial de-  
16 tention and alternative programs for nonviolent offend-  
17 ers;

18           “(12) with respect to cases involving career crimi-  
19 nals and violent crime, expedite the disposition of  
20 criminal cases, reform sentencing practices and proce-  
21 dures, and improve court system management;

22           “(13) provide training, technical assistance, and  
23 programs to assist State and local law enforcement au-  
24 thorities in rural areas in combating crime, with par-

1        ticular emphasis on violent crime, juvenile delinquency,  
2        and crime prevention;

3            “(14) address the unique problem of crime com-  
4        mitted against the elderly; and

5            “(15) implement programs that address critical  
6        problems of crime, such as drug trafficking, which have  
7        been certified by the Director, after consultation with  
8        the Directors of National Institute of Justice, Bureau  
9        of Justice Statistics and the Office of Juvenile Justice  
10       and Delinquency Prevention, as having proved success-  
11       ful or which are innovative and have been deemed by  
12       the Director likely to prove successful.

13                            “FEDERAL SHARE

14        “SEC. 502. (a) The Federal portion of any grant to a  
15       State made under this part shall be 50 per centum of the  
16       aggregate cost of programs and projects specified in the ap-  
17       plication for such grant.

18        “(b) The non-Federal portion of the cost of such pro-  
19       grams or project shall be in cash.

20        “(c) In the case of a grant to an Indian tribe or other  
21       aboriginal group, the Bureau may increase the Federal por-  
22       tion of the cost of such program to the extent the Bureau  
23       deems necessary if the Bureau determines that the tribe or  
24       group does not have sufficient funds available to meet the  
25       non-Federal portion of such cost.





1           “(2) a certification that Federal funds made avail-  
2           able under this title will not be used to supplant State  
3           or local funds, but will be used to increase the amounts  
4           of such funds that would, in the absence of Federal  
5           funds, be made available for criminal justice activities;

6           “(3) fund accounting, auditing, monitoring, and  
7           such evaluation procedures as may be necessary to  
8           keep such records as the Bureau shall prescribe will be  
9           provided to assure fiscal control, proper management,  
10          and efficient disbursement of funds received under this  
11          title;

12          “(4) an assurance that the State will maintain  
13          such data and information and submit such reports in  
14          such form, at such times and containing such data and  
15          information as the Bureau may reasonably require to  
16          administer other provisions of this title;

17          “(5) a certification that its programs meet all the  
18          requirements of this section, that all the information  
19          contained in the application is correct, that there has  
20          been appropriate coordination with affected agencies,  
21          and that the applicant will comply with all provisions  
22          of this title and all other applicable Federal laws. Such  
23          certification shall be made in a form acceptable to the  
24          Bureau and shall be executed by the chief executive or

1 other officer of the applicant qualified under regulations  
2 promulgated by the Bureau;

3 “(6) satisfactory assurances that equipment,  
4 whose purchase was previously made in connection  
5 with a program or project in such State assisted under  
6 this title and whose cost in the aggregate was  
7 \$100,000 or more, has been put into use not later than  
8 one year after the date set at the time of purchase for  
9 the commencement of such use and has continued in  
10 use during its useful life; and

11 “(7) an assurance that the State will take into ac-  
12 count the needs and requests of units of general local  
13 government in the State and encourage local initiative  
14 in the development of programs which meet the objec-  
15 tives of section 501.

16 “REVIEW OF APPLICATIONS

17 “SEC. 504. (a) The Bureau shall provide financial as-  
18 sistance to each State applicant under this part to carry out  
19 the programs or projects submitted by such applicant upon  
20 determining that the application or amendment thereof is  
21 consistent with requirements of this title and with the prior-  
22 ities and criteria established by the Bureau under section  
23 501. Each application or amendment made and submitted for  
24 approval to the Bureau pursuant to section 503 of this title  
25 shall be deemed approved, in whole or in part, by the Bureau

1 within sixty days after first received unless the Bureau in-  
2 forms the applicant of specific reasons for disapproval.

3       “(b) The Bureau shall suspend funding for an approved  
4 application in whole or in part if such application contains a  
5 program or project which has failed to conform to the re-  
6 quirements or statutory objectives of this Act. The Bureau  
7 may make appropriate adjustments in the amounts of grants  
8 in accordance with its findings pursuant to this subsection.

9       “(c) Grant funds awarded under this part and part F  
10 shall not be used for—

11           “(1) the purchase of equipment or hardware, or  
12 the payment of personnel costs, unless the cost of such  
13 purchases and payments is incurred as an incidental  
14 and necessary part of a program under section 501(a);

15           “(2) programs which have as their primary pur-  
16 pose general salary payments for employees or classes  
17 of employees within an eligible jurisdiction, except for  
18 the compensation of personnel for time engaged in con-  
19 ducting or undergoing training programs or the com-  
20 pensation of personnel engaged in research, develop-  
21 ment, demonstration, or short-term programs;

22           “(3) construction projects; or

23           “(4) programs or projects which, based upon eval-  
24 uations by the Bureau, the National Institute of Jus-  
25 tice, Bureau of Justice Statistics, State or local agen-

1 .cies, and other public or private organizations, have  
2 been demonstrated to offer a low probability of improv-  
3 ing the functioning of the criminal justice system. Such  
4 programs must be formally identified by a notice in the  
5 Federal Register after opportunity for comment.

6 "(d) The Bureau shall not finally disapprove any appli-  
7 cation submitted to the Director under this part, or any  
8 amendments thereof, without first affording the applicant rea-  
9 sonable notice and opportunity for reconsideration.

10 "DISTRIBUTION OF FUNDS

11 "SEC. 505. (a) Of the total amount appropriated for this  
12 part and part F in any fiscal year, 80 per centum shall be set  
13 aside for this part and 20 per centum shall be set aside for  
14 part F. Funds set aside for this part shall be allocated to  
15 States as follows:

16 "(1) \$250,000 shall be allocated to each of the  
17 participating States.

18 "(2) Of the total funds remaining for this part  
19 after the allocation under paragraph (1) there shall be  
20 allocated to each State an amount which bears the  
21 same ratio to the amount of remaining funds described  
22 in this subparagraph as the population of such State  
23 bears to the population of all the States.

24 "(b) Notwithstanding the requirements of section 505(a),  
25 if the total amount appropriated for this part and part F is

1 less than \$80,000,000 in any fiscal year, then the entire  
2 amount shall be set aside and reserved for allocation to the  
3 States according to the criteria established by the Director to  
4 provide for equitable distribution among the States.

5       “(o)(1) Each State which receives funds under this part  
6 in a fiscal year shall distribute among units of local govern-  
7 ment, or combinations of units of local government, in such  
8 State for the purposes specified in section 501(a) not less  
9 than that portion of such funds which bears the same ratio to  
10 the aggregate amount of such funds as the amount of funds  
11 expended by all units of local government for criminal justice  
12 in the preceding fiscal year bears to the aggregate amount of  
13 funds expended by the State and all units of local government  
14 in such State for criminal justice in such preceding fiscal  
15 year.

16       “(2) In distributing funds received under this part  
17 among urban, rural and suburban units of local government  
18 and combinations thereof, the State shall give priority to  
19 those jurisdictions with the greatest need.

20       “(3) Any funds not distributed to units of local govern-  
21 ment under paragraphs (1) and (2) shall be available for ex-  
22 penditure by the State involved.

23       “(4) For purposes of determining the distribution of  
24 funds under paragraphs (1) and (2), the most accurate and  
25 complete data available for the fiscal year involved shall be

1 used. If data for such fiscal year are not available, then the  
2 most accurate and complete data available for the most  
3 recent fiscal year preceding such fiscal year shall be used.

4       “(5) In distributing funds received under this part the  
5 State shall make every effort to distribute to units of local  
6 government and combinations thereof, the maximum amount  
7 of such available funds.

8       “(d) No funds allocated to a State under subsection (a)  
9 or (b) or received by a State for distribution under subsection  
10 (c) may be distributed by the Director or by the State in-  
11 volved for any program other than a program contained in an  
12 approved application.

13       “(e) If the Bureau determines, on the basis of informa-  
14 tion available to it during any fiscal year, that a portion of  
15 the funds allocated to a State for that fiscal year will not be  
16 required or that a State will be unable to qualify or receive  
17 funds under this part, or that a State chooses not to partici-  
18 pate in the program established by this part, then such por-  
19 tion shall be awarded by the Director to urban, rural and  
20 suburban units of local government or combinations thereof  
21 within such State giving priority to those jurisdictions with  
22 greatest need.

23       “(f) Any funds not distributed under subsections (d) and  
24 (e) shall be available for obligation under part F.

1                                   “STATE OFFICE

2           “SEC. 506. (a) The chief executive of each participating  
3 State shall designate a State office for purposes of—

4                   “(1) preparing an application to obtain funds  
5 under this part; and

6                   “(2) administering funds received from the Bureau  
7 of Justice Programs, including receipt, review, process-  
8 ing, monitoring, progress and financial report review,  
9 technical assistance, grant adjustments, accounting, au-  
10 diting, and fund disbursements.

11           “(b) An office or agency performing other functions  
12 within the executive branch of a State may be designated to  
13 carry out the functions specified in subsection (a).

14                                   “PART F—DISCRETIONARY GRANTS

15   “PURPOSE

16           “SEC. 601. (a) The purpose of this part is to provide  
17 additional Federal financial assistance to States, units of local  
18 government, combinations of such units, and private nonprof-  
19 it organizations for purposes of—

20                   “(1) educational and training programs for crimi-  
21 nal justice personnel;

22                   “(2) providing technical assistance to States and  
23 local units of governments;

24                   “(3) projects which are national or multi-State in  
25 scope and which address the purposes specified in sec-



1 tion 501, and programs to improve the professionalism  
2 and performance of criminal justice agencies through  
3 the development of standards and voluntary accreditation  
4 processes; and

5 “(4) providing financial assistance to States, units  
6 of local government and private nonprofit organizations  
7 for demonstration programs which, in view of previous  
8 research or experience, are likely to be a success in  
9 more than one jurisdiction and are not likely to be  
10 funded with moneys from other sources.

11 “(b) The Director is authorized, pursuant to such au-  
12 thority as delegated by the Assistant Attorney General, to  
13 make grants, enter into cooperative agreements, and con-  
14 tracts with, States, units of local governments or combina-  
15 tions thereof, public agencies, institutions of higher education  
16 or private organizations.

17 “(c) The Federal portion of any grants made under this  
18 part may be made in amounts up to 100 per centum of the  
19 costs of the program or project.

20 “PROCEDURE FOR ESTABLISHING FUNDING AND  
21 SELECTION CRITERIA

22 “SEC. 602. The Bureau shall annually establish funding  
23 priorities and selection criteria for assistance after first pro-  
24 viding notice and an opportunity for public comment.

## 1                    "APPLICATION REQUIREMENTS

2            "SEC. 603. (a) No grant may be made pursuant to this  
3 part unless an application has been submitted to the Bureau  
4 in which the applicant—

5                    "(1) sets forth a program or project which is eligi-  
6 ble for funding pursuant to this part;

7                    "(2) describes the services to be provided, per-  
8 formance goals and the manner in which the program  
9 is to be carried out;

10                   "(3) describes the method to be used to evaluate  
11 the program or project in order to determine its impact  
12 and effectiveness in achieving the stated goals and  
13 agrees to conduct such evaluation according to the pro-  
14 cedures and terms established by the Bureau;

15                   "(4) indicates, if it is a private nonprofit organiza-  
16 tion, that it has consulted with appropriate agencies  
17 and officials of the State and units of local government  
18 to be affected by the program or project.

19                   "(b) Each applicant for funds under this part shall certi-  
20 fy that its program or project meets all the requirements of  
21 this section, that all the information contained in the applica-  
22 tion is correct, and that the applicant will comply with all the  
23 provisions of this title and all other applicable Federal laws.  
24 Such certification shall be made in a form acceptable to the  
25 Bureau.

**"PERIOD FOR AWARD**

1  
2       **"SEC. 604. The Bureau may provide financial aid and**  
3 **assistance to programs or projects under this part for a period**  
4 **not to exceed three years. Grants made pursuant to this part**  
5 **may be extended or renewed by the Bureau for an additional**  
6 **period of up to two years if—**

7           **"(1) an evaluation of the program or project indi-**  
8 **cates that it has been effective in achieving the stated**  
9 **goals or offers the potential for improving the function-**  
10 **ing of the criminal justice system; and**

11           **"(2) the State, unit of local government, or com-**  
12 **bination thereof and private nonprofit organizations**  
13 **within which the program or project has been conduct-**  
14 **ed agrees to provide at least one-half of the total cost**  
15 **of such program or project from part E funds or from**  
16 **any other source of funds, including other Federal**  
17 **grants, available to the eligible jurisdiction. Funding**  
18 **for the management and the administration of national**  
19 **nonprofit organizations under section 601(e) of this part**  
20 **is not subject to the funding limitations of this section.**

1           **"PART G—CRIMINAL JUSTICE FACILITIES**

2   **"ESTABLISHMENT OF THE BUREAU OF CRIMINAL JUSTICE**  
3                                   **FACILITIES**

4           **"SEC. 701. (a) There is established within the Office of**  
5 **Justice Assistance a Bureau of Criminal Justice Facilities**  
6 **(hereinafter referred to in this part as the 'Bureau').**

7           **"(b) The Bureau shall be headed by a Director who**  
8 **shall be appointed by the Attorney General. The Director**  
9 **shall not engage in any employment other than that of serv-**  
10 **ing as the Director, nor shall the Director hold any office in,**  
11 **or act in any capacity for, any organization, agency, or insti-**  
12 **tution with which the Bureau makes any contract or other**  
13 **arrangement under this title.**

14                                   **"FUNCTIONS OF THE BUREAU**

15           **"SEC. 702. In order to carry out the purposes of this**  
16 **part, the Bureau shall—**

17                   **"(1) make grants to States for the construction**  
18 **and modernization of correctional facilities in accord-**  
19 **ance with sections 703, 704, 705, 706, and 708; and**

20                   **"(2) provide for the widest practical and appropri-**  
21 **ate dissemination of information obtained from the pro-**  
22 **grams and projects assisted under this part.**

1       **"GRANTS AUTHORIZED FOR THE RENOVATION AND**  
2       **CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES**

3       **"Sec. 702. The Director of the Bureau of Criminal Jus-**  
4       **tice Facilities is authorized to make grants to States in ac-**  
5       **cordance with the provisions of this part for the renovation**  
6       **and construction of correctional facilities beginning October**  
7       **1, 1984, and ending September 30, 1987.**

8                       **"ALLOTMENT**

9       **"Sec. 704. (a) From the sums appropriated for each**  
10       **fiscal year, the Director shall allot not more than 1½ per**  
11       **centum thereof among Guam, American Samoa, the Virgin**  
12       **Islands, the Trust Territory of the Pacific Islands, and the**  
13       **Northern Mariana Islands according to their respective**  
14       **needs.**

15       **"(b)(1) From the remaining 98½ per centum of such**  
16       **funds the Director—**

17               **"(A) shall allot to each State with a plan ap-**  
18       **proved pursuant to section 705 an amount which bears**  
19       **the same ratio to 50 per centum of the remaining funds**  
20       **as the population in such State bears to the population**  
21       **in all States; and**

22               **"(B) from the remaining 50 per centum of the re-**  
23       **mainder from this paragraph, States submitting a State**  
24       **plan approved by the Director shall be awarded assist-**  
25       **ance under this part based on the relative needs of**

1 each State relating to correctional facilities. In deter-  
2 mining the relative needs of each State the Director  
3 shall consider—

4 “(i) whether population levels or conditions  
5 of confinement in State or local facilities are in  
6 violation of the Federal Constitution or State stat-  
7 utes, codes, or standards and the amount and type  
8 of assistance required to bring such facilities into  
9 compliance with the law;

10 “(ii) the numbers and general characteristics  
11 of the inmate population, to include factors such  
12 as offender ages, offenses, average term of incar-  
13 ceration, and custody status; and

14 “(iii) other relevant criteria.

15 In allocating assistance under this part, the Director shall  
16 give primary consideration to the needs of States which have  
17 made satisfactory assurances that they have implemented, or  
18 are in the process of implementing, significant measures to  
19 reduce overcrowding and improve conditions of confinement  
20 in State and local correctional facilities, through legislative,  
21 executive, or judicial initiatives.

22 “(2) Notwithstanding the provisions of subsection (b),  
23 during the period within which funds are available under this  
24 part, each State with an approved plan shall be entitled to

1 grant or bond interest subsidy assistance totaling no less than  
2 one-half of 1 per centum of available funds.

3       “(2) For the purpose of this section, the term ‘State’  
4 does not include Guam, American Samoa, the Virgin Islands,  
5 the Trust Territory of the Pacific Islands, and the Northern  
6 Mariana Islands.

7                               “STATE PLANS

8       “SEC. 705. (a) Any State desiring to receive its allot-  
9 ment of Federal funds under this part shall, within 180 days  
10 following the promulgation of rules implementing this sub-  
11 part, submit a State-needs assessment and action plan for a  
12 three-year period, supplemented by such annual revisions as  
13 may be necessary, which is consistent with such basic criteria  
14 as the Director may prescribe under section 706. Each such  
15 plan shall—

16               “(1) provide for the administration of the plan by  
17 a State agency designated by the chief executive of  
18 such State;

19               “(2) set forth a comprehensive statewide program  
20 assessing needs and establishing priorities and action  
21 plans which involve both construction and nonconstruc-  
22 tion initiatives to relieve overcrowding and improve  
23 conditions of confinement in correctional facilities;

24               “(3) provide satisfactory assurance that the con-  
25 trol of funds granted under this part and title to prop-

1 erty derived therefrom shall be in a public agency for  
2 the uses and purposes provided in this part and that a  
3 public agency will administer such funds and property  
4 for such purposes;

5 “(4) provide assurances that the State agency or  
6 local government will, after a reasonable period of  
7 Federal assistance, pay from non-Federal sources any  
8 remaining or continuing construction or nonconstruc-  
9 tion costs of the program for which application is made  
10 including the cost of programs to be carried out in the  
11 facilities for which assistance is sought under this part;

12 “(5) provide assurances that, to the extent practi-  
13 cal, correctional facilities will be used for other crimi-  
14 nal justice purposes if they are no longer used for the  
15 specific purpose for which they were built;

16 “(6) provide assurances that the State will take  
17 into account the needs and requests of units of general  
18 local government in the State and encourage local ini-  
19 tiative in the development of projects reducing over-  
20 crowding and improving conditions of confinement in  
21 corrections facilities not assisted under this part;

22 “(7) provide, based on requests and relative need,  
23 for appropriately balanced allocation of funds between  
24 the State and units of general local government within  
25 the State and among such units for projects for the



1 construction and modernization of correctional facili-  
2 ties;

3 ~~“(8)~~ provide for appropriate executive and judicial  
4 review of any actions taken by the State agency disap-  
5 proving an application for which funds are available or  
6 terminating or refusing to continue financial assistance  
7 to units of general local government or any combina-  
8 tion of such units for assistance under this part;

9 ~~“(9)~~ set forth policies and procedures designed to  
10 assure that Federal funds made available under this  
11 part will be so used as not to supplant State or local  
12 funds, but to increase the amounts of such funds that  
13 would in the absence of such Federal funds be made  
14 available for the construction and renovation of correc-  
15 tions facilities in the State;

16 ~~“(10)~~ provide assurances that the State is making  
17 diligent efforts, consistent with public safety, to reduce  
18 overcrowding and improve programs and conditions of  
19 confinement in its correction facilities through legisla-  
20 tive, executive, and judicial advanced practice initia-  
21 tives such as incentives, for greater use of community  
22 corrections facilities, development of State corrections  
23 standards, more effective use of prisoner classification  
24 methods and overcrowding contingency plans, as well

1 as prison industry, education, and work-release pro-  
2 grams;

3 “(11) provide assurances that all projects under  
4 this part utilize advanced practices in the design and  
5 construction of corrections facilities.

6 “(b) The Director shall approve a State plan and any  
7 revision thereof only if the State plan complies with the re-  
8 quirements set forth in subsection (a).

9 “BASIC CRITERIA

10 “SEC. 706. As soon as practicable after enactment of  
11 this part, the Director shall by regulation prescribe basic cri-  
12 teria to be applied by the State agency under section 705. In  
13 addition to other matters, such basic criteria shall provide the  
14 general manner in which the State agency will determine  
15 priority of projects based upon—

16 “(1) the relative needs of the area within such  
17 State for correctional facility assistance, particularly  
18 where such assistance is necessary to bring existing fa-  
19 cilities into compliance with Federal or State law;

20 “(2) the relative ability of the particular public  
21 agency in the area to support a program of construc-  
22 tion or modernization; and

23 “(3) the extent to which the project contributes to  
24 an equitable distribution of assistance under this part  
25 within the State.



1 in such form, in such manner, and at such times as the Direc-  
2 tor shall require consistent with the criteria established for  
3 allocating funds under section 705 and 706.

4       “(b) Payments under subsection (a) may be made in ad-  
5 vance, by installment, or in any other manner determined by  
6 the Secretary, in consultation with the Director, to be appro-  
7 priate under the circumstances, and may be made on the  
8 basis of estimates, if necessary, with corrections in later pay-  
9 ments to the extent necessary to compensate for overpay-  
10 ments or underpayments arising out of errors of estimate or  
11 otherwise.

12       “(c) No State may receive a combination of bond subsi-  
13 dies under this section grant under this part in excess of such  
14 State's allocation formula.

15       “(d) The payment, by the Secretary of any amount  
16 under subsection (a) to a State or a political subdivision  
17 thereof, shall not affect the status of any such obligation  
18 under section 103 of such Code, nor shall it cause the inter-  
19 est thereon to be excludable only in part under such section.

20                               “DEFINITIONS

21       “Sec. 700. As used in this part—

22               “(1) The term ‘correctional facility’ means any  
23 prison, jail, reformatory, work farm, detention center,  
24 pretrial detention facility, community-based correctional  
25 facility, halfway house, or other institution designed for

1 the confinement or rehabilitation of individuals charged  
2 with or convicted of any criminal offense, including ju-  
3 venile offenders.

4 “(2) The term ‘construction’ includes the prepara-  
5 tion of drawings and specifications for facilities; erect-  
6 ing, building, acquiring, altering, remodeling, renovat-  
7 ing, improving, or extending such facilities; and the in-  
8 spection and supervision of the construction of such fa-  
9 cilities. The term does not include interest in land or  
10 offsite improvements.

11 **“PART H—ADMINISTRATIVE PROVISIONS**

12 **“ESTABLISHMENT OF RULES AND DELEGATION OF**  
13 **FUNCTIONS**

14 **“SEC. 801. (a) The Attorney General is authorized,**  
15 **after appropriate consultation with representatives of States**  
16 **and units of local government, to establish such rules, regula-**  
17 **tions, and procedures as are necessary to the exercise of the**  
18 **functions of the Office, the Bureau of Justice Programs, the**  
19 **Bureau of Criminal Justice Facilities, the Institute and the**  
20 **Bureau of Justice Statistics, and as are consistent with the**  
21 **stated purpose of this title.**

22 **“(b) The Attorney General may delegate to any of his**  
23 **respective officers or employees such functions as the Attor-**  
24 **ney General deems appropriate.**

1 "NOTICE AND HEARING ON DENIAL OR TERMINATION OF  
2 GRANT

3 "SEC. 802. (a) Whenever, after reasonable notice and  
4 opportunity for a hearing on the record in accordance with  
5 section 554 of title 5, United States Code, the Office finds  
6 that a recipient of assistance under this title has failed to  
7 comply substantially with—

8 "(1) any provisions of this title;

9 "(2) any regulations or guidelines promulgated  
10 under this title; or

11 "(3) any application submitted in accordance with  
12 the provisions of this title, or the provisions of any  
13 other applicable Federal Act;

14 the Assistant Attorney General, until satisfied that there is  
15 no longer any such failure to comply, shall terminate pay-  
16 ments to the recipient under this title, reduce payments to  
17 the recipient under this title by an amount equal to the  
18 amount of such payments which were not expended in ac-  
19 cordance with this title, or limit the availability of payments  
20 under this title to programs, projects, or activities not affect-  
21 ed by such failure to comply.

22 "(b) If any grant under this title has been terminated,  
23 the Bureau of Justice Programs, the Bureau of Criminal Jus-  
24 tice Facilities, the National Institute of Justice or the Bureau  
25 of Justice Statistics, as appropriate, shall notify the grantee

1 of its action and set forth the reason for the action taken.  
2 Whenever such a grantee requests a hearing, the Office, or  
3 any authorized officer thereof, is authorized and directed to  
4 hold such hearings or investigations, including hearings on  
5 the record in accordance with section 554 of title 5, United  
6 States Code, at such times and places as necessary, following  
7 appropriate and adequate notice to such grantee; and the  
8 findings of fact and determinations made with respect thereto  
9 shall be final and conclusive, except as otherwise provided  
10 herein. The Office is authorized to take final action without a  
11 hearing if after an administrative review of the termination it  
12 is determined that the basis for the appeal, if substantiated,  
13 would not establish a basis for continuation of the grant.  
14 Under such circumstances, a more detailed statement of rea-  
15 sons for the agency action should be made available, upon  
16 request, to the grantee.

17       “(e) If such recipient is dissatisfied with the findings and  
18 determinations of the Office, following notice and hearing  
19 provided for in subsection (a) of this section, a request may be  
20 made for rehearing, under such regulations and procedure as  
21 the Office may establish, and such recipient shall be afforded  
22 an opportunity to present such additional information as may  
23 be deemed appropriate and pertinent to the matter involved.

1                   **"FINALITY OF DETERMINATIONS**

2           **"SEC. 803. In carrying out the functions vested by this**  
3 **title in the Office, its determinations, findings, and conclu-**  
4 **sions shall, after reasonable notice and opportunity for a**  
5 **hearing, be final and conclusive upon all grants.**

6                   **"SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS**

7           **"SEC. 804. The Office may appoint such hearing exam-**  
8 **iners or administrative law judges or request the use of such**  
9 **administrative law judges selected by the Office of Personnel**  
10 **Management pursuant to section 3344 of title 5, United**  
11 **States Code, as shall be necessary to carry out the powers**  
12 **and duties under this title. The Office, or upon authorization,**  
13 **any member thereof or any hearing examiner or administra-**  
14 **tive law judge assigned to or employed thereby shall have the**  
15 **power to hold hearings and issue subpoenas, administer**  
16 **oaths, examine witnesses, and receive evidence at any place**  
17 **in the United States it may designate.**

18                   **"PERSONNEL AND ADMINISTRATIVE AUTHORITY**

19           **"SEC. 805. (a) The Office is authorized to select, ap-**  
20 **point, employ and fix compensation of such officers and em-**  
21 **ployees as shall be necessary to carry out the powers and**  
22 **duties of the Office, the Bureau of Justice Programs, the**  
23 **Institute, the Bureau of Criminal Justice Facilities, and the**  
24 **Bureau of Justice Statistics under this title.**



1       “(b) The Office, the Bureau of Justice Programs, the  
2 Institute, the Bureau of Criminal Justice Facilities, and the  
3 Bureau of Justice Statistics are authorized, on a reimbursa-  
4 ble basis when appropriate, to use the available services,  
5 equipment, personnel, and facilities of Federal, State, and  
6 local agencies to the extent deemed appropriate after giving  
7 due consideration to the effectiveness of such existing serv-  
8 ices, equipment, personnel, and facilities.

9       “(c) The Office may arrange with and reimburse the  
10 heads of other Federal departments and agencies for the per-  
11 formance of any of the functions under this title.

12       “(d) The Office, the Bureau of Justice Programs, the  
13 Institute, the Bureau of Criminal Justice Facilities, and the  
14 Bureau of Justice Statistics in carrying out their respective  
15 functions may use grants, contracts or cooperative agree-  
16 ments in accordance with the standards established in the  
17 Federal Grant and Cooperative Agreement Act of 1977 (41  
18 U.S.C. 501 et seq.).

19       “(e) The Office may procure the services of experts and  
20 consultants in accordance with section 3109 of title 5, United  
21 States Code, relating to appointments in the Federal service,  
22 at rates of compensation for individuals not to exceed the  
23 daily equivalent of the rate authorized for GS-18 by section  
24 5322 of title 5, United States Code.

1       “(f) The Office is authorized to appoint pursuant to the  
2 Advisory Committee Management Act, but without regard to  
3 the remaining provisions of title 5, United States Code, tech-  
4 nical or other advisory committees to advise it with respect  
5 to the administration of this title as it deems necessary. Mem-  
6 bers of those committees not otherwise in the employ of the  
7 United States, while engaged in advising or attending meet-  
8 ings of the committees shall be compensated at rates to be  
9 fixed by the Office but not exceed the daily equivalent of the  
10 rate authorized for GS-18 by section 5332 of title 5 of the  
11 United States Code, and while away from home or regular  
12 place of business they may be allowed travel expenses, in-  
13 cluding per diem in lieu of subsistence, as authorized by sec-  
14 tion 5703 of such title 5 for persons in the Government serv-  
15 ice employed intermittently.

16       “(g) Payments under this title may be made in install-  
17 ments, and in advance or by way of reimbursement, as may  
18 be determined by the Office, and may be used to pay the  
19 transportation and subsistence expenses of persons attending  
20 conferences or other assemblages notwithstanding the provi-  
21 sions of 31 U.S.C. 1345.

22       “(h) The Office is authorized to accept and employ, in  
23 carrying out the provisions of this title, voluntary and uncom-  
24 pensated services notwithstanding the provisions of 31  
25 U.S.C. 1342. Such individuals shall not be considered Feder-

1 al employees except for purposes of chapter 81 of title 5,  
2 United States Code, with respect to job-incurred disability  
3 and title 28, United States Code, with respect to tort claims.

4 **"TITLE TO PERSONAL PROPERTY**

5 **"SEC. 806. Notwithstanding any other provision of law,**  
6 **title to all expendable and nonexpendable personal property**  
7 **purchased with funds made available under this title, includ-**  
8 **ing such property purchased with funds made available under**  
9 **this Act as in effect before the date of the enactment of the**  
10 **Justice Assistance Act of 1982, shall vest in the criminal**  
11 **justice agency or nonprofit organization that purchased the**  
12 **property if it certifies to the State office described in section**  
13 **506 that it will use the property for criminal justice purposes.**  
14 **If such certification is not made, title to the property shall**  
15 **vest in the State office, which shall seek to have the property**  
16 **used for criminal justice purposes elsewhere in the State**  
17 **prior to using it or disposing of it in any other manner.**

18 **"PROHIBITION OF FEDERAL CONTROL OVER STATE AND**  
19 **LOCAL CRIMINAL JUSTICE AGENCIES**

20 **"SEC. 807. Nothing in this title or any other Act shall**  
21 **be construed to authorize any department, agency, officer, or**  
22 **employee of the United States to exercise any direction, su-**  
23 **pervision, or control over any police force or any other crimi-**  
24 **nal justice agency of any State or any political subdivision**  
25 **thereof.**

**"NONDISCRIMINATION**

1  
2       **"SEC. 808. (a) No person in any State shall on the**  
3 **ground of race, color, religion, national origin, or sex be ex-**  
4 **cluded from participation in, be denied the benefits of or be**  
5 **subjected to discrimination under or denied employment in**  
6 **connection with any programs or activity funded in whole or**  
7 **in part with funds made available under this title.**

8       **"(b) Notwithstanding any other provision of law, noth-**  
9 **ing contained in this title shall be construed to authorize the**  
10 **Office of Justice Assistance—**

11           **"(1) to require, or condition the availability or**  
12 **amount of a grant upon the adoption by an applicant**  
13 **or grantee under this title of a percentage ratio, quota**  
14 **system, or other program to achieve racial balance in**  
15 **any criminal justice agency; or**

16           **"(2) to deny or discontinue a grant because of the**  
17 **refusal of an applicant or grantee under this title to**  
18 **adopt such a ratio, system or other program.**

19       **"(c) Whenever the Attorney General has reason to be-**  
20 **lieve that a State government or unit of local government has**  
21 **engaged in or is engaging in a pattern or practice in violation**  
22 **of the provisions of this section, the Attorney General may**  
23 **bring a civil action in an appropriate United States district**  
24 **court. Such a court may grant as relief any temporary re-**  
25 **straining order, preliminary or permanent injunction, or other**

1 order, as necessary or appropriate to insure the full enjoy-  
2 ment of the rights described in this section, including the sus-  
3 pension, termination, or repayment of such funds made avail-  
4 able under this title as the court may deem appropriate, or  
5 placing any further such funds in escrow pending the out-  
6 come of the litigation.

7       “(d) Whenever the Attorney General files a civil action  
8 alleging a pattern or practice of discriminatory conduct on  
9 the basis of race, color, religion, national origin, or sex in any  
10 program or activity of State government or unit of local gov-  
11 ernment which State government or unit of local government  
12 receives funds made available under this title, and the con-  
13 duct allegedly violates the provisions of this section and nei-  
14 ther party within forty-five days after filing has been granted  
15 such preliminary relief with regard to the suspension or re-  
16 payment of funds as may be otherwise available by law, the  
17 Office of Justice Assistance shall cause to have suspended  
18 further payment of any funds under this title to that specific  
19 program or activity alleged by the Attorney General to be in  
20 violation of the provisions of this subsection until such time  
21 as the court orders resumption of payment.

22               “RECORDKEEPING REQUIREMENT

23       “SEC. 809. (a) Each recipient of funds under this title  
24 shall keep such records as the Office shall prescribe, includ-  
25 ing records which fully disclose the amount and disposition

1 by such recipient of the funds, the total cost of the project or  
2 undertaking for which such funds are used, and the amount of  
3 that portion of the cost of the project or undertaking supplied  
4 by other sources, and such other records as will facilitate an  
5 effective audit.

6       “(b) The Office or any of its duly authorized representa-  
7 tives, shall have access for purpose of audit and examination  
8 of any books, documents, papers, and records of the recipi-  
9 ents of funds under this title which in the opinion of the  
10 Office may be related or pertinent to the grants, contracts,  
11 subcontracts, subgrants, or other arrangements referred to  
12 under this title.

13       “(c) The Comptroller General of the United States or  
14 any of his duly authorized representatives, shall, until the  
15 expiration of three years after the completion of the program  
16 or project with which the assistance is used, have access for  
17 the purpose of audit and examination to any books, docu-  
18 ments, papers, and records of recipients of Federal funds  
19 under this title which in the opinion of the Comptroller Gen-  
20 eral may be related or pertinent to the grants, contracts, sub-  
21 contracts, subgrants, or other arrangements referred to under  
22 this title.

23       “(d) The provisions of this section shall apply to all re-  
24 cipients of assistance under this title, whether by direct  
25 grant, cooperative agreement, or contract under this title or

1 by subgrant or subcontract from primary grantees or contrac-  
2 tors under this title.

3 "CONFIDENTIALITY OF INFORMATION

4 "SEC. 810. (a) Except as provided by Federal law other  
5 than this title, no officer or employee of the Federal Govern-  
6 ment, and no recipient of assistance under the provisions of  
7 this title shall use or reveal any research or statistical infor-  
8 mation furnished under this title by any person and indentifica-  
9 ble to any specific private person for any purpose other than  
10 the purpose for which it was obtained in accordance with this  
11 title. Such information and copies thereof shall be immune  
12 from legal process, and shall not, without the consent of the  
13 person furnishing such information, be admitted as evidence  
14 or used for any purpose in any action, suit, or other judicial,  
15 legislative, or administrative proceedings.

16 "(b) All criminal history information collected, stored, or  
17 disseminated through support under this title shall contain, to  
18 the maximum extent feasible, disposition as well as arrest  
19 data where arrest data is included therein. The collection,  
20 storage and dissemination of such information shall take  
21 place under procedures reasonably designed to ensure that all  
22 such information is kept current therein; the Office shall  
23 assure that the security and privacy of all information is ade-  
24 quately provided for and that information shall only be used  
25 for law enforcement and criminal justice and other lawful

1 purposes. In addition, an individual who believes that crimi-  
2 nal history information concerning him contained in an auto-  
3 mated system is inaccurate, incomplete, or maintained in vio-  
4 lation of this title, shall, upon satisfactory verification of his  
5 identity, be entitled to review such information and to obtain  
6 a copy of it for the purpose of challenge or correction.

7       “(c) All criminal intelligence systems operating through  
8 support under this title shall collect, maintain, and dissemi-  
9 nate criminal intelligence information in conformance with  
10 policy standards which are prescribed by the Office and  
11 which are written to assure that the funding and operation of  
12 these systems furthers the purpose of this title and to assure  
13 that such systems are not utilized in violation of the privacy  
14 and constitutional rights of individuals.

15       “(d) Any person violating the provisions of this section,  
16 or of any rule, regulation, or order issued thereunder, shall be  
17 fined not to exceed \$10,000 in addition to any other penalty  
18 imposed by law.

19                               “PART I—DEFINITIONS

20                                       “DEFINITIONS

21       “Sec. 901. As used in this title—

22               “(1) ‘criminal justice’ means activities pertaining  
23 to crime prevention, control, or reduction, or the en-  
24 forcement of the criminal law, including, but not limit-  
25 ed to, police efforts to prevent, control, or reduce crime



1 or to apprehend criminals, including juveniles, activities  
2 of courts having criminal jurisdiction, and related agen-  
3 cies (including but not limited to prosecutorial and de-  
4 fender services, juvenile delinquency agencies and pro-  
5 tional service or release agencies), activities of correc-  
6 tions, probation, or parole authorities and related agen-  
7 cies assisting in the rehabilitation, supervision, and  
8 care of criminal offenders, and programs relating to the  
9 prevention, control, or reduction of narcotic addiction  
10 and juvenile delinquency;

11 “(2) ‘State’ means any State of the United States,  
12 the District of Columbia and the Commonwealth of  
13 Puerto Rico;

14 “(3) ‘unit of local government’ means any city,  
15 county, township, town, borough, parish, village, or  
16 other general purpose political subdivision of a State,  
17 an Indian tribe which performs law enforcement func-  
18 tions as determined by the Secretary of the Interior,  
19 any agency of the District of Columbia government or  
20 the United States performing law enforcement func-  
21 tions in and for the District of Columbia, and the  
22 Virgin Islands, Guam, American Samoa, the Trust  
23 Territory of the Pacific Islands, and the Common-  
24 wealth of the Northern Mariana Islands;

1           “(4) ‘public agency’ means any State, unit of local  
2 government, combination of such States or units, or  
3 any department, agency, or instrumentality of any of  
4 the foregoing;

5           “(5) ‘criminal history information’ includes records  
6 and related data, contained in an automated or manual  
7 criminal justice information system, compiled by law  
8 enforcement agencies for the purpose of identifying  
9 criminal offenders and alleged offenders and maintain-  
10 ing as to such persons records of arrests, the nature  
11 and disposition of criminal charges, sentencing, confine-  
12 ment, rehabilitation, and release;

13           “(6) ‘evaluation’ means the administration and  
14 conduct of studies and analyses to determine the  
15 impact and value of a project or program in accom-  
16 plishing the statutory objectives of this title;

17           “(7) ‘Attorney General’ means the Attorney Gen-  
18 eral of the United States or his designee; and

19           “(8) ‘Assistant Attorney General’ means the As-  
20 sistant Attorney General for Justice Assistance.

#### 21                           “PART J—FUNDING

#### 22                           “AUTHORIZATION OF APPROPRIATIONS

23           “SEC. 1001. There is authorized to be appropriated to  
24 carry out the functions of the Bureau of Justice Statistics  
25 such sums as are necessary for the fiscal years ending Sep-

1 tember 30, 1984, September 30, 1985, September 30, 1986,  
2 and September 30, 1987. There is authorized to be appropri-  
3 ated to carry out the functions of the National Institute of  
4 Justice such sums as are necessary for the fiscal years ending  
5 September 30, 1984, September 30, 1985, September 30,  
6 1986, and September 30, 1987. There is authorized to be  
7 appropriated for parts A, B, E, F, G, and H, and for the  
8 purposes of carrying out the remaining function of the Office  
9 of Justice Assistance other than parts K and M, such sums as  
10 are necessary for the fiscal years ending September 30,  
11 1984, September 30, 1985, September 30, 1986, and Sep-  
12 tember 30, 1987. The appropriation authorized for the  
13 Bureau of Criminal Justice Facilities or for any function or  
14 activity authorized for part G shall not exceed in total  
15 \$25,000,000 for any fiscal year ending September 30, 1984,  
16 September 30, 1985, September 30, 1986, and September  
17 30, 1987. Funds appropriated for any fiscal year may remain  
18 available for obligation until expended. There is authorized to  
19 be appropriated in each fiscal year such sums as may be nec-  
20 essary to carry out the purposes of part K and part M.

21 **"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS**

22 **"PAYMENTS**

23 **"SEC. 1101. (a)** In any case in which the Office deter-  
24 mines, under regulations issued pursuant to this part, that a  
25 public safety officer has died as the direct and proximate

1 result of a personal injury sustained in the line of duty, the  
2 Office shall pay a benefit of \$50,000 as follows:

3           “(1) if there is no surviving child of such officer,  
4           to the surviving spouse of such officer;

5           “(2) if there is a surviving child or children and a  
6           surviving spouse, one-half to the surviving child or  
7           children of such officer in equal shares and one-half to  
8           the surviving spouse;

9           “(3) if there is no surviving spouse, to the child or  
10          children of such officer in equal shares; or

11          “(4) if none of the above, to the dependent parent  
12          or parents of such officer in equal shares.

13          “(b) Whenever the Office determines upon showing of  
14          need and prior to final action that the death of a public safety  
15          officer is one with respect to which a benefit will probably be  
16          paid, the Office may make an interim benefit payment not  
17          exceeding \$2,000 to the person entitled to receive a benefit  
18          under subsection (a) of this section.

19          “(c) The amount of an interim payment under subsec-  
20          tion (b) shall be deducted from the amount of any final benefit  
21          paid to such person.

22          “(d) Where there is no final benefit paid, the recipient of  
23          any interim payment under subsection (b) shall be liable for  
24          repayment of such amount. The Office may waive all or part

1 of such repayment, considering for this purpose the hardship  
2 which would result from such repayment.

3       “(e) The benefit payable under this part shall be in addi-  
4 tion to any other benefit that may be due from any other  
5 source, except—

6             “(1) payments authorized by section 12(k) of the  
7 Act of September 1, 1916, as amended (D.C. Code,  
8 sec. 4-521(1)); or

9             “(2) benefits authorized by section 8101 of title 5,  
10 United States Code; such beneficiaries shall only re-  
11 ceive benefits under that section that are in excess of  
12 the benefits received under this part.

13       “(f) No benefit paid under this part shall be subject to  
14 execution or attachment.

15                             “LIMITATIONS

16       “SEC. 1102. No benefit shall be paid under this part—

17             “(1) if the death was caused by the intentional  
18 misconduct of the public safety officer or by such offi-  
19 cer's intention to bring about his death;

20             “(2) if the public safety officer was voluntarily in-  
21 toxicated at the time of his death;

22             “(3) if the public safety officer was performing his  
23 duties in a grossly negligent manner at the time of his  
24 death; or

1           “(4) to any person who would otherwise be enti-  
2           tled to a benefit under this part if such person’s actions  
3           were a substantial contributing factor to the death of  
4           the public safety officer.

5                               “DEFINITIONS

6           “SEC. 1103. As used in this part—

7           “(1) ‘child’ means any natural, illegitimate, adopt-  
8           ed, or posthumous child or stepchild of a deceased  
9           public safety officer who, at the time of the public  
10          safety officer’s death, is—

11                           “(i) eighteen years of age or under;

12                           “(ii) over eighteen years of age and a student  
13           as defined in section 8101 of title 5, United  
14           States Code; or

15                           “(iii) over eighteen years of age and incapa-  
16           ble of self-support because of physical or mental  
17           disability;

18           “(2) ‘dependent’ means a person who was sub-  
19           stantially reliant for support upon the income of the de-  
20           ceased public safety officer;

21           “(3) ‘fireman’ includes a person serving as an offi-  
22           cially recognized or designated member of a legally or-  
23           ganized volunteer fire department and an officially rec-  
24           ognized or designated public employee member of a

1 rescue squad or ambulance crew who was responding  
2 to a fire or police emergency;

3 “(4) ‘intoxication’ means a disturbance of mental  
4 or physical faculties resulting from the introduction of  
5 alcohol into the body as evidenced by—

6 “(i) a postmortem blood alcohol level of 0.20  
7 per centum or greater;

8 “(ii) a postmortem blood alcohol level of at  
9 least 0.10 per centum but less than 0.20 per  
10 centum, unless the Office receives convincing evi-  
11 dence that the public safety officer was not acting  
12 in an intoxicated manner immediately prior to his  
13 death;

14 or resulting from drugs or other substances in the  
15 body;

16 “(5) ‘law enforcement officer’ means a person in-  
17 volved in crime and juvenile delinquency control or re-  
18 duction, or enforcement of the laws, including, but not  
19 limited to, police, corrections, probation, parole, and  
20 judicial officers;

21 “(6) ‘public agency’ means any State of the  
22 United States, the District of Columbia, the Common-  
23 wealth of Puerto Rico, the Virgin Islands, Guam,  
24 American Samoa, the Trust Territory of the Pacific Is-  
25 lands, the Commonwealth of the Northern Mariana Is-

1 lands, and any territory or possession of the United  
2 States, or any unit of local government, department,  
3 agency, or instrumentality of any of the foregoing; and

4 “(7) ‘public safety officer’ means a person serving  
5 a public agency in an official capacity, with or without  
6 compensation, as a law enforcement officer or a fire-  
7 man.

8 “ADMINISTRATIVE PROVISIONS

9 “SEC. 1104. (a) The Office is authorized to establish  
10 such rules, regulations, and procedures as may be necessary  
11 to carry out the purposes of this part. Such rules, regulations,  
12 and procedures will be determinative of conflict of laws issues  
13 arising under this part. Rules, regulations, and procedures  
14 issued under this part may include regulations governing the  
15 recognition of agents or other persons representing claimants  
16 under this part before the Office. The Office may prescribe  
17 the maximum fees which may be charged for services per-  
18 formed in connection with any claim under this part before  
19 the Office, and any agreement in violation of such rules and  
20 regulations shall be void.

21 “(b) In making determinations under section 1101, the  
22 Office may utilize such administrative and investigative as-  
23 sistance as may be available from State and local agencies.  
24 Responsibility for making final determinations shall rest with  
25 the Office.



1                                   **"JUDICIAL REVIEW**

2           **"SEC. 1105. The United States Claims Court shall have**  
3 **exclusive jurisdiction over all actions seeking review of the**  
4 **final decisions of the Office under this part.**

5                                   **"PART L—FBI TRAINING OF STATE AND LOCAL**  
6   **CRIMINAL JUSTICE PERSONNEL**

7                                   **"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL**  
8   **CRIMINAL JUSTICE PERSONNEL**

9           **"SEC. 1201. (a) The Director of the Federal Bureau of**  
10 **Investigation is authorized to—**

11                   **"(1) establish and conduct training programs at**  
12 **the Federal Bureau of Investigation National Academy**  
13 **at Quantico, Virginia, to provide, at the request of a**  
14 **State or unit of local government, training for State**  
15 **and local criminal justice personnel;**

16                   **"(2) develop new or improved approaches, tech-**  
17 **niques, systems, equipment, and devices to improve**  
18 **and strengthen criminal justice; and**

19                   **"(3) assist in conducting, at the request of a State**  
20 **or unit of local government, local and regional training**  
21 **programs for the training of State and local criminal**  
22 **justice personnel engaged in the investigation of crime**  
23 **and the apprehension of criminals. In rural areas such**  
24 **training shall emphasize effective use of regional re-**  
25 **sources and improving coordination among criminal**

1 justice personnel in different areas and in different  
2 levels of government. Such training shall be provided  
3 only for persons actually employed as State police or  
4 highway patrol, police of a unit of local government,  
5 sheriffs, and their deputies, and other persons as the  
6 State or unit may nominate for police training while  
7 such persons are actually employed as officers of such  
8 State or unit.

9 “(b) In the exercise of the functions, powers, and duties  
10 established under this section the Director of the Federal  
11 Bureau of Investigation shall be under the general authority  
12 of the Attorney General.

13 “(c) Notwithstanding the provisions of subsection (a),  
14 the Secretary of the Treasury is authorized to fund and con-  
15 tinue to develop, establish and conduct training programs at  
16 the Federal Law Enforcement Training Center at Glynco,  
17 Georgia, to provide, at the request of a State or unit of local  
18 government, training for State and local criminal justice per-  
19 sonnel so long as that training does not interfere with the  
20 Center’s mission to train Federal law enforcement personnel.

21 ~~“PART M—EMERGENCY FEDERAL LAW ENFORCEMENT~~  
22 ~~ASSISTANCE~~

23 “APPLICATION REQUIREMENTS

24 “SEC. 1301. (a) The Attorney General is authorized to  
25 receive from the chief executive of any State a request for

1 designation of a State or local jurisdiction as a law enforce-  
2 ment emergency jurisdiction. Such application shall be sub-  
3 mitted in such manner and containing or accompanied by  
4 such information as the Attorney General may prescribe.  
5 Such application for designation as a law enforcement emer-  
6 gency jurisdiction shall be evaluated by the Attorney General  
7 according to such criteria, and on such terms and conditions  
8 as he shall establish and shall publish in the Federal Register  
9 prior to the beginning of fiscal year 1984 and each fiscal year  
10 thereafter for which appropriations will be available to carry  
11 out the program.

12       “(b) The Attorney General shall, in accordance with the  
13 criteria established, approve or disapprove such application  
14 not later than ten days after receiving such application.

15                       “ASSISTANCE PROVIDED

16       “SEC. 1302. (a) Upon a finding by the Attorney Gener-  
17 al that a law enforcement emergency exists in accordance  
18 with the provisions of section 1301 of this title, the Federal  
19 law enforcement community is authorized to provide emer-  
20 gency assistance for the duration of the emergency. The cost  
21 of such assistance may be paid by the Office of Justice As-  
22 sistance from funds appropriated under this part, in accord-  
23 ance with procedures established by the Office and the heads  
24 of the participating Federal law enforcement agencies and  
25 with the approval of the Attorney General.



1           “(G) the Bureau of Alcohol, Tobacco and  
2           Firearms; and

3           “(H) other Federal agencies with specific  
4           statutory authority to investigate violations of  
5           Federal criminal laws;

6           “(3) the term ‘State’ means any State of the  
7           United States; the District of Columbia; the Common-  
8           wealth of Puerto Rico; the Virgin Islands; Guam;  
9           American Samoa; the Trust Territory of the Pacific Is-  
10          lands; and the Commonwealth of the Northern Mariana  
11          Islands;

12          “(4) the term ‘law enforcement emergency’ means  
13          an uncommon situation in which State and local re-  
14          sources are inadequate to protect the lives and proper-  
15          ty of citizens or enforce the criminal law.

16                    “ADMINISTRATIVE REQUIREMENT

17          “SEC. 1304. The recordkeeping and administrative re-  
18          quirements of section 800 and section 810 shall apply to  
19          funds provided under this part.

20                    “PART N—TRANSITION

21                    “CONTINUATION OF RULES, AUTHORITIES, AND

22                                    PROCEEDINGS

23          “SEC. 1401. (a) All orders, determinations, rules, regu-  
24          lations, and instructions of the Office of Justice Assistance,  
25          Research, and Statistics which are in effect on the date of the

1 enactment of this Act shall continue in effect according to  
2 their terms until modified, terminated, superseded, set aside,  
3 or revoked by the President or the Attorney General, or his  
4 designee, or by operation of law.

5       “(b) The amendments made to this title by the Justice  
6 Assistance Act of 1983 shall not affect any suit, action, or  
7 other proceeding commenced by or against the Government  
8 before the date of the enactment of such Act.

9       “(c) Nothing in this title prevents the utilization of funds  
10 appropriated for purposes of this title for all activities neces-  
11 sary or appropriate for the review, audit, investigation, and  
12 judicial or administrative resolution of audit matters for those  
13 grants or contracts that were awarded under this title. The  
14 final disposition and dissemination of program and project ac-  
15 complishments with respect to programs and projects ap-  
16 proved in accordance with this title, as in effect before the  
17 date of the enactment of the Justice Assistance Act of 1983,  
18 may be carried out with funds appropriated for purposes of  
19 this title.

20       “(d) The Assistant Attorney General may award new  
21 grants, enter into new contracts or cooperative agreements  
22 and otherwise obligate unused or reversionary funds previ-  
23 ously appropriated for the purposes of parts D, E and F of  
24 this title as in effect on the day before the date of enactment

1 of the Justice Assistance Act of 1982, or for purposes con-  
2 sistent with this title.

3       “(e) Notwithstanding any other provisions of law, the  
4 Assistant Attorney General shall have all the authority pre-  
5 viously vested in the Director of the Office of Justice Assist-  
6 ance, Research, and Statistics and the Administrator of the  
7 Law Enforcement Assistance Administration necessary to  
8 t. inate the activities of the Law Enforcement Assistance  
9 Administration and the Office of Justice Assistance, Re-  
10 search, and Statistics, and all provisions of this title, as in  
11 effect on the day before the enactment of the Justice Assist-  
12 ance Act of 1982, which are necessary for this purpose  
13 remain in effect for the sole purpose of carrying out the ter-  
14 mination of these activities.”.

15                               **REFERENCES IN OTHER LAWS**

16       **SEC. 602.** Any reference to the Office of Justice Assist-  
17 ance, Research, and Statistics or the Law Enforcement As-  
18 sistance Administration in any law other than this Act and  
19 the Omnibus Crime Control and Safe Streets Act of 1968,  
20 applicable to activities, functions, powers, and duties that  
21 after the date of the enactment of this Act are carried out by  
22 the Office of Justice Assistance shall be deemed to be a refer-  
23 ence to the Office of Justice Assistance or to the Assistant  
24 Attorney General, Office of Justice Assistance, as the case  
25 may be.

1                   **COMPENSATION OF FEDERAL OFFICERS**

2           **SEC. 603. (a)** Section 5314 of title 5, United States  
3 Code is amended by striking out "Director, Office of Justice  
4 Assistance, Research, and Statistics."

5           **(b)** Section 5315 of title 5, United States Code is  
6 amended by striking out "Administrator of Law Enforcement  
7 Assistance.", "Director of the National Institute of Justice.",  
8 and "Director of the Bureau of Justice Statistics."

9           **(c)** Section 5316 of title 5, United States Code is  
10 amended by adding "Director of the National Institute of  
11 Justice, Director of the Bureau of Justice Statistics, the Di-  
12 rector of the Bureau of Criminal Justice Facilities, and Di-  
13 rector of the Bureau of Justice Programs."

14                   **PRISON INDUSTRY ENHANCEMENT**

15           **SEC. 604. (a)** Section 1761, subsection (c), of title 18,  
16 United States Code, is amended to read as follows—

17           **"(c)** In addition to the exceptions set forth in subsection  
18 **(b)** of this section, this chapter shall also not apply to goods,  
19 wares, services or merchandise manufactured, produced, pro-  
20 vided or mined by convicts or prisoners participating in a  
21 program of not more than twenty projects designated by the  
22 Director of the Bureau of Criminal Justice Facilities, who—

23           **"(1)** have, in connection with such work, received  
24 wages at a rate which is not less than that paid for  
25 work of a similar nature in the locality in which the



1 work was performed, except that such wages may be  
2 subject to deductions which shall not, in the aggregate,  
3 exceed 80 per centum of gross wages, and shall be  
4 limited as follows—

5 “(A) taxes (Federal, State, local);

6 “(B) reasonable charges for room and board  
7 as determined by regulations which shall be  
8 issued by the Chief correctional officer of the ju-  
9 risdiction;

10 “(C) allocations for support of family pursu-  
11 ant to State statute, court order, or agreement by  
12 the offender;

13 “(D) contributions to any fund established by  
14 law to compensate the victims of crime of not  
15 more than 20 per centum but not less than 5 per  
16 centum of gross wages;

17 “(2) are entitled to compensation for injury sus-  
18 tained in the course of participation in these projects;

19 “(3) have participated in such employment volun-  
20 tarily and have agreed in advance to the specific de-  
21 ductions made from gross wages pursuant to this sec-  
22 tion, and all other financial arrangements as a result of  
23 participation in such employment.”.

24 (b)(1) Section 1761 of title 18, United States Code, is  
25 amended by adding thereto a new subsection (d) as follows:

1       “(d) The provisions of subsection (e) shall not apply  
2 unless—

3               “(1) representatives of local union central bodies  
4 or similar labor union organizations have been consult-  
5 ed prior to the initiation of any project otherwise quali-  
6 fying for any exception created by subsection (e); and

7               “(2) such paid inmate employment will not result  
8 in the displacement of employed workers; or be applied  
9 in skills, crafts, or trades in which there is a surplus of  
10 available gainful labor in the locality, or impair existing  
11 contracts for services.”

12       (2) The second sentence of section 11507 of title 49,  
13 United States Code, is amended by adding after “use” the  
14 following: “, or to commodities produced by a project desig-  
15 nated by the Director of the Bureau of Criminal Justice Fa-  
16 cilities under section 1761(e) of title 18, United States  
17 Code”.

18       (e) The first section of the Act entitled “An Act to pro-  
19 vide conditions for the purchase of supplies and the making of  
20 contracts by the United States, and for other purposes”, ap-  
21 proved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), com-  
22 monly known as the Walsh-Healey Act, is amended by  
23 adding to the end of subsection (d) thereof, before “; and”,  
24 the following: “except that this section, or any other law or  
25 Executive order containing similar prohibitions against pur-

1 chase of goods by the Federal Government, shall not apply to  
2 convict labor which satisfies the conditions of sections  
3 1761(e) and 1761(d) of title 18, United States Code”.

4 **SEC. 605. (a)** Section 1028 of title 18, United States  
5 Code, is amended by adding at the end thereof the following:

6 “(f) To the maximum extent feasible, personal descrip-  
7 tors or identifiers utilized in identification documents, as de-  
8 fined in this section, shall utilize common descriptive terms  
9 and formats designed to—

10 “(1) reduce the redundancy and duplication of  
11 identification systems by providing information which  
12 can be utilized by the maximum number of authorities;  
13 and

14 “(2) facilitate positive identification of bona fide  
15 holders of identification documents.”.

16 (b) The President shall, no later than three years after  
17 the date of enactment of this Act, and after consultation with  
18 Federal, State, local, and international issuing authorities,  
19 and concerned groups, make recommendations to the Con-  
20 gress for the enactment of comprehensive legislation on Fed-  
21 eral identification systems. Such legislation shall—

22 (1) give due consideration to protecting the priva-  
23 cy of persons who are the subject of any identification  
24 system;



1 *appointed by the President, by and with the consent of the*  
2 *Senate. The Assistant Attorney General shall have authority*  
3 *to award grants, cooperative agreements, and contracts au-*  
4 *thorized under parts B, E, and F of this title.*

5 *"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY*

6 *GENERAL*

7 *"SEC. 102. (a) The Assistant Attorney General shall—*

8 *"(1) publish and disseminate information on the*  
9 *conditions and progress of the criminal justice systems;*

10 *"(2) maintain liaison with the executive and judi-*  
11 *cial branches of the Federal and State governments in*  
12 *matters relating to criminal justice;*

13 *"(3) provide information to the President, the*  
14 *Congress, the judiciary, State and local governments,*  
15 *and the general public relating to criminal justice;*

16 *"(4) maintain liaison with public and private*  
17 *educational and research institutions, State and local*  
18 *governments, and governments of other nations relating*  
19 *to criminal justice;*

20 *"(5) provide staff support to coordinate the activi-*  
21 *ties of the Office and the Bureau of Justice Programs,*  
22 *the National Institute of Justice, the Bureau of Justice*  
23 *Statistics, and the Office of Juvenile Justice and De-*  
24 *linquency Prevention;*

25 *"(6) exercise the powers and functions set out in*  
26 *part H; and*



1 *ment, school violence and vandalism, and learning disabil-*  
2 *ities. The President shall designate from among its members*  
3 *a Chairman and Vice Chairman. The Vice Chairman is au-*  
4 *thorized to sit and act in the place of the Chairman in the*  
5 *absence of the Chairman. The Assistant Attorney General*  
6 *shall be a nonvoting member of the Board and shall not serve*  
7 *as Chairman or Vice Chairman. Vacancies in the member-*  
8 *ship of the Board shall not affect the power of the remaining*  
9 *members to execute the functions of the Board and shall be*  
10 *filled in the same manner as in the case of an original ap-*  
11 *pointment.*

12       “(b) *The Board may make such rules respecting organi-*  
13 *zation and procedures as it deems necessary, except that no*  
14 *recommendation shall be reported from the Board unless a*  
15 *majority of the full Board assents.*

16       “(c) *The members of the Board shall serve at the pleas-*  
17 *ure of the President and shall have no fixed term. The mem-*  
18 *bers of the Board shall receive compensation for each day*  
19 *engaged in the actual performance of duties vested in the*  
20 *Board at rates of pay not in excess of the daily equivalent of*  
21 *the highest rate of basic pay then payable in the General*  
22 *Schedule of section 5332(a) of title 5, United States Code,*  
23 *and in addition shall be reimbursed for travel, subsistence,*  
24 *and other necessary expenses.*

25       “(d) *The Board shall—*

1           “(1) advise and make recommendations to the As-  
2           sistant Attorney General on the policies and priorities  
3           of the Bureau of Justice Programs, the National Insti-  
4           tute of Justice, the Bureau of Justice Statistics, and  
5           the Office of Juvenile Justice and Delinquency Pre-  
6           vention in research, statistics and program priorities;

7           “(2) review demonstration programs funded under  
8           part B, and evaluations thereof, and advise the Assist-  
9           ant Attorney General of the results of such review and  
10          evaluations; and

11          “(3) undertake such additional related tasks as  
12          the Board may deem necessary.

13          “(e) In addition to the powers and duties set forth else-  
14          where in this title, the Assistant Attorney General shall exer-  
15          cise such powers and duties of the Board as may be delegated  
16          to the Assistant Attorney General by the Board.

17          “(f) The Assistant Attorney General shall provide staff  
18          support to assist the Board in carrying out its activities.

19                 “PART B—BUREAU OF JUSTICE PROGRAMS

20                 “ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

21                 “SEC. 201. (a) There is established within the Office of  
22          Justice Assistance a Bureau of Justice Programs (hereinafter  
23          referred to in this part as the ‘Bureau’).

24                 “(b) The Bureau shall be headed by a Director who  
25          shall be appointed by the Attorney General. The Director



1 *shall not engage in any employment other than that of serv-*  
2 *ing as the Director, nor shall the Director hold any office in,*  
3 *or act in any capacity for, any organization, agency, or insti-*  
4 *tution with which the Bureau makes any contract or other*  
5 *arrangement under this title. The Director shall have such*  
6 *authority as delegated by the Assistant Attorney General to*  
7 *make grants and enter into contracts to carry out the pur-*  
8 *poses of parts B, E, and F.*

9           “DUTIES AND FUNCTIONS OF DIRECTOR

10       “SEC. 202. *The Director shall—*

11           “(1) *provide funds to eligible States, units of local*  
12 *government and private nonprofit organizations pursu-*  
13 *ant to part E and part F;*

14           “(2) *establish priorities for programs in accord-*  
15 *ance with part E and, following public announcement*  
16 *of such priorities, award and allocate funds and techni-*  
17 *cal assistance in accordance with the criteria of part F*  
18 *and on terms and conditions determined by the Direc-*  
19 *tor to be consistent with part F;*

20           “(3) *cooperate with and provide technical assist-*  
21 *ance to States, units of local government, and other*  
22 *public and private organizations or international agen-*  
23 *cies involved in criminal justice activities;*

24           “(4) *provide for the development of technical as-*  
25 *sistance and training programs for State and local*

1 *criminal justice agencies and foster local participation*  
2 *in such activities;*

3 *“(5) encourage the targeting of State and local re-*  
4 *sources on efforts to reduce the incidence of violent*  
5 *crime and on programs relating to the apprehension*  
6 *and prosecution of repeat offenders;*

7 *“(6) advise and make recommendations to the As-*  
8 *stant Attorney General on the policies and priorities*  
9 *of the Office relating to the Bureau; and*

10 *“(7) exercise such other powers and functions as*  
11 *may be vested in the Director pursuant to this title.*

12 *“PART C—NATIONAL INSTITUTE OF JUSTICE*

13 *“NATIONAL INSTITUTE OF JUSTICE*

14 *“SEC. 301. (a) It is the purpose of this part to establish*  
15 *a National Institute of Justice, which shall provide for and*  
16 *encourage research and demonstration efforts for the purpose*  
17 *of—*

18 *“(1) improving Federal, State and local criminal*  
19 *justice systems and related aspects of the civil justice*  
20 *system;*

21 *“(2) preventing and reducing crimes;*

22 *“(3) ensuring citizen access to appropriate dis-*  
23 *pute-resolution forums;*

1           “(4) improving efforts to detect, investigate, pros-  
2           ecute, and otherwise combat and prevent white-collar  
3           crime and public corruption;

4           “(5) addressing the unique problem of crime com-  
5           mitted against the elderly;

6           “(6) identifying programs of proven and demon-  
7           strated success or programs which are likely to be suc-  
8           cessful; and

9           “(7) developing improved strategies for rural  
10          areas to better utilize their dispersed resources in com-  
11          bating crime, with particular emphasis on violent  
12          crime, juvenile delinquency, and crime prevention.

13          “(b) The Institute shall have authority to engage in and  
14          encourage research and development to improve and strength-  
15          en the criminal justice system and related aspects of the civil  
16          justice system and to disseminate the results of such efforts to  
17          units of Federal, State, and local governments, to develop  
18          alternatives to judicial resolution of disputes, to evaluate the  
19          effectiveness of programs funded under this title, to develop  
20          and demonstrate new or improved approaches and techniques,  
21          to improve and strengthen the administration of justice, and  
22          to identify programs or projects carried out under this title  
23          which have demonstrated success in improving the quality of  
24          justice systems and which offer the likelihood of success if  
25          continued or repeated. In carrying out the provisions of this

1 *part the Institute shall give primary emphasis to the prob-*  
2 *lems of State and local justice systems and ensure that there*  
3 *is a balance between basic and applied research.*

4 **"ESTABLISHMENT, DUTIES, AND FUNCTIONS**

5 **"SEC. 302. (a) There is established within the Depart-**  
6 **ment of Justice under the general authority of the Attorney**  
7 **General, a National Institute of Justice (hereinafter referred**  
8 **to in this title as the 'Institute').**

9 **"(b) The Institute shall be headed by a Director ap-**  
10 **pointed by the President, by and with the advice and consent**  
11 **of the Senate. The Director shall have experience in justice**  
12 **research. The Director shall have authority to make grants,**  
13 **cooperative agreements, and contracts awarded by the Insti-**  
14 **tute. The Director shall report to the Attorney General**  
15 **through the Assistant Attorney General who heads the Office.**  
16 **The Institute shall be administered by the Director under the**  
17 **general authority of the Attorney General in accordance with**  
18 **the administrative provisions of part H of this title. The Di-**  
19 **rector shall not engage in any other employment than that of**  
20 **servicing as Director; nor shall the Director hold any office in,**  
21 **or act in any capacity for, any organization, agency, or insti-**  
22 **tution with which the Institute makes any contract or other**  
23 **arrangements under this title.**

24 **"(c) The Institute is authorized to—**

25 **"(1) make grants to, or enter into cooperative**  
26 **agreements or contracts with, States, units of local gov-**

1        *ernment or combinations thereof, public agencies, insti-*  
2        *tutions of higher education, private organizations, or*  
3        *individuals to conduct research, demonstration or spe-*  
4        *cial projects pertaining to the purposes described in*  
5        *this part, and provide technical assistance and training*  
6        *in support of tests, demonstrations, and special*  
7        *projects;*

8                *“(2) conduct or authorize multiyear and short-*  
9        *term research and development concerning the criminal*  
10        *and civil justice systems in an effort—*

11                    *“(A) to identify alternative programs for*  
12        *achieving system goals;*

13                    *“(B) to provide more accurate information*  
14        *on the causes and correlates of crime;*

15                    *“(C) to analyze the correlates of crime and*  
16        *juvenile delinquency and provide more accurate*  
17        *information on the causes and correlates of crime*  
18        *and juvenile delinquency;*

19                    *“(D) to improve the functioning of the crimi-*  
20        *nal justice system;*

21                    *“(E) to develop new methods for the preven-*  
22        *tion and reduction of crime, including but not*  
23        *limited to the development of programs to facili-*  
24        *tate cooperation among the States and units of*  
25        *local government, the detection and apprehension*

1           *of criminals, the expeditious, efficient, and fair*  
2           *disposition of criminal and juvenile delinquency*  
3           *cases, the improvement of police and minority re-*  
4           *lations, the conduct of research into the problems*  
5           *of victims and witnesses of crime, the feasibility*  
6           *and consequences of allowing victims to partici-*  
7           *pate in criminal justice decisionmaking, the feasi-*  
8           *bility and desirability of adopting procedures and*  
9           *programs which increase the victim's participation*  
10          *in the criminal justice process, the reduction in*  
11          *the need to seek court resolution of civil disputes,*  
12          *and the development of adequate corrections facili-*  
13          *ties and effective programs of correction; and*

14                 *“(F) to develop programs and projects to im-*  
15                 *prove and expand the capacity of States and units*  
16                 *of local government and combinations of such*  
17                 *units, to detect, investigate, prosecute, and other-*  
18                 *wise combat and prevent white-collar crime and*  
19                 *public corruption, to improve and expand coopera-*  
20                 *tion among the Federal Government, States, and*  
21                 *units of local government in order to enhance the*  
22                 *overall criminal justice system response to white-*  
23                 *collar crime and public corruption, and to foster*  
24                 *the creation and implementation of a comprehen-*

1           *sive national strategy to prevent and combat*  
2           *white-collar crime and public corruption.*

3           *In carrying out the provisions of this subsection, the*  
4           *Institute may request the assistance of both public and*  
5           *private research agencies;*

6           “(3) *evaluate the effectiveness of projects or pro-*  
7           *grams carried out under this title;*

8           “(4) *make recommendations for action which can*  
9           *be taken by units of Federal, State, and local govern-*  
10          *ments and by private persons and organizations to im-*  
11          *prove and strengthen criminal and civil justice sys-*  
12          *tems;*

13          “(5) *provide research fellowships and clinical in-*  
14          *ternships and carry out programs of training and spe-*  
15          *cial workshops for the presentation and dissemination*  
16          *of information resulting from research, demonstrations,*  
17          *and special projects including those authorized by this*  
18          *part;*

19          “(6) *collect and disseminate information obtained*  
20          *by the Institute or other Federal agencies, public agen-*  
21          *cies, institutions of higher education, and private orga-*  
22          *nizations relating to the purposes of this part;*

23          “(7) *serve as a national and international clear-*  
24          *inghouse for the exchange of information with respect*  
25          *to the purposes of this part;*

1           “(8) encourage, assist, and serve in a consulting  
2           capacity to Federal, State, and local justice system  
3           agencies in the development, maintenance, and coordi-  
4           nation of criminal and civil justice programs and serv-  
5           ices; and

6           “(9) exercise the powers and functions set out in  
7           part H.

8           “(d) To ensure that all criminal and civil justice re-  
9           search is carried out in a coordinated manner, the Institute is  
10          authorized to—

11           “(1) utilize, with their consent, the services,  
12           equipment, personnel, information, and facilities of  
13           other Federal, State, local, and private agencies and  
14           instrumentalities with or without reimbursement there-  
15           fore;

16           “(2) confer with and avail itself of the coopera-  
17           tion, services, records, and facilities of State or of mu-  
18           nicipal or other local agencies;

19           “(3) request such information, data, and reports  
20           from any Federal agency as may be required to carry  
21           out the purposes of this section, and the agencies shall  
22           provide such information to the Institute as required to  
23           carry out the purposes of this part;



1           “(4) seek the cooperation of the judicial branches  
2 of Federal and State governments in coordinating civil  
3 and criminal justice research and development.

4           “AUTHORITY FOR 100 PER CENTUM GRANTS

5           “SEC. 303. A grant authorized under this part may be  
6 up to 100 per centum of the total cost of each project for  
7 which such grant is made. The Institute shall require, when-  
8 ever feasible, as a condition of approval of a grant under this  
9 part, that the recipient contribute money, facilities, or serv-  
10 ices to carry out the purposes for which the grant is sought.

11           “PART D—BUREAU OF JUSTICE STATISTICS.

12           “BUREAU OF JUSTICE STATISTICS

13           “SEC. 401. It is the purpose of this part to provide for  
14 and encourage the collection and analysis of statistical infor-  
15 mation concerning crime, juvenile delinquency, and the oper-  
16 ation of the criminal justice system and related aspects of the  
17 civil justice system and to encourage the development of in-  
18 formation and statistical systems at the Federal, State, and  
19 local levels to improve the efforts of these levels of government  
20 to measure and understand the levels of crime, juvenile delin-  
21 quency, and the operation of the criminal justice system and  
22 related aspects of the civil justice system. The Bureau shall  
23 give primary emphasis to the needs of State and local justice  
24 systems, both individually and as a whole.

## 1           "ESTABLISHMENT, DUTIES, AND FUNCTIONS

2           "SEC. 402. (a) *There is established within the Depart-*  
3 *ment of Justice, under the general authority of the Attorney*  
4 *General a Bureau of Justice Statistics (hereinafter referred*  
5 *to in this part as the 'Bureau').*

6           "*(b) The Bureau shall be headed by a Director appoint-*  
7 *ed by the President by and with the advice and consent of the*  
8 *Senate. The Director shall have had experience in statistical*  
9 *programs. The Director shall have authority to make grants,*  
10 *cooperative agreements, and contracts awarded by the*  
11 *Bureau. The Director shall report to the Attorney General*  
—12 *through the Assistant Attorney General who heads the Office.*  
13 *The Bureau shall be administered by the Director under the*  
14 *general authority of the Attorney General in accordance with*  
15 *the administrative provisions of part H of this title. The Di-*  
16 *rector shall not engage in any other employment than that of*  
17 *servicing as Director; nor shall the Director hold any office in,*  
18 *or act in any capacity for, any organization, agency, or insti-*  
19 *tution with which the Bureau makes any contract or other*  
20 *arrangement under this Act.*

21           "*(c) The Bureau is authorized to—*

22           "*(1) make grants to, or enter into cooperative*  
23 *agreements or contracts with public agencies, institu-*  
24 *tions of higher education, private organizations, or pri-*  
25 *ivate individuals for purposes related to this part;*

1 grants shall be made subject to continuing compliance  
2 with standards for gathering justice statistics set forth  
3 in rules and regulations promulgated by the Director;

4 “(2) collect and analyze information concerning  
5 criminal victimization, including crimes against the  
6 elderly, and civil disputes;

7 “(3) collect and analyze data that will serve as a  
8 continuous and comparable national social indication  
9 of the prevalence, incidence, rates, extent, distribution,  
10 and attributes of crime, juvenile delinquency, civil dis-  
11 putes, and other statistical factors related to crime,  
12 civil disputes, and juvenile delinquency, in support of  
13 National, State, and local justice policy and decision-  
14 making;

15 “(4) collect and analyze statistical information  
16 concerning the operations of the criminal justice system  
17 at the Federal, State, and local levels;

18 “(5) collect and analyze statistical information  
19 concerning the prevalence, incidence, rates, extent, dis-  
20 tribution, and attributes of crime, and juvenile delin-  
21 quency, at the Federal, State, and local levels.

22 “(6) analyze the correlates of crime, civil disputes  
23 and juvenile delinquency, by the use of statistical in-  
24 formation, about criminal and civil justice systems at  
25 the Federal, State, and local levels, and about the

1       *extent, distribution and attributes of crime, and juve-*  
2       *nile delinquency, in the Nation and at the Federal,*  
3       *State, and local levels;*

4               “(7) *compile, collate, analyze, publish, and dis-*  
5       *seminate uniform national statistics concerning all as-*  
6       *pects of criminal justice and related aspects of civil*  
7       *justice, crime, including crimes against the elderly, ju-*  
8       *venile delinquency, criminal offenders, juvenile delin-*  
9       *quents, and civil disputes in the various States;*

10              “(8) *recommend national standards for justice*  
11       *statistics and for ensuring the reliability and validity*  
12       *of justice statistics supplied pursuant to this title;*

13              “(9) *establish or assist in the establishment of a*  
14       *system to provide State and local governments with*  
15       *access to Federal informational resources useful in the*  
16       *planning, implementation, and evaluation of programs*  
17       *under this Act;*

18              “(10) *conduct or support research relating to*  
19       *methods of gathering or analyzing justice statistics;*

20              “(11) *provide for the development of justice infor-*  
21       *mation systems programs and assistance to the States*  
22       *and units of local government relating to collection,*  
23       *analysis, or dissemination of justice statistics;*

24              “(12) *develop and maintain a data processing ca-*  
25       *pability to support the collection, aggregation, analysis*

1 *and dissemination of information on the incidence of*  
2 *crime and the operation of the criminal justice system;*

3 *“(13) collect, analyze and disseminate comprehen-*  
4 *sive Federal justice transaction statistics (including*  
5 *statistics on issues of Federal justice interest such as*  
6 *public fraud and high technology crime) and to provide*  
7 *assistance to and work jointly with other Federal agen-*  
8 *cies to improve the availability and quality of Federal*  
9 *justice data;*

10 *“(14) ensure conformance with security and pri-*  
11 *vacancy requirement of section 810 and identify, analyze*  
12 *and participate in the development and implementation*  
13 *of privacy, security and information policies which*  
14 *impact on Federal and State criminal justice oper-*  
15 *ations and related statistical activities;*

16 *“(15) provide information to the President, Con-*  
17 *gress, Judiciary, State and local governments and the*  
18 *general public on justice statistics;*

19 *“(16) maintain liaison with State and local gov-*  
20 *ernments and with judicial branches of Federal and*  
21 *State governments in matters relating to justice statis-*  
22 *tics;*

23 *“(17) exercise the powers and functions set out in*  
24 *part H; and*

1           “(18) cooperate in and participate with national  
2           and international organizations in the development of  
3           uniform justice statistics.

4           “(d) To ensure that all justice statistical collection,  
5           analysis, and dissemination is carried out in a coordinated  
6           manner, the Bureau is authorized to—

7           “(1) utilize, with their consent, the services,  
8           equipment, records, personnel, information, and facili-  
9           ties of other Federal, State, local and private agencies  
10          and instrumentalities with or without reimbursement  
11          therefore, and to enter into agreements with the afore-  
12          mentioned agencies and instrumentalities for purposes  
13          of data collection and analysis;

14          “(2) confer and cooperate with State, municipal,  
15          and other local agencies;

16          “(3) request such information, data, and reports  
17          from any Federal agency as may be required to carry  
18          out the purposes of this title;

19          “(4) seek the cooperation of the judicial branch of  
20          the Federal Government in gathering data from crimi-  
21          nal justice records; and

22          “(5) encourage replication, coordination and shar-  
23          ing among justice agencies regarding information sys-  
24          tems, information policy, and data.

1       “(e) Federal agencies requested to furnish information,  
2 data, or reports pursuant to subsection (d)(3) shall provide  
3 such information to the Bureau as is required to carry out  
4 the purposes of this section.

5       “(f) in recommending standards for gathering justice  
6 statistics under this section, the Bureau shall consult with  
7 representatives of State and local government, including,  
8 where appropriate, representatives of the judiciary.

9           “AUTHORITY FOR 100 PER CENTUM GRANTS

10       “SEC. 403. A grant authorized under this part may be  
11 up to 100 per centum of the total cost of each project for  
12 which such grant is made. The Bureau shall require, when-  
13 ever feasible as a condition of approval of a grant under this  
14 part, that the recipient contribute money, facilities, or serv-  
15 ices to carry out the purposes for which the grant is sought.

16           “USE OF DATA

17       “SEC. 404. Data collected by the Bureau shall be used  
18 only for statistical or research purposes, and shall be gathered  
19 in a manner that precludes their use for law enforcement or  
20 any purpose relating to a particular individual other than  
21 statistical or research purposes.

22           “PART E—STATE/LOCAL ALLOCATIONS

23           “DESCRIPTION OF PROGRAM

24       “SEC. 501. (a) It is the purpose of this part to assist  
25 States and units of local government in carrying out specific  
26 programs of proven effectiveness or which offer a high proba-

1 *bility of improving the functions of the criminal justice sys-*  
2 *tems and which focus primarily on violent crime and serious*  
3 *offenders. The Bureau of Justice Programs (hereinafter re-*  
4 *ferred to in this part as the 'Bureau') is authorized, to make*  
5 *grants under this part to States for the purpose of—*

6           “(1) *providing community and neighborhood pro-*  
7 *grams that enable citizens and police to undertake ini-*  
8 *tiatives to prevent and control neighborhood crime;*

9           “(2) *disrupting illicit commerce in stolen goods*  
10 *and property;*

11           “(3) *combating arson;*

12           “(4) *effectively investigating and bringing to trial*  
13 *white-collar crime, organized crime, public corruption*  
14 *crimes, and fraud against the Government;*

15           “(5) *identifying and processing within the crimi-*  
16 *nal justice system persons (including juvenile offend-*  
17 *ers) with a history of serious criminal conduct;*

18           “(6) *developing and implementing programs*  
19 *which provide assistance to jurors and witnesses, and*  
20 *assistance (other than compensation) to victims of*  
21 *crimes;*

22           “(7) *providing alternatives to pretrial detention,*  
23 *jail, and prison for persons who pose no danger to the*  
24 *community;*



1           “(8) providing programs which identify and meet  
2           the needs of drug-dependent offenders;

3           “(9) providing programs which alleviate prison  
4           and jail overcrowding and programs which identify ex-  
5           isting State and Federal buildings suitable for prison  
6           use;

7           “(10) improve workload management systems for  
8           prosecutors and expedite felony case processing by the  
9           courts;

10          “(11) providing prison industry projects designed  
11          to place inmates in a realistic working and training  
12          environment in which they will be enabled to acquire  
13          marketable skills and to make financial payments for  
14          restitution to their victims, for support of their own  
15          families, and for support of themselves in the institu-  
16          tion;

17          “(12) with respect to cases involving career crimi-  
18          nals and violent crime, expedite the disposition of  
19          criminal cases, reform sentencing practices and proce-  
20          dures, and improve court system management;

21          “(13) provide training, technical assistance, and  
22          programs to assist State and local law enforcement au-  
23          thorities in rural areas in combating crime, with par-  
24          ticular emphasis on violent crime, juvenile delinquen-  
25          cy, and crime prevention;

1           “(14) address the unique problem of crime com-  
2           mitted against the elderly;

3           “(15) providing for operational information sys-  
4           tems which improve the effectiveness of criminal justice  
5           agencies;

6           “(16) implement programs that address critical  
7           problems of crime, such as drug trafficking, which have  
8           been certified by the Director, after consultation with  
9           the Directors of the National Institute of Justice,  
10          Bureau of Justice Statistics and the Office of Juvenile  
11          Justice and Delinquency Prevention, as having proved  
12          successful or which are innovative and have been  
13          deemed by the Director as likely to prove successful;

14          “(17) providing programs which address the prob-  
15          lem of serious offenses committed by juveniles; and

16          “(18) improve the operational effectiveness of law  
17          enforcement by integrating and maximizing the effec-  
18          tiveness of police field operations and the use of crime  
19          analysis techniques.

20          “(b)(1) For any fiscal year ending after September 30,  
21          1984, the Federal portion of any grant made under this part  
22          shall be 50 per centum of the cost of programs and projects  
23          specified in the application for such grant, except that in the  
24          case of funds distributed to an Indian tribe which performs  
25          law enforcement functions (as determined by the Secretary of

1 *the Interior) for any program or project described in subsec-*  
2 *tion (a), the Federal portion may be up to 100 per centum of*  
3 *such cost.*

4 *“(2) The non-Federal portion of the cost of such pro-*  
5 *gram or project shall be in cash.*

6 *“(c) No funds may be given under this title to a grant*  
7 *recipient for a program or project for which funds have been*  
8 *given under this title for four years (in the aggregate), in-*  
9 *cluding any period occurring before the effective date of this*  
10 *subsection.*

11 *“ELIGIBILITY*

12 *“SEC. 502. The Bureau is authorized to make financial*  
13 *assistance under this part available to a State to enable it to*  
14 *carry out all or a substantial part of a program or project*  
15 *submitted and approved in accordance with the provisions of*  
16 *this part.*

17 *“APPLICATIONS*

18 *“SEC. 503. (a) No grant may be made by the Bureau to*  
19 *a State, or by a State to an eligible recipient pursuant to*  
20 *part E, unless the application sets forth criminal justice pro-*  
21 *grams covering a two-year period which meet the objectives of*  
22 *section 501, designates which objective specified in section*  
23 *501(a) each such program is intended to achieve, and identi-*  
24 *fies the State agency or unit of local government which will*  
25 *implement each such program. This application must be*  
26 *amended annually if new programs are to be added to the*

1 application or if the programs contained in the original appli-  
2 cation are not implemented. The application must include—

3           “(1) an assurance that following the first fiscal  
4 year covered by an application and each fiscal year  
5 thereafter, the applicant shall submit to the Bureau,  
6 where the applicant is a State—

7           “(A) a performance report concerning the ac-  
8 tivities carried out pursuant to this title; and

9           “(B) an assessment by the applicant of the  
10 impact of those activities on the objectives of this  
11 title and the needs and objectives identified in the  
12 applicant’s statement;

13           “(2) a certification that Federal funds made  
14 available under this title will not be used to supplant  
15 State or local funds, but will be used to increase the  
16 amounts of such funds that would, in the absence of  
17 Federal funds, be made available for criminal justice  
18 activities;

19           “(3) fund accounting, auditing, monitoring, and  
20 such evaluation procedures as may be necessary to  
21 keep such records as the Bureau shall prescribe will be  
22 provided to assure fiscal control, proper management,  
23 and efficient disbursement of funds received under this  
24 title;

1           “(4) an assurance that the State will maintain  
2 such data and information and submit such reports in  
3 such form, at such times and containing such data and  
4 information as the Bureau may reasonably require to  
5 administer other provisions of this title;

6           “(5) a certification that its programs meet all the  
7 requirements of this section, that all the information  
8 contained in the application is correct, that there has  
9 been appropriate coordination with affected agencies,  
10 and that the applicant will comply with all provisions  
11 of this title and all other applicable Federal laws. Such  
12 certification shall be made in a form acceptable to the  
13 Bureau and shall be executed by the chief executive or  
14 other officer of the applicant qualified under regula-  
15 tions promulgated by the Bureau;

16           “(6) satisfactory assurances that equipment,  
17 whose purchase was previously made in connection  
18 with a program or project in such State assisted under  
19 this title and whose cost in the aggregate was \$100,000  
20 or more, has been put into use not later than one year  
21 after the date set at the time of purchase for the com-  
22 mencement of such use and has continued in use  
23 during its useful life;

24           “(7) an assurance that the State will take into ac-  
25 count the needs and requests of units of general local  
/

1        *government in the State and encourage local initiative*  
2        *in the development of programs which meet the objec-*  
3        *tive of section 501.*

4                                *“REVIEW OF APPLICATIONS*

5        *“SEC. 504. (a) The Bureau shall provide financial as-*  
6        *sistance to each State applicant under this part to carry out*  
7        *the programs or projects submitted by such applicant upon*  
8        *determining that the application or amendment thereof is con-*  
9        *sistent with requirements of this title and with the priorities*  
10       *and criteria established by the Bureau under section 501.*  
11       *Each application or amendment made and submitted for ap-*  
12       *proval to the Bureau pursuant to section 503 of this title*  
13       *shall be deemed approved, in whole or in part, by the Bureau*  
14       *within sixty days after first received unless the Bureau in-*  
15       *forms the applicant of specific reasons for disapproval.*

16       *“(b) The Bureau shall suspend funding for an approved*  
17       *application in whole or in part if such application contains a*  
18       *program or project which has failed to conform to the require-*  
19       *ments or statutory objectives of this Act. The Bureau may*  
20       *make appropriate adjustments in the amounts of grants in*  
21       *accordance with its findings pursuant to this subsection.*

22       *“(c) Grant funds awarded under this part and part F*  
23       *shall not be used for—*

24                                *“(1) the purchase of equipment or hardware, or*  
25        *the payment of personnel costs, unless the cost of such*

1 *purchases and payments is incurred as an incidental*  
2 *and necessary part of a program under section 501(a);*

3 *“(2) programs which have as their primary pur-*  
4 *pose general salary payments for employees or classes*  
5 *of employees within an eligible jurisdiction, except for*  
6 *the compensation of personnel for time engaged in con-*  
7 *ducting or undergoing training programs or the com-*  
8 *ensation of personnel engaged in research, develop-*  
9 *ment, demonstration, or short-term programs;*

10 *“(3) land acquisition, construction projects; or*

11 *“(4) programs or projects which, based upon eval-*  
12 *uations by the Bureau, the National Institute of Jus-*  
13 *tice, Bureau of Justice Statistics, State or local agen-*  
14 *cies, and other public or private organizations, have*  
15 *been demonstrated to offer a low probability of improv-*  
16 *ing the functioning of the criminal justice system.*  
17 *Such programs must be formally identified by a notice*  
18 *in the Federal Register after opportunity for comment.*

19 *“(d) The Bureau shall not finally disapprove any appli-*  
20 *cation submitted to the Director under this part, or any*  
21 *amendments thereof, without first affording the applicant rea-*  
22 *sonable notice and opportunity for reconsideration.*

23 **“ALLOCATION AND DISTRIBUTION OF FUNDS**

24 **“SEC. 505. (a) Of the total amount appropriated for**  
25 **this part and part F in any fiscal year, 80 per centum shall**  
26 **be set aside for this part and 20 per centum shall be set aside**

1 *for part F. Funds set aside for this part shall be allocated to*  
2 *States as follows:*

3           “(1) \$250,000 shall be allocated to each of the  
4           *participating States.*

5           “(2) *Of the total funds remaining for this part*  
6           *after the allocation under paragraph (1) there shall be*  
7           *allocated to each State an amount which bears the*  
8           *same ratio to the amount of remaining funds described*  
9           *in this subparagraph as the population of such State*  
10           *bears to the population of all the States.*

11           “(b)(1) *Each State which receives funds under this part*  
12           *in a fiscal year shall distribute among units of local govern-*  
13           *ment, or combinations of units of local government, in such*  
14           *State for the purposes specified in section 501(a) not less*  
15           *than that portion of such funds which bears the same ratio to*  
16           *the aggregate amount of such funds as the amount of funds*  
17           *expended by all units of local government for criminal justice*  
18           *in the preceding fiscal year bears to the aggregate amount of*  
19           *funds expended by the State and all units of local govern-*  
20           *ment in such State for criminal justice in such preceding*  
21           *fiscal year.*

22           “(2) *In distributing funds received under this part*  
23           *among urban, rural and suburban units of local government*  
24           *and combinations thereof, the State shall give priority to*



1 *those jurisdictions with the greatest need pursuant to the pro-*  
2 *vision of this part.*

3       “(3) *Any funds not distributed to units of local govern-*  
4 *ment under paragraph (1) shall be available for expenditures*  
5 *by the State involved.*

6       “(4) *For purposes of determining the distribution of*  
7 *funds under paragraph (1), the most accurate and complete*  
8 *data available for the fiscal year involved shall be used. If*  
9 *data for such fiscal year are not available, then the most*  
10 *accurate and complete data available for the most recent*  
11 *fiscal year preceding such fiscal year shall be used.*

12       “(5) *In distributing funds received under this part the*  
13 *State shall make every effort to distribute to units of local*  
14 *government and combinations thereof, the maximum amount*  
15 *of such available funds.*

16       “(c) *No funds allocated to a State under subsections (a)*  
17 *or (b) or section (c) may be distributed by the Director or by*  
18 *the State involved for any program other than a program*  
19 *contained in an approved application.*

20       “(d) *If the Bureau determines, on the basis of informa-*  
21 *tion available to it during any fiscal year, that a portion of*  
22 *the funds allocated to a State for that fiscal year will not be*  
23 *required or that a State will be unable to qualify or receive*  
24 *funds under this part, or that a State chooses not to partici-*  
25 *pate in the program established by this part, then such por-*

1 *tion shall be awarded by the Director to urban, rural and*  
 2 *suburban units of local government or combinations thereof*  
 3 *within such State giving priority to those jurisdictions with*  
 4 *greatest need.*

5 *“(e) Any funds not distributed under subsections (c)*  
 6 *and (d) shall be available for obligation under part F.*

7 *“STATE OFFICE*

8 *“SEC. 506. (a) The chief executive of each participating*  
 9 *State shall designate a State office for purposes of—*

10 *“(1) preparing an application to obtain funds*  
 11 *under this part; and*

12 *“(2) administering funds received from the*  
 13 *Bureau of Justice Programs, including receipt, review,*  
 14 *processing, monitoring, progress and financial report*  
 15 *review, technical assistance, grant adjustments, ac-*  
 16 *counting, auditing, and fund disbursements.*

17 *“(b) An office or agency performing other functions*  
 18 *within the executive branch of a State may be designated to*  
 19 *carry out the functions specified in subsection (a).*

20 *“PART F—DISCRETIONARY GRANTS*

21 *“PURPOSE*

22 *“SEC. 601. (a) The purpose of this part is to provide*  
 23 *additional Federal financial assistance to States, units of*  
 24 *local government, combinations of such units, and private*  
 25 *nonprofit organizations for purposes of—*



1 *amounts up to 100 per centum of the costs of the programs or*  
2 *projects contained in the approved application.*

3 **"PROCEDURE FOR ESTABLISHING DISCRETIONARY**  
4 **PROGRAMS**

5 *"SEC. 603. (a) The Director of the Bureau of Justice*  
6 *Programs shall periodically establish discretionary programs*  
7 *and projects for financial assistance under this part. Such*  
8 *programs and projects shall be considered priorities for a*  
9 *period of time not to exceed three years from the time of such*  
10 *determination.*

11 *"(b) Such Director shall annually request the National*  
12 *Institute of Justice, the Bureau of Justice Statistics, the*  
13 *Office of Juvenile Justice and Delinquency Prevention, the*  
14 *Office of Justice Assistance, State and local governments,*  
15 *and other appropriate public and private agencies to suggest*  
16 *discretionary programs and projects. Such Director shall*  
17 *then, pursuant to regulations, annually publish the proposed*  
18 *priorities pursuant to this part and invite and encourage*  
19 *public comment concerning such priorities. Priorities shall*  
20 *not be established or modified until such Director has provid-*  
21 *ed at least sixty days advance notice for such public comment*  
22 *and such Director shall encourage and invite recommenda-*  
23 *tions and opinion concerning such priorities from appropriate*  
24 *agencies and officials of State and units of local government.*  
25 *After considering any comments submitted during such*  
26 *period of time and after consultation with appropriate agen-*

1 *cies and officials of State and units of local government, such*  
2 *Director shall determine whether existing established prior-*  
3 *ities should be modified. Such Director shall publish in the*  
4 *Federal Register the priorities established pursuant to this*  
5 *part, as amended by the Justice Assistance Act of 1984, for*  
6 *fiscal year 1984 and each fiscal year thereafter for which*  
7 *appropriations will be available to carry out the program.*

8 **“CRITERIA FOR AWARD**

9 **“SEC. 604. (a) No grant may be made pursuant to this**  
10 **part unless an application has been submitted to the Bureau**  
11 **in which the applicant—**

12 **“(1) sets forth a program or project which is eligi-**  
13 **ble for funding pursuant to this part;**

14 **“(2) describes the services to be provided, perform-**  
15 **ance goals and the manner in which the program is to**  
16 **be carried out;**

17 **“(3) describes the method to be used to evaluate**  
18 **the program or project in order to determine its impact**  
19 **and effectiveness in achieving the stated goals and**  
20 **agrees to conduct such evaluation according to the pro-**  
21 **cedures and terms established by the Bureau of Justice**  
22 **Statistics or the National Institute of Justice;**

23 **“(4) indicates, if it is a private nonprofit organi-**  
24 **zation, that it has consulted with appropriate agencies**  
25 **and officials of the State and units of local government**  
26 **to be affected by the program or project.**

1       “(b) *Each applicant for funds under this part shall cer-*  
2 *tify that its program or project meets all the requirements of*  
3 *this section, that all the information contained in the applica-*  
4 *tion is correct, and that the applicant will comply with all the*  
5 *provisions of this title and all other applicable Federal laws.*  
6 *Such certification shall be made in a form acceptable to the*  
7 *Bureau.*

8                                   “PERIOD FOR AWARD

9       “SEC. 605. *The Bureau may provide financial aid and*  
10 *assistance to programs or projects under this part for a period*  
11 *not to exceed three years. Grants made pursuant to this part*  
12 *may be extended or renewed by the Bureau for an additional*  
13 *period of up to two years if—*

14                   “(1) *an evaluation of the program or project indi-*  
15 *cates that it has been effective in achieving the stated*  
16 *goals or offers the potential for improving the function-*  
17 *ing of the criminal justice system; and*

18                   “(2) *the State, unit of local government, or com-*  
19 *bination thereof and private nonprofit organizations*  
20 *within which the program or project has been conduct-*  
21 *ed agrees to provide at least one-half of the total cost of*  
22 *such program or project from part E funds or from*  
23 *any other source of funds, including other Federal*  
24 *grants, available to the eligible jurisdiction. Funding*  
25 *for the management and the administration of national*  
26 *nonprofit organizations under section 601(c) of this*

1 *part is not subject to the funding limitations of this*  
2 *section.*

3 ***"PART G—CRIMINAL JUSTICE FACILITY***

4 ***CONSTRUCTION: PILOT PROGRAM***

5 ***"AUTHORITY FOR PAYMENTS***

6 ***"SEC. 701. In order to relieve emergency overcrowding***  
7 ***conditions at State and local correctional facilities, the Direc-***  
8 ***tor of the Bureau of Justice Programs (hereinafter in this part***  
9 ***referred to as the 'Director'), is authorized to make grants to***  
10 ***a State or political subdivision thereof, in the amount of 20***  
11 ***percent of the cost of construction of a correctional facility***  
12 ***project approved under this part.***

13 ***"DEFINITIONS***

14 ***"SEC. 702. For the purposes of this part—***

15 ***"(1) the term 'correctional facility project' means***  
16 ***a project for the construction, replacement, alteration or***  
17 ***expansion of a prison, jail, or juvenile detention facili-***  
18 ***ty, for the purpose of significantly expanding inmate***  
19 ***capacity and relieving overcrowding; and***

20 ***"(2) the term 'cost of construction' means all ex-***  
21 ***penses found necessary by the Director for the con-***  
22 ***struction of the project, including architect and engi-***  
23 ***neering fees, but excluding land acquisition costs.***

## 1 "ELIGIBILITY

2 "SEC. 703. (a) *State or political subdivision thereof*  
3 *shall be eligible for assistance under this part in connection*  
4 *with a correctional facility project only—*

5 " (1) *where the Director has made a determination*  
6 *that such project substantially constitutes a prototype*  
7 *of new and innovative methods and designs that will*  
8 *stand as examples of technology for avoiding delay and*  
9 *reducing costs in correctional facility design and im-*  
10 *provement; and*

11 " (2) *for one such project in any State in any*  
12 *fiscal year.*

## 13 "APPLICATION; APPROVAL; PAYMENT

14 "SEC. 704. (a) *State or political subdivision thereof de-*  
15 *siring to receive assistance under this part for a correctional*  
16 *facility project shall submit to the Director an application*  
17 *which shall include—*

18 " (1) *a detailed description of the correctional fa-*  
19 *cility to be constructed, altered or expanded, including*  
20 *a description of the site of such facility;*

21 " (2) *an estimate of the total cost of the construc-*  
22 *tion of such project, including the amount of assistance*  
23 *requested for such project;*

24 " (3) *reasonable assurance that title to such site is*  
25 *or will be vested solely in the applicant, or another*  
26 *agency or instrumentality of the applicant; and*



1           “(4) reasonable assurance that adequate financial  
2 support will be available for the construction of the  
3 project and for its maintenance and operation when  
4 complete.

5           “(b)(1) The Director may approve any such application  
6 if the Director finds that—

7           “(A) there are sufficient funds available to pro-  
8 vide the assistance requested;

9           “(B) such assistance does not exceed 20 percent of  
10 the estimated total cost of construction;

11           “(C) the application contains such reasonable as-  
12 surances as may be required under subsection (a); and

13           “(D) the eligibility criteria of section 703 are met.

14           “(2) In approving applications under this subsection,  
15 the Director shall—

16           “(A) give primary consideration to the needs of  
17 States which have made satisfactory assurances that  
18 they have implemented, or are in the process of imple-  
19 menting, significant measures to reduce overcrowding  
20 and improve conditions of confinement in State and  
21 local correctional facilities, through legislative, execu-  
22 tive, or judicial initiatives;

23           “(B) consider the extent of the applicant’s compli-  
24 ance, or likelihood of future compliance based upon re-  
25 ceipt of satisfactory assurances from the applicant,

1 *with the standards and recommendations of the clear-*  
2 *inghouse on the construction and modernization of cor-*  
3 *rectional facilities established under section 706;*

4 *“(C) consider the extent to which population*  
5 *levels or conditions of confinement in State or local*  
6 *correctional facilities have been determined, by adjudi-*  
7 *cation, consent decree, or any other determination*  
8 *made on the record after opportunity for an agency*  
9 *hearing, to be in violation of the Federal Constitution,*  
10 *or State statutes, codes, or standards;*

11 *“(D) consider the numbers and general character-*  
12 *istics of the inmate population (to include factors such*  
13 *as offender ages, offenses, average term of incarcer-*  
14 *ation, and custody status); and*

15 *“(E) endeavor to achieve equitable distribution of*  
16 *funds available for purposes of carrying out this part*  
17 *among the several States based upon consideration of*  
18 *the relative needs of each State.*

19 *“(c) Upon approving an application under this section,*  
20 *the Director shall award the amount of assistance so ap-*  
21 *proved, but in no event an amount greater than 20 percent of*  
22 *the cost of construction of the approved correctional facility*  
23 *project, and shall provide for payment to the applicant or, if*  
24 *designated by the applicant, any agency or instrumentality of*  
25 *the applicant. Such amount shall be paid, in advance or by*

1 way of reimbursement, and in such installments consistent  
2 with the progress of construction as the Director may deter-  
3 mine. Funds paid under this subsection for the construction  
4 of an approved project shall be used solely for carrying out  
5 such project as so approved.

6       “(d) Any amendment of any application, whether or not  
7 approved, shall be subject to approval in the same manner as  
8 an original application.

9                               “RECAPTURE PROVISIONS

10       “SEC. 705. If, within twenty years after completion of  
11 any correctional facility project with respect to which assist-  
12 ance has been provided under this section, such facilities  
13 cease to be operated as a correctional facility, the United  
14 States may recover from the State, or from the then owner of  
15 such facility, any amount up to 20 percent of the then value  
16 of such project (but in no event an amount greater than the  
17 amount of assistance provided under this part for such  
18 project), as determined by agreement of the parties or by  
19 action brought in the district court of the United States for  
20 the district in which such facility is situated.

21                               “CLEARINGHOUSE ON THE CONSTRUCTION AND  
22       MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

23       “SEC. 706. (a) The Director shall provide for the oper-  
24 ation of a clearinghouse on the construction and moderniza-  
25 tion of correctional facilities, which shall collect, prepare, and  
26 disseminate to the public and to interested State and local

1 *entities information, including recommendations, pertaining*  
2 *to the construction and modernization of correctional facili-*  
3 *ties, including but not limited to—*

4           “(1) *information regarding new and innovative*  
5 *methods and designs that will stand as examples of*  
6 *technology for avoiding delay and reducing costs in*  
7 *correctional facility design and improvement;*

8           “(2) *information concerning ways in which a construc-*  
9 *tion planning program may be used to improve the adminis-*  
10 *tration of the criminal justice system within each State;*

11           “(3) *recommended minimum standards concern-*  
12 *ing construction materials and methods, to be updated*  
13 *from time to time to reflect technological advances;*

14           “(4) *the cost-effectiveness of available construction*  
15 *materials, methods and design technologies;*

16           “(5) *the training of correctional facility personnel;*  
17 *and*

18           “(6) *health and safety considerations in construc-*  
19 *tion planning.*

20           “(b) *The Director is authorized to enter into grants or*  
21 *contracts with private organizations, and interagency agree-*  
22 *ments with the National Institute of Corrections, the Nation-*  
23 *al Institute of Justice, the Bureau of Justice Statistics or*  
24 *other appropriate public entity, to operate the clearinghouse*  
25 *required under this section.*

1           “PART H—ADMINISTRATIVE PROVISIONS

2           “ESTABLISHMENT OF RULES AND DELEGATION OF

3                           FUNCTIONS

4           “SEC. 801. (a) *The Office of Justice Assistance, the*  
5 *National Institute of Justice, and the Bureau of Justice Sta-*  
6 *tistics are authorized, after appropriate consultation with rep-*  
7 *resentatives of States and units of local government, to estab-*  
8 *lish such rules, regulations, and procedures as are necessary*  
9 *to the exercise of the functions of the Office, the Bureau of*  
10 *Justice Programs, the Institute, and the Bureau of Justice*  
11 *Statistics, and as are consistent with the stated purpose of*  
12 *this title.*

13           “(b) *The Office of Justice Assistance shall, after consul-*  
14 *tation with the Bureau of Justice Programs, the National*  
15 *Institute of Justice, the Bureau of Justice Statistics, the*  
16 *Office of Juvenile Justice and Delinquency Prevention,*  
17 *State and local governments, and the appropriate public and*  
18 *private agencies, establish such rules and regulations as are*  
19 *necessary to assure the continuing evaluation or monitoring*  
20 *of selected programs or projects conducted pursuant to parts*  
21 *E and F, in order to determine—*

22                   “(1) *whether such programs or projects have*  
23 *achieved the performance goals stated in the original*  
24 *application, are of proven effectiveness, have a record*

1 of proven success, or offer a high probability of improv-  
2 ing the criminal justice system;

3 "(2) whether such programs or projects have con-  
4 tributed or are likely to contribute to the improvement  
5 of the criminal justice system and the reduction and  
6 prevention of crime;

7 "(3) their cost in relation to their effectiveness in  
8 achieving stated goals;

9 "(4) their impact on communities and partici-  
10 pants; and

11 "(5) their implication for related programs.

12 In conducting evaluations described in this subsection, the  
13 Institute shall, when practical, compare the effectiveness of  
14 programs conducted by similar applicants and different ap-  
15 plicants. The Office of Justice Assistance shall also require  
16 applicants under part E to submit an annual performance  
17 report concerning activities carried out pursuant to part E  
18 together with an assessment by the applicant of the effective-  
19 ness of those activities in achieving the objectives of section  
20 501 of this title and the relationships of those activities to the  
21 needs and objectives specified by the applicant in the applica-  
22 tion submitted pursuant to section 503 of this title. The  
23 Office shall suspend funding for an approved application  
24 under part E if an applicant fails to submit such an annual  
25 performance report.



1       “(b) If any grant under this title has been terminated,  
2 the Bureau of Justice Programs, the National Institute of  
3 Justice or the Bureau of Justice Statistics, as appropriate,  
4 shall notify the grantee of its action and set forth the reason  
5 for the action taken. Whenever such a grantee requests a  
6 hearing, the Office, the Institute, or the Bureau of Justice  
7 Statistics, or any authorized officer thereof, is authorized and  
8 directed to hold such hearings or investigations, including  
9 hearings on the record in accordance with section 554 of title  
10 5, United States Code, at such times and places as neces-  
11 sary, following appropriate and adequate notice to such  
12 grantee; and the findings of fact and determinations made  
13 with respect thereto shall be final and conclusive, except as  
14 otherwise provided herein. The Office, the Institute, or the  
15 Bureau of Justice Statistics is authorized to take final action  
16 without a hearing if after an administrative review of the  
17 termination it is determined that the basis for the appeal, if  
18 substantiated, would not establish a basis for continuation of  
19 the grant. Under such circumstances, a more detailed state-  
20 ment of reasons for the agency action should be made avail-  
21 able, upon request, to the grantee.

22       “(c) If such recipient is dissatisfied with the findings  
23 and determinations of the Office, the Institute, or the Bureau  
24 of Justice Statistics following notice and hearing provided for  
25 in subsection (a) of this section, a request may be made for



1 rehearing, under such regulations and procedure as the  
2 Office, the Institute, or the Bureau of Justice Statistics may  
3 establish, and such recipient shall be afforded an opportunity  
4 to present such additional information as may be deemed ap-  
5 propriate and pertinent to the matter involved.

6                   “FINALITY OF DETERMINATIONS

7           “SEC. 803. In carrying out the functions vested by this  
8 title in the Office, the Institute, or the Bureau of Justice  
9 Statistics its determinations, findings, and conclusions shall,  
10 after reasonable notice and opportunity for a hearing, be  
11 final and conclusive upon all grants.

12           “SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

13           “SEC. 804. The Office, the Institute, or the Bureau of  
14 Justice Statistics may appoint such hearing examiners or  
15 administrative law judges or request the use of such adminis-  
16 trative law judges selected by the Office of Personnel Man-  
17 agement pursuant to section 3344 of title 5, United States  
18 Code, as shall be necessary to carry out the powers and  
19 duties under this title. The Office, the Institute, or the  
20 Bureau of Justice Statistics or upon authorization, any  
21 member thereof or any hearing examiner or administrative  
22 law judge assigned to or employed thereby shall have the  
23 power to hold hearings and issue subpoenas, administer  
24 oaths, examine witnesses, and receive evidence at any place  
25 in the United States it may designate.

1           **"PERSONNEL AND ADMINISTRATIVE AUTHORITY**

2           **"SEC. 805. (a) The Office is authorized to select, ap-**  
3 **point, employ and fix compensation of such officers and em-**  
4 **ployees as shall be necessary to carry out the powers and**  
5 **duties of the Office, the Bureau of Justice Programs, the In-**  
6 **stitute, and the Bureau of Justice Statistics under this title.**

7           **"(b) The Office, the Bureau of Justice Programs, the**  
8 **Institute, and the Bureau of Justice Statistics are author-**  
9 **ized, on a reimbursable basis when appropriate, to use the**  
10 **available services, equipment, personnel, and facilities of**  
11 **Federal, State, and local agencies to the extent deemed ap-**  
12 **propriate after giving due consideration to the effectiveness of**  
13 **such existing services, equipment, personnel, and facilities.**

14           **"(c) The Office may arrange with and reimburse the**  
15 **heads of other Federal departments and agencies for the per-**  
16 **formance of any of the functions under this title.**

17           **"(d) The Office, the Bureau of Justice Programs, the**  
18 **Institute, and the Bureau of Justice Statistics in carrying**  
19 **out their respective functions may use grants, contracts, or**  
20 **cooperative agreements in accordance with the standards es-**  
21 **tablished in the Federal Grant and Cooperative Agreement**  
22 **Act of 1977 (41 U.S.C. 501 et seq.).**

23           **"(e) The Office may procure the services of experts and**  
24 **consultants in accordance with section 3109 of title 5, United**  
25 **States Code, relating to appointments in the Federal service,**

1 *at rates of compensation for individuals not to exceed the*  
2 *daily equivalent of the rate authorized for GS-18 by section*  
3 *5332 of title 5, United States Code.*

4       “(f) *The Office is authorized to appoint pursuant to the*  
5 *Advisory Committee Management Act, but without regard to*  
6 *the remaining provisions of title 5, United States Code, tech-*  
7 *nical or other advisory committees to advise it with respect to*  
8 *the administration of this title as it deems necessary. Mem-*  
9 *bers of those committees not otherwise in the employ of the*  
10 *United States, while engaged in advising or attending meet-*  
11 *ings of the committees, shall be compensated at rates to be*  
12 *fixed by the Office but not exceed the daily equivalent of the*  
13 *rate authorized for GS-18 by section 5332 of title 5 of the*  
14 *United States Code, and while away from home or regular*  
15 *place of business they may be allowed travel expenses, in-*  
16 *cluding per diem in lieu of subsistence, as authorized by sec-*  
17 *tion 5703 of such title 5 for persons in the Government serv-*  
18 *ice employed intermittently.*

19       “(g) *Payments under this title may be made in install-*  
20 *ments, and in advance or by way of reimbursement, as may*  
21 *be determined by the Office, and may be used to pay the*  
22 *transportation and subsistence expenses of persons attending*  
23 *conferences or other assemblages notwithstanding the provi-*  
24 *sions of the joint resolution entitled ‘Joint resolution to pro-*  
25 *hibit expenditure of any moneys for housing, feeding, or*

1 *transporting conventions or meetings', approved February 2,*  
2 *1935 (31 U.S.C. 551).*

3       “(h) *The Office is authorized to accept and employ, in*  
4 *carrying out the provisions of this title, voluntary and un-*  
5 *compensated services notwithstanding the provisions of sec-*  
6 *tion 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).*  
7 *Such individuals shall not be considered Federal employees*  
8 *except for purposes of chapter 81 of title 5, United States*  
9 *Code, with respect to job-incurred disability and title 28,*  
10 *United States Code, with respect to tort claims.*

11                   “**TITLE TO PERSONAL PROPERTY**

12       “**SEC. 806.** *Notwithstanding any other provision of*  
13 *law, title to all expendable and nonexpendable personal prop-*  
14 *erty purchased with funds made available under this title,*  
15 *including such property purchased with funds made available*  
16 *under this title as in effect before the date of the enactment of*  
17 *this Act, shall vest in the criminal justice agency or nonprofit*  
18 *organization that purchased the property if it certifies to the*  
19 *State office described in section 506 that it will use the prop-*  
20 *erty for criminal justice purposes. If such certification is not*  
21 *made, title to the property shall vest in the State office, which*  
22 *shall seek to have the property used for criminal justice pur-*  
23 *poses elsewhere in the State prior to using it or disposing of*  
24 *it in any other manner.*

1    **"PROHIBITION OF FEDERAL CONTROL OVER STATE AND**  
2                   **LOCAL CRIMINAL JUSTICE AGENCIES**

3            **"SEC. 807. Nothing in this title or any other Act shall**  
4 *be construed to authorize any department, agency, officer, or*  
5 *employee of the United States to exercise any direction, su-*  
6 *pervision, or control over any police force or any other crimi-*  
7 *nal justice agency of any State or any political subdivision*  
8 *thereof.*

9                    **"NONDISCRIMINATION**

10           **"SEC. 808. (a) No person in any State shall on the**  
11 *ground of race, color, religion, national origin, or sex be ex-*  
12 *cluded from participation in, be denied the benefits of or be*  
13 *subjected to discrimination under or denied employment in*  
14 *connection with any programs or activity funded in whole or*  
15 *in part with funds made available under this title.*

16           **"(b) Notwithstanding any other provision of law, noth-**  
17 *ing contained in this title shall be construed to authorize the*  
18 *Office of Justice Assistance—*

19                    **"(1) to require, or condition the availability or**  
20 *amount of a grant upon the adoption by an applicant*  
21 *or grantee under this title of a percentage ratio, quota*  
22 *system, or other program to achieve racial balance in*  
23 *any criminal justice agency; or*

24                    **"(2) to deny or discontinue a grant because of the**  
25 *refusal of an applicant or grantee under this title to*  
26 *adopt such a ratio, system or other program.*

1           “(c) Whenever the Attorney General has reason to be-  
2 lieve that a State government or unit of local government has  
3 engaged in or is engaging in a pattern or practice in violation  
4 of the provisions of this section, the Attorney General may  
5 bring a civil action in an appropriate United States district  
6 court. Such a court may grant as relief any temporary re-  
7 straining order, preliminary or permanent injunction, or  
8 other order, as necessary or appropriate to insure the full  
9 enjoyment of the rights described in this section, including  
10 the suspension, termination, or repayment of such funds  
11 made available under this title as the court may deem appro-  
12 priate, or placing any further such funds in escrow pending  
13 the outcome of the litigation.

14           “(d) Whenever the Attorney General files a civil action  
15 alleging a pattern or practice of discriminatory conduct on  
16 the basis of race, color, religion, national origin, or sex in  
17 any program or activity of State government or unit of local  
18 government which State government or unit of local govern-  
19 ment receives funds made available under this title, and the  
20 conduct allegedly violates the provisions of this section and  
21 neither party within forty-five days after such filing has been  
22 granted such preliminary relief with regard to the suspension  
23 or repayment of funds as may be otherwise available by law,  
24 the Office of Justice Assistance shall cause to have suspended  
25 further payment of any funds under this title to that specific

1 *program or activity alleged by the Attorney General to be in*  
2 *violation of the provisions of this subsection until such time*  
3 *as the court orders resumption of payment.*

4 **“RECORDKEEPING REQUIREMENT**

5 **“SEC. 809. (a)** *Each recipient of funds under this title*  
6 *shall keep such records as the Office shall prescribe, includ-*  
7 *ing records which fully disclose the amount and disposition*  
8 *by such recipient of the funds, the total cost of the project or*  
9 *undertaking for which such funds are used, and the amount*  
10 *of that portion of the cost of the project or undertaking sup-*  
11 *plied by other sources, and such other records as will facili-*  
12 *tate an effective audit.*

13 **“(b)** *The Office or any of its duly authorized representa-*  
14 *tives, shall have access for purpose of audit and examination*  
15 *of any books, documents, papers, and records of the recipients*  
16 *of funds under this title which in the opinion of the Office*  
17 *may be related or pertinent to the grants, contracts, subcon-*  
18 *tracts, subgrants, or other arrangements referred to under this*  
19 *title.*

20 **“(c)** *The Comptroller General of the United States or*  
21 *any of his duly authorized representatives, shall, until the*  
22 *expiration of three years after the completion of the program*  
23 *or project with which the assistance is used, have access for*  
24 *the purpose of audit and examination to any books, docu-*  
25 *ments, papers, and records of recipients of Federal funds*  
26 *under this title which in the opinion of the Comptroller Gen-*

1 eral may be related or pertinent to the grants, contracts, sub-  
2 contract, subgrants, or other arrangements referred to under  
3 this title.

4       “(d) The provisions of this section shall apply to all  
5 recipients of assistance under this title, whether by direct  
6 grant, cooperative agreement, or contract under this title or  
7 by subgrant or subcontract from primary grantees or contrac-  
8 tors under this title.

9                   “CONFIDENTIALITY OF INFORMATION

10       “SEC. 810. (a) Except as provided by Federal law  
11 other than this title, no officer or employee of the Federal  
12 Government, and no recipient of assistance under the provi-  
13 sions of this title shall use or reveal any research or statisti-  
14 cal information furnished under this title by any person and  
15 identifiable to any specific private person for any purpose  
16 other than the purpose for which it was obtained in accord-  
17 ance with this title. Such information and copies thereof shall  
18 be immune from legal process, and shall not, without the con-  
19 sent of the person furnishing such information, be admitted  
20 as evidence or used for any purpose in any action, suit, or  
21 other judicial, legislative, or administrative proceedings.

22       “(b) All criminal history information collected, stored,  
23 or disseminated through support under this title shall con-  
24 tain, to the maximum extent feasible, disposition as well as  
25 arrest data where arrest data is included therein. The collec-  
26 tion, storage, and dissemination of such information shall



1 *take place under procedures reasonably designed to insure*  
2 *that all such information is kept current therein; the Office*  
3 *shall assure that the security and privacy of all information*  
4 *is adequately provided for and that information shall only be*  
5 *used for law enforcement and criminal justice and other*  
6 *lawful purposes. In addition, an individual who believes that*  
7 *criminal history information concerning him contained in an*  
8 *automated system is inaccurate, incomplete, or maintained in*  
9 *violation of this title, shall, upon satisfactory verification of*  
10 *his identity, be entitled to review such information and to*  
11 *obtain a copy of it for the purpose of challenge or correction.*

12       “(c) *All criminal intelligence systems operating through*  
13 *support under this title shall collect, maintain, and dissemi-*  
14 *nate criminal intelligence information in conformance with*  
15 *policy standards which are prescribed by the Office and*  
16 *which are written to assure that the funding and operation of*  
17 *these systems furthers the purpose of this title and to assure*  
18 *that such systems are not utilized in violation of the privacy*  
19 *and constitutional rights of individuals.*

20       “(d) *Any person violating the provisions of this section,*  
21 *or of any rule, regulation, or order issued thereunder, shall be*  
22 *fined not to exceed \$10,000, in addition to any other penalty*  
23 *imposed by law.*

24                               “PART I—DEFINITIONS

25       “SEC. 901. *As used in this title—*

1           “(1) ‘criminal justice’ means activities pertaining  
2 to crime prevention, control, or reduction, or the en-  
3 forcement of the criminal law, including, but not limit-  
4 ed to, police efforts to prevent, control, or reduce crime  
5 or to apprehend criminals, including juveniles, activi-  
6 ties of courts having criminal jurisdiction, and related  
7 agencies (including but not limited to prosecutorial and  
8 defender services, juvenile delinquency agencies and  
9 pretrial service or release agencies), activities of correc-  
10 tions, probation, or parole authorities and related agen-  
11 cies assisting in the rehabilitation, supervision, and  
12 care of criminal offenders, and programs relating to the  
13 prevention, control, or reduction of narcotic addiction  
14 and juvenile delinquency;

15           “(2) ‘State’ means any State of the United  
16 States, the District of Columbia, the United States  
17 Virgin Islands, and the Commonwealth of Puerto  
18 Rico;

19           “(3) ‘unit of local government’ means any city,  
20 county, township, town, borough, parish, village, or  
21 other general purpose political subdivision of a State,  
22 an Indian tribe which performs law enforcement func-  
23 tions as determined by the Secretary of the Interior,  
24 any agency of the District of Columbia government or  
25 the United States performing law enforcement func-

1        *tions in and for the District of Columbia, and Guam,*  
2        *American Samoa, the Trust Territory of the Pacific*  
3        *Islands, and the Commonwealth of the Northern Mari-*  
4        *ana Islands;*

5            *“(4) ‘public agency’ means any State, unit of*  
6        *local government, combination of such States or units,*  
7        *or any department, agency, or instrumentality of any*  
8        *of the foregoing;*

9            *“(5) ‘criminal history information’ includes*  
10       *records and related data, contained in an automated or*  
11       *manual criminal justice information system, compiled*  
12       *by law enforcement agencies for the purpose of identi-*  
13       *fying criminal offenders and alleged offenders and*  
14       *maintaining as to such persons records of arrests, the*  
15       *nature and disposition of criminal charges, sentencing,*  
16       *confinement, rehabilitation, and release;*

17           *“(6) ‘evaluation’ means the administration and*  
18       *conduct of studies or analyses of data to determine the*  
19       *impact and value of a project or program in accom-*  
20       *plishing the statutory objectives of this title;*

21           *“(7) ‘Attorney General’ means the Attorney Gen-*  
22       *eral of the United States or his designee;*

23           *“(8) ‘Assistant Attorney General’ means the As-*  
24       *stant Attorney General for Justice Assistance.*



1 *ated in each fiscal year such sums as may be necessary to*  
2 *carry out the purposes of part K and part M.*

3 *“(b) Notwithstanding any other provision of law, no*  
4 *funds appropriated under this section for parts D and E of*  
5 *this title may be transferred or reprogrammed for carrying*  
6 *out any activity which is not authorized under such parts.*

7 **“PART K—PUBLIC SAFETY OFFICERS’ DEATH**

8 **BENEFITS**

9 **“PAYMENTS**

10 *“SEC. 1101. (a) In any case in which the Office deter-*  
11 *mines, under regulations issued pursuant to this part, that a*  
12 *public safety officer has died as the direct and proximate*  
13 *result of a personal injury sustained in the line of duty, the*  
14 *Office shall pay a benefit of \$50,000 as follows:*

15 *“(1) if there is no surviving child of such officer,*  
16 *to the surviving spouse of such officer;*

17 *“(2) if there is a surviving child or children and*  
18 *a surviving spouse, one-half to the surviving child or*  
19 *children of such officer in equal shares and one-half to*  
20 *the surviving spouse;*

21 *“(3) if there is no surviving spouse, to the child or*  
22 *children of such officer in equal shares; or*

23 *“(4) if none of the above, to the dependent parent*  
24 *or parents of such officer in equal shares.*

1       “(b) Whenever the Office determines upon showing of  
2 need and prior to final action that the death of a public safety  
3 officer is one with respect to which a benefit will probably be  
4 paid, the Office may make an interim benefit payment not  
5 exceeding \$3,000 to the person entitled to receive a benefit  
6 under subsection (a) of this section.

7       “(c) The amount of an interim payment under subsec-  
8 tion (b) shall be deducted from the amount of any final bene-  
9 fit paid to such person.

10       “(d) Where there is no final benefit paid, the recipient  
11 of any interim payment under subsection (b) shall be liable  
12 for repayment of such amount. The Office may waive all or  
13 part of such repayment, considering for this purpose the  
14 hardship which would result from such repayment.

15       “(e) The benefit payable under this part shall be in ad-  
16 dition to any other benefit that may be due from any other  
17 source, except—

18               “(1) payments authorized by section 12(k) of the  
19 Act of September 1, 1916, as amended (D.C. Code,  
20 sec. 4-531(1)); or

21               “(2) benefits authorized by section 8191 of title 5,  
22 United States Code; such beneficiaries shall only re-  
23 ceive benefits under that section that are in excess of  
24 the benefits received under this part.

1       “(f) No benefit paid under this part shall be subject to  
2 execution or attachment.

3                               “LIMITATIONS

4       “SEC. 1102. No benefit shall be paid under this part—

5               “(1) if the death was caused by the intentional  
6 misconduct of the public safety officer or by such offi-  
7 cer’s intention to bring about his death;

8               “(2) if the public safety officer was voluntarily  
9 intoxicated at the time of his death;

10              “(3) if the public safety officer was performing  
11 his duties in a grossly negligent manner at the time of  
12 his death; or

13              “(4) to any person who would otherwise be enti-  
14 tled to a benefit under this person’s actions were a sub-  
15 stantial contributing factor to the death of the public  
16 safety officer.

17              “(5) to any individual employed in a capacity  
18 other than a civilian capacity.

19                               “DEFINITIONS

20       “SEC. 1103. As used in this part—

21              “(1) ‘child’ means any natural, illegitimate,  
22 adopted, or posthumous child or stepchild of a deceased  
23 public safety officer who, at the time of the public  
24 safety officer’s death, is—

25                      “(i) eighteen years of age or under;

1           “(ii) over eighteen years of age and a student  
2           as defined in section 8101 of title 5, United  
3           States Code; or

4           “(iii) over eighteen years of age and incapa-  
5           ble of self-support because of physical or mental  
6           disability;

7           “(2) ‘dependent’ means a person who was sub-  
8           stantially reliant for support upon the income of the  
9           deceased public safety officer;

10           “(3) ‘firefighter’ includes a person serving as an  
11           officially recognized or designated member of a legally  
12           organized volunteer fire department and an officially  
13           recognized or designated public employee member of a  
14           rescue squad or ambulance crew who was responding  
15           to a fire or police emergency;

16           “(4) ‘intoxication’ means a disturbance of mental  
17           or physical faculties resulting from the introduction of  
18           alcohol into the body as evidenced by—

19           “(i) a post-mortem blood alcohol level of .20  
20           per centum or greater;

21           “(ii) a post-mortem blood alcohol level of at  
22           least .10 per centum but less than .20 per centum,  
23           unless the Office receives convincing evidence that  
24           the public safety officer was not acting in an in-  
25           toxicated manner immediately prior to his death;



1 *or resulting from drugs or other substances in the body;*

2 *“(5) ‘law enforcement officer’ means a person in-*  
3 *volved in crime and juvenile delinquency control or re-*  
4 *duction, or enforcement of the laws, including, but not*  
5 *limited to, police, corrections, probation, parole, and ju-*  
6 *dicial officers;*

7 *“(6) ‘public agency’ means the United States,*  
8 *any State of the United States, the District of Colum-*  
9 *bia, the Commonwealth of Puerto Rico, the Virgin Is-*  
10 *lands, Guam, American Samoa, the Trust Territory of*  
11 *the Pacific Islands, the Commonwealth of the Northern*  
12 *Mariana Islands, and any territory or possession of*  
13 *the United States, or any unit of local government, de-*  
14 *partment, agency, or instrumentality of any of the fore-*  
15 *going; and*

16 *“(7) ‘public safety officer’ means a person serving*  
17 *a public agency in an official capacity, with or without*  
18 *compensation, as a law enforcement officer or a fire-*  
19 *fighter.*

20 *“ADMINISTRATIVE PROVISIONS*

21 *“SEC. 1104. (a) The Office is authorized to establish*  
22 *such rules, regulations, and procedures as may be necessary*  
23 *to carry out the purposes of this part. Such rules, regulations,*  
24 *and procedures will be determinative of conflict of laws issues*  
25 *arising under this part. Rules, regulations, and procedures*  
26 *issued under this part may include regulations governing the*



1        *State or unit of local government, training for State*  
2        *and local criminal justice personnel;*

3            *“(2) develop new or improved approaches, tech-*  
4        *niques, systems, equipment, and devices to improve*  
5        *and strengthen criminal justice; and*

6            *“(3) assist in conducting, at the request of a State*  
7        *or unit of local government, local and regional training*  
8        *programs for the training of State and local criminal*  
9        *justice personnel engaged in the investigation of crime*  
10       *and the apprehension of criminals. Training for rural*  
11       *criminal justice personnel shall include, where appro-*  
12       *priate, effective use of regional resources and methods*  
13       *to improve coordination among criminal justice person-*  
14       *nel in different areas and in different levels of govern-*  
15       *ment. Such training shall be provided only for persons*  
16       *actually employed as State police or highway patrol,*  
17       *police of a unit of local government, sheriffs, and their*  
18       *deputies, and other persons as the State or unit may*  
19       *nominate for police training while such persons are ac-*  
20       *tually employed as officers of such State or unit.*

21            *“(b) In the exercise of the functions, powers, and duties*  
22        *established under this section the Director of the Federal*  
23        *Bureau of Investigation shall be under the general authority*  
24        *of the Attorney General.*



1       “(b) *The Attorney General shall, in accordance with the*  
2 *criteria established, approve or disapprove such application*  
3 *not later than ten days after receiving such application.*

4                               “ASSISTANCE PROVIDED

5       “SEC. 1302. (a) *Upon a finding by the Attorney Gen-*  
6 *eral that a law enforcement emergency exists in accordance*  
7 *with the provisions of section 1301 of this title, the Federal*  
8 *law enforcement community is authorized to provide emer-*  
9 *gency assistance for the duration of the emergency. The cost*  
10 *of such assistance may be paid by the Office of Justice As-*  
11 *sistance from funds appropriated under this part, in accord-*  
12 *ance with procedures established by the Office and the heads*  
13 *of the participating Federal law enforcement agencies and*  
14 *with the approval of the Attorney General.*

15       “(b) *Upon such finding by the Attorney General, the*  
16 *Office of Justice Assistance may provide technical assistance,*  
17 *funds for the lease or rental of specialized equipment and*  
18 *other forms of emergency assistance to the jurisdiction, except*  
19 *that no funds may be used to pay the salaries of local crimi-*  
20 *nal justice personnel or otherwise supplant State or local*  
21 *funds that would in the absence of such Federal funds be*  
22 *made available for law enforcement. The cost of assistance*  
23 *provided under this section shall be paid by the Office of*  
24 *Justice Assistance from funds appropriated under this part.*  
25 *The Federal share of such assistance may be up to 100 per*  
26 *centum of project costs.*



1           “(4) the term ‘law enforcement emergency’ means  
2           an uncommon situation in which state and local re-  
3           sources are inadequate to protect the lives and property  
4           of citizens or enforce the criminal law.

5                   “ADMINISTRATIVE REQUIREMENT

6           “SEC. 1304. The recordkeeping and administrative re-  
7           quirements of sections 808, 809 and 810 shall apply to funds  
8           provided under this part.

9                   “LIMITATION OF AUTHORITY

10          “SEC. 1305. (a) Nothing in this part authorizes the use  
11          of Federal law enforcement personnel to investigate violations  
12          of criminal law other than violations with respect to which  
13          investigation is authorized by other provisions of law.

14          “(b) Nothing in this part shall be construed to authorize  
15          the Attorney General or the Federal law enforcement commu-  
16          nity to exercise any direction, supervision, or control over  
17          any police force or other criminal justice agency of an appli-  
18          cant for Federal law enforcement assistance.

19          “(c) Nothing in this part shall be construed to authorize  
20          the Attorney General or the Federal law enforcement commu-  
21          nity—

22                 “(1) to condition the availability or amount of  
23                 Federal law enforcement assistance upon the adoption  
24                 by an applicant for such assistance of, or

25                 “(2) to deny or discontinue such assistance upon  
26                 the failure of such applicant to adopt, a percentage





1 *their terms until modified, terminated, superseded, set aside,*  
2 *or revoked by the President or the Attorney General, or his*  
3 *designee, or by operation of law.*

4       “(b) *The amendments made to this title by the Justice*  
5 *Assistance, Missing Children and Juvenile Justice Act of*  
6 *1984 shall not affect any suit, action, or other proceeding*  
7 *commenced by or against the Government before the date of*  
8 *the enactment of such Act.*

9       “(c) *Nothing in this title prevents the utilization of*  
10 *funds appropriated for purposes of this title for all activities*  
11 *necessary or appropriate for the review, audit, investigation,*  
12 *and judicial or administrative resolution of audit matters for*  
13 *those grants or contracts that were awarded under this title.*  
14 *The final disposition and dissemination of program and*  
15 *project accomplishments with respect to programs and*  
16 *projects approved in accordance with this title, as in effect*  
17 *before the date of the enactment of Act, may be carried out*  
18 *with funds appropriated for purposes of this title.*

19       “(d) *The Assistant Attorney General may award new*  
20 *grants, enter into new contracts or cooperative agreements*  
21 *and otherwise obligate unused or reversionary funds previ-*  
22 *ously appropriated for the purposes of parts D, E, and F of*  
23 *this title as in effect on the day before the date of enactment*  
24 *of the Justice Assistance Act of 1984, or for purposes consist-*  
25 *ent with this title.*

1       “(e) Notwithstanding any other provisions of law, the  
2 Assistant Attorney General shall have all the authority pre-  
3 viously vested in the Director of the Office of Justice Assist-  
4 ance, Research, and Statistics and the Administrator of the  
5 Law Enforcement Assistance Administration necessary to  
6 terminate the activities of the Law Enforcement Assistance  
7 Administration and the Office of Justice Assistance, Re-  
8 search, and Statistics, and all provisions of this title, as in  
9 effect on the day before the enactment of this Act, which are  
10 necessary for this purpose remain in effect for the sole pur-  
11 pose of carrying out the termination of these activities.”.

12                                   **REFERENCES IN OTHER LAWS**

13       **SEC. 603.** Any reference to the Office of Justice Assist-  
14 ance, Research, and Statistics or the Law Enforcement As-  
15 sistance Administration in any law other than this Act and  
16 the Omnibus Crime Control and Safe Streets Act of 1968,  
17 applicable to activities, functions, powers, and duties that  
18 after the date of the enactment of this Act are carried out by  
19 the Office of Justice Assistance shall be deemed to be a refer-  
20 ence to the Office of Justice Assistance or to the Assistant  
21 Attorney General, Office of Justice Assistance, as the case  
22 may be.

23                                   **COMPENSATION OF FEDERAL OFFICERS**

24       **SEC. 604.** (a) Section 5314 of title 5, United States  
25 Code is amended by striking out “Director, Office of Justice  
26 Assistance, Research, and Statistics.”.

1       **(b) Section 5315 of title 5, United States Code is**  
2 **amended by striking out "Administrator of Law Enforce-**  
3 **ment Assistance." "Director of the National Institute of Jus-**  
4 **tice", and "Director of the Bureau of Justice Statistics."**

5       **(c) Section 5316 of title 5, United States Code is**  
6 **amended by adding "Director of the National Institute of**  
7 **Justice, Director of the Bureau of Justice Statistics, Admin-**  
8 **istrator of the Office of Juvenile Justice and Delinquency**  
9 **Prevention."**

10       **(d) Notwithstanding any other provision of law, the new**  
11 **position of Assistant Attorney General, Office of Justice As-**  
12 **sistance, and the positions of Directors of the National Insti-**  
13 **tute of Justice and the Bureau of Justice Statistics shall ini-**  
14 **tially be filled by the incumbent Assistant Attorney General**  
15 **for Justice Assistance and the incumbent Directors, without**  
16 **the necessity for reconfirmation by the Senate as would oth-**  
17 **erwise be required under this title.**

18                               **PRISON INDUSTRY ENHANCEMENT**

19       **SEC. 605. (a) Section 1761, subsection (c), of title 18,**  
20 **United States Code, is amended to read as follows:**

21       **"(c) In addition to the exceptions set forth in subsection**  
22 **(b) of this section, this chapter shall also not apply to goods,**  
23 **wares, services or merchandise manufactured, produced, pro-**  
24 **vided or mined by convicts or prisoners participating in a**  
25 **program of not more than twenty projects designated by the**

1 *Assistant Attorney General, Office of Justice Assistance,*  
2 *who—*

3           “(1) *have, in connection with such work, received*  
4 *wages at a rate which is not less than that paid for*  
5 *work of a similar nature in the locality in which the*  
6 *work was performed, except that such wages may be*  
7 *subject to deductions which shall not, in the aggregate,*  
8 *exceed 80 per centum of gross wages, and shall be lim-*  
9 *ited as follows:*

10           “(A) *taxes (Federal, State, local);*

11           “(B) *reasonable charges for room and board*  
12 *as determined by regulations which shall be*  
13 *issued by the chief correctional officer of the juris-*  
14 *isdiction;*

15           “(C) *allocations for support of family pursu-*  
16 *ant to State statute, court order, or agreement by*  
17 *the offender;*

18           “(D) *contributions to any fund established*  
19 *by law to compensate the victims of crime of not*  
20 *more than 20 per centum but not less than 5 per*  
21 *centum of gross wages:*

22           “(2) *are entitled to compensation for injury sus-*  
23 *tained in the course of participation in these projects;*

24           “(3) *have participated in such employment volun-*  
25 *tarily and have agreed in advance to the specific de-*

1        *ductions made from gross wages pursuant to this sec-*  
2        *tion, and all other financial arrangements as a result*  
3        *of participation in such employment.”.*

4        *(b)(1) Section 1761 of title 18, United States Code, is*  
5        *amended by adding thereto a new subsection (d) as follows:*

6        *“(d) The provisions of subsection (c) shall not apply*  
7        *unless—*

8                *“(1) representatives of local union central bodies*  
9                *or similar labor union organizations have been consult-*  
10               *ed prior to the initiation of any project otherwise quali-*  
11               *fying for any exception created by subsection (c); and*

12               *“(2) such paid inmate employment will not result*  
13               *in the displacement of employed workers, or be applied*  
14               *in skills, crafts, or trades in which there is a surplus*  
15               *of available gainful labor in the locality, or impair ex-*  
16               *isting contracts for services.”.*

17        *(2) The second sentence of section 11507 of title 49,*  
18        *United States Code, is amended by adding after the “use”*  
19        *the following: “, or to commodities produced by a project des-*  
20        *ignated by the Assistant Attorney General, Office of Justice*  
21        *Assistance under section 1761(c) of title 18, United States*  
22        *Code”.*

23        *(c) The first section of the Act entitled “An Act to pro-*  
24        *vide conditions for the purchase of supplies and the making*  
25        *of contracts by the United States, and for other purposes”,*

1 *approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35),*  
2 *commonly known as the Walsh-Healey Act, is amended by*  
3 *adding to the end of subsection (d) thereof, before"; and", the*  
4 *following: "except that this section, or any other law or Exec-*  
5 *utive order containing similar prohibitions against purchase*  
6 *of goods by the Federal Government, shall not apply to con-*  
7 *vict labor which satisfies the conditions of section 1761(c)*  
8 *and 1761(d) of title 18, United States Code".*

9       *SEC. 606. "(a)(1) To the maximum extent feasible, per-*  
10 *sonal descriptors or identifiers utilized in identification docu-*  
11 *ments, as defined in this section, shall utilize common de-*  
12 *scriptive terms and formats designed to—*

13               *"(A) reduce the redundancy and duplication of*  
14 *identification systems by providing information which*  
15 *can be utilized by the maximum number of authorities;*  
16 *and*

17               *"(B) facilitate positive identification of bona fide*  
18 *holders of identification documents."*

19               *(2) For the purposes of this section, the term*  
20 *"identification documents" shall have the same mean-*  
21 *ing as it has in section 1028 of title 18 of the United*  
22 *States Code.*

23               *(b) The President shall, no later than three years after*  
24 *the date of enactment of this Act, and after consultation with*  
25 *Federal, State, local, and international issuing authorities,*

1 *and concerned groups make recommendations to the Congress*  
2 *for the enactment of comprehensive legislation on Federal in-*  
3 *dentification systems. Such legislation shall—*

4           (1) *give due consideration to protecting the priva-*  
5 *cy of persons who are the subject of any identification*  
6 *system;*

7           (2) *recommend appropriate civil and criminal*  
8 *sanctions for the misuse or unauthorized disclosure of*  
9 *personal identification information; and*

10           (3) *make recommendations providing for the ex-*  
11 *change of personal identification information as au-*  
12 *thorized by Federal or State law or Executive order of*  
13 *the President or the chief executive officer of any of the*  
14 *several States.*

15 **TITLE II—AMENDMENTS TO THE JUVENILE**  
16 **JUSTICE AND DELINQUENCY PREVEN-**  
17 **TION ACT OF 1974**

18           **Subtitle A—General Provisions**

19                           **SHORT TITLE**

20           **SEC. 610.** *This title may be cited as the “Juvenile Jus-*  
21 *tice, Runaway Youth, and Missing Children’s Act Amend-*  
22 *ments of 1984”.*

23                           **FINDINGS**

24           **SEC. 611.** *Section 101(a) of the Juvenile Justice and*  
25 *Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is*  
26 *amended—*





## DEFINITIONS

1

2       *SEC. 613. Section 103 of the Juvenile Justice and De-*  
3 *linquency Prevention Act of 1974 (42 U.S.C. 5603) is*  
4 *amended—*

5           *(1) in paragraph (3)—*

6                   *(A) by striking out “for neglected, aban-*  
7 *doned, or dependent youth and other youth”, and*

8                   *(B) by inserting “juvenile” after “prevent”,*

9           *(2) in paragraph (4) by amending subparagraphs*  
10 *(A) and (B) to read as follows:*

11                   *“(A) the term ‘Bureau of Justice Programs’*  
12 *means the bureau established by section 401 of the*  
13 *Omnibus Crime Control and Safe Streets Act of 1968;*

14                   *“(B) the term ‘Office of Justice Assistance’ means*  
15 *the office established by section 101 of the Omnibus*  
16 *Crime Control and Safe Streets Act of 1968;”*

17           *(3) in paragraph (6) by striking out “services,”*  
18 *and inserting in lieu thereof “services),”,*

19           *(4) in paragraph (14)—*

20                   *(A) by inserting “or other sex offenses pun-*  
21 *ishable as a felony” after “rape”, and*

22                   *(B) by striking out “and” at the end thereof,*

23           *(5) in paragraph (15) by striking out the period*  
24 *at the end thereof and inserting in lieu thereof “; and”,*  
25 *and*

1           (6) by adding at the end thereof the following new  
2 paragraph:

3           “(16) the term ‘valid court order’ means a court  
4 order given by a juvenile court judge to a juvenile who  
5 has been brought before the court and made subject to a  
6 court order. The use of the word ‘valid’ permits the in-  
7 carceration of juveniles for violation of a valid court  
8 order only if they received their full due process rights  
9 as guaranteed by the Constitution of the United  
10 States.”.

11 *Subtitle B—Juvenile Justice and Delinquency Prevention*

12 *OFFICE OF JUVENILE JUSTICE AND DELINQUENCY*

13 *PREVENTION*

14 *SEC. 620. Section 201 of the Juvenile Justice and De-*  
15 *linquency Prevention Act of 1974 (42 U.S.C. 5611) is*  
16 *amended to read:*

17           “ESTABLISHMENT OF OFFICE

18           “SEC. 201. (a) There is hereby established an Office of  
19 *Juvenile Justice and Delinquency Prevention (hereinafter in*  
20 *this title referred to as the ‘Office’) within the Department of*  
21 *Justice under the general authority of the Attorney General.*

22           “(b) The Office shall be headed by an Administrator  
23 *(hereinafter in this title referred to as the ‘Administrator’)*  
24 *appointed by the President, by and with the advice and con-*  
25 *sent of the Senate, from among individuals who have had*  
26 *experience in juvenile justice programs. The Administrator is*

1 *authorized to prescribe regulations consistent with this Act to*  
2 *award, administer, modify, extend, terminate, monitor,*  
3 *evaluate, reject, or deny all grants and contracts from, and*  
4 *applications for, funds made available under this title. The*  
5 *Administrator shall report to the Attorney General through*  
6 *the Assistant Attorney General who heads the Office of Jus-*  
7 *tice Assistance under part A of title I of the Omnibus Crime*  
8 *Control and Safe Streets Act of 1968.*

9       “(c) *There shall be in the Office a Deputy Administra-*  
10 *tor who shall be appointed by the Attorney General and*  
11 *whose function shall be to supervise and direct the National*  
12 *Institute for Juvenile Justice and Delinquency Prevention*  
13 *established by section 241 of this Act. The Deputy Adminis-*  
14 *trator shall also perform such functions as the Administrator*  
15 *may from time to time assign or delegate and shall act as the*  
16 *Administrator during the absence or disability of the Admin-*  
17 *istrator.”.*

18

#### TECHNICAL AMENDMENTS

19       *SEC. 621. (a) Section 202(a) of the Juvenile Justice*  
20 *and Delinquency Prevention Act of 1974 (42 U.S.C.*  
21 *5612(a)) is amended by striking out “him” and inserting in*  
22 *lieu thereof “the Administrator”.*

23       *(b) Section 202(c) of the Juvenile Justice and Delin-*  
24 *quency Prevention Act of 1974 (42 U.S.C. 5612(c)) is*  
25 *amended—*

1           (1) by striking out "him" and inserting in lieu  
2 thereof "the Administrator", and

3           (2) by striking out "his functions" and inserting  
4 in lieu thereof "the functions of the Administrator".

5           **CONCENTRATION OF FEDERAL EFFORTS**

6           **SEC. 622.** (a) Section 204(a) of the Juvenile Justice  
7 and Delinquency Prevention Act of 1974 (42 U.S.C.  
8 5614(a)) is amended by striking out "his functions" and in-  
9 serting in lieu thereof "the functions of the Administrator".

10          (b) Section 204(b) of the Juvenile Justice and Delin-  
11 quency Prevention Act of 1974 (42 U.S.C. 5614(b)) is  
12 amended—

13           (1) in paragraph (2) by striking out "he" and in-  
14 serting in lieu thereof "the Administrator",

15           (2) in paragraph (4) by striking out "he" and in-  
16 serting in lieu thereof "the Administrator",

17           (3) in paragraph (5) by striking out "and",

18           (4) in paragraph (6) by striking out the period  
19 and inserting in lieu thereof "; and", and

20           (5) by inserting after paragraph (6) the following  
21 paragraph:

22           “(7) provide for the auditing of monitoring sys-  
23 tems required under section 223(a)(15) to review the  
24 adequacy of such systems.”

25          (c) Section 204(e) of the Juvenile Justice and Delin-  
26 quency Prevention Act of 1974 (42 U.S.C. 5614(e)) is

1 amended by striking out "subsection (1)" and inserting in  
2 lieu thereof "subsection (1)".

3 (d) Section 204(f) of the Juvenile Justice and Delin-  
4 quency Prevention Act of 1974 (42 U.S.C. 5614(f)) is  
5 amended—

6 (1) by striking out "him" and inserting in lieu  
7 thereof "the Administrator", and

8 (2) by striking out "him" and inserting in lieu  
9 thereof "the Administrator".

10 (e) Section 204(g) of the Juvenile Justice and Delin-  
11 quency Prevention Act of 1974 (42 U.S.C. 5614(g)) is  
12 amended by striking out "his functions" and inserting in  
13 lieu thereof "the functions of the Administrator".

14 (f) Section 204(i) of the Juvenile Justice and Delin-  
15 quency Prevention Act of 1974 (42 U.S.C. 5614(i)) is  
16 amended—

17 (1) by striking out "title" and inserting in lieu  
18 thereof "section", and

19 (2) by striking out "him" and inserting in lieu  
20 thereof "the Administrator".

21 (g) Section 204(l) of the Juvenile Justice and Delin-  
22 quency Prevention Act of 1974 (42 U.S.C. 5614(l)) is  
23 amended—

24 (1) in paragraph (1)—

1 (A) by striking out "section 204(d)(1)" and  
2 inserting in lieu thereof "subsection (d)(1)", and

3 (B) by striking out "section 204(f)" and in-  
4 serting in lieu thereof "subsection (f)",

5 (2) in paragraph (2)—

6 (A) by striking out "subsection (l)" and in-  
7 serting in lieu thereof "paragraph (1)", and

8 (B) by striking out "section 204(e)" each  
9 place it appears and inserting in lieu thereof  
10 "subsection (e)", and

11 (A) by striking out "him" and inserting in  
12 lieu thereof "the Administrator", and

13 (B) by striking out "subsection (l)" and in-  
14 serting in lieu thereof "paragraph (1)".

15 **COORDINATING COUNCIL ON JUVENILE JUSTICE AND**

16 **DELINQUENCY PREVENTION**

17 **SEC. 623. (a) Section 206(a)(1) of the Juvenile Justice**  
18 **and Delinquency Prevention Act of 1974 (42 U.S.C.**  
19 **5616(a)(1)) is amended—**

20 (1) by striking out "Community Services Admin-  
21 istration" and inserting in lieu thereof "Office of Com-  
22 munity Services",

23 (2) by striking out "Director of the Office of Jus-  
24 tice Assistance, Research, and Statistics," and insert-  
25 ing in lieu thereof "Assistant Attorney General who  
26 heads the Office of Justice Assistance," and



1 *by inserting after the heading for subpart I of part B of title*  
2 *II the following new heading for section 221:*

3 ***“AUTHORITY TO MAKE GRANTS”.***

4 *(b) Section 222(b) of the Juvenile Justice and Delin-*  
5 *quency Prevention Act of 1974 (42 U.S.C. 5632(b)) is*  
6 *amended—*

7 *(1) by striking out “and the Trust Territory” and*  
8 *inserting in lieu thereof “the Trust Territory”, and*

9 *(2) by inserting “, and the Commonwealth of the*  
10 *Northern Mariana Islands” after “Pacific Islands”.*

11 ***STATE PLANS***

12 ***SEC. 626. (a) Section 223(a) of the Juvenile Justice***  
13 ***and Delinquency Prevention Act of 1974 (42 U.S.C. 5633***  
14 ***(a)) is amended—***

15 *(1) by amending paragraph (1) to read as follows:*

16 *“(1) designate the State agency described in sec-*  
17 *tion 261(c)(1) as the sole agency for supervising the*  
18 *preparation and administration of the plan;”*,

19 *(2) in paragraph (2) by striking out “(hereafter*  
20 *referred to in this part as the ‘State criminal justice*  
21 *council)’”*,

22 *(3) in paragraph (3)—*

23 *(A) by amending subparagraph (C) to read*  
24 *as follows: “(C) which shall include (i) represent-*  
25 *atives of private organizations, including those*  
26 *with a special focus on maintaining and strength-*



1        *ening the family unit, those representing parents*  
2        *or parent groups, those concerned with delinquen-*  
3        *cy prevention and treatment and with neglected or*  
4        *dependent children, and those concerned with the*  
5        *quality of juvenile justice, education, or social*  
6        *services for children; (ii) representatives of organi-*  
7        *zations which utilize volunteers to work with de-*  
8        *linquents or potential delinquents; (iii) representa-*  
9        *tives of community based delinquency prevention*  
10       *or treatment programs; (iv) representatives of*  
11       *business groups or businesses employing youth;*  
12       *(v) youth workers involved with alternative youth*  
13       *programs; and (vi) persons with special experience*  
14       *and competence in addressing the problems of the*  
15       *family, school violence and vandalism, and learn-*  
16       *ing disabilities," and*

17                *(B) in subparagraph (F)—*

18                    *(i) by striking out "State criminal jus-*  
19                    *tice council" each place it appears and in-*  
20                    *serting in lieu thereof "State agency desig-*  
21                    *nated under paragraph (1)",*

22                    *(ii) in clause (ii) by striking out "para-*  
23                    *graph (12)(A) and paragraph (13)" and in-*  
24                    *serting in lieu thereof "paragraphs (12),*  
25                    *(13), and (14)", and*

1 (iii) in clause (iv)—

2 (I) by striking out “paragraph  
3 (12)(A) and paragraph (13)” and in-  
4 serting in lieu thereof “paragraphs (12),  
5 (13), and (14)”, and

6 (II) by striking out “in advising  
7 on the State’s maintenance of effort  
8 under section 1002 of the Omnibus  
9 Crime Control and Safe Streets act of  
10 1968, as amended,”

11 (4) in paragraph (9) by inserting “special educa-  
12 tion,” after “education,”

13 (5) In paragraph (10)—

14 (A) in the matter preceding subparagraph  
15 (A)—

16 (i) by striking out “programs for juve-  
17 niles” and inserting in lieu thereof “pro-  
18 grams for juveniles, including those proc-  
19 essed in the criminal justice system,” and

20 (ii) by striking out “and provide for ef-  
21 fective rehabilitation” and inserting in lieu  
22 thereof “provide for effective rehabilitation,  
23 and facilitate the coordination of services be-  
24 tween the juvenile justice and criminal jus-  
25 tice systems”,

1           (B) in subparagraph (E) by inserting “, in-  
2           cluding programs to counsel delinquent youth and  
3           other youth regarding the opportunities which  
4           education provides” before the semicolon at the  
5           end thereof,

6           (C) in subparagraph (F) by inserting “and  
7           their families” before the semicolon at the end  
8           thereof,

9           (D) in subparagraph (H)—

10           (i) by amending clause (iii) to read as  
11           follows:

12           “(iii) establish and adopt, based on the  
13           recommendations of the National Advisory  
14           Committee for Juvenile Justice and Delin-  
15           quency Prevention made before the date of  
16           the enactment of the Juvenile Justice, Run-  
17           away Youth, and Missing Children’s Act  
18           Amendments of 1984, standards for the im-  
19           provement of juvenile justice within the  
20           State;”.

21           (ii) in clause (iv) by inserting “or” at  
22           the end thereof, and

23           (iii) by adding at the end thereof the  
24           following new clause:

1                   “(v) involve parents and other family  
2                   members in addressing the delinquency-relat-  
3                   ed problems of juveniles;”,

4                   (E) in subparagraph (I) by striking out  
5                   “and” at the end thereof,

6                   (F) in subparagraph (J) by striking out “ju-  
7                   venile gangs and their members” and inserting in  
8                   lieu thereof “gangs whose membership is substan-  
9                   tially composed of juveniles”, and

10                  (G) by adding at the end thereof the follow-  
11                  ing new subparagraphs:

12                  “(K) programs and projects designed to pro-  
13                  vide for the treatment of juveniles’ dependence on  
14                  or abuse of alcohol or other addictive or nonaddic-  
15                  tive drugs; and

16                  “(L) law-related education programs and  
17                  projects designed to prevent juvenile delinquen-  
18                  cy;”,

19                  (6) by amending paragraph (14) to read as fol-  
20                  lows:

21                  “(14) provide that, beginning after the five-year  
22                  period following December 8, 1980, no juvenile shall  
23                  be detained or confined in any jail or lockup for  
24                  adults, except that the Administrator shall, through  
25                  1989, promulgate regulations which make exceptions

1       *with regard to the detention of juveniles accused of*  
2       *nonstatus offenses who are awaiting an initial court*  
3       *appearance pursuant to an enforceable State law re-*  
4       *quiring such appearances within 24 hours after being*  
5       *taken into custody (excluding weekends and holidays)*  
6       *provided that such exceptions are limited to areas*  
7       *which—*

8               *“(i) are outside a Standard Metropolitan*  
9               *Statistical Area,*

10              *“(ii) have no existing acceptable alternative*  
11              *placement available, and*

12              *“(iii) are in compliance with the provisions*  
13              *of paragraph (13).”,*

14              *(7) in paragraph (18)—*

15              *(A) by striking out “arrangements are*  
16              *made” and inserting in lieu thereof “arrange-*  
17              *ments shall be made”,*

18              *(B) by striking out “Act. Such” and insert-*  
19              *ing in lieu thereof “Act and shall provide for the*  
20              *terms and conditions of such protective arrange-*  
21              *ments established pursuant to this section, and*  
22              *such”,*

23              *(C) in subparagraph (D) by inserting “and”*  
24              *at the end thereof,*

1           (D) in subparagraph (E) by striking out the  
2           period at the end thereof and inserting in lieu  
3           thereof a semicolon, and

4           (E) by striking out the last sentence of such  
5           paragraph,

6           (8) in paragraph (21) by striking out "State  
7           Criminal justice council" and inserting in lieu thereof  
8           "State agency designated under paragraph (1)",

9           (9) in the matter following paragraph (22) by  
10          striking out the first sentence,

11          (10) by striking out the last sentence thereof,

12          (11) by redesignating paragraphs (17), (18), (19),  
13          (20), (21), and (22) as paragraphs (18), (19), (20),  
14          (21), (22), and (23), respectively, and

15          (12) by inserting after paragraph (16) the follow-  
16          ing new paragraph:

17                “(17) provide assurance that consideration will be  
18                given to and that assistance will be available for ap-  
19                proaches designed to strengthen and maintain the  
20                family units of delinquent and other youth to prevent  
21                juvenile delinquency. Such approaches should include  
22                the involvement of grandparents or other extended  
23                family members when possible and appropriate;”

1       **(b) Section 223(b) of the Juvenile Justice and Delin-**  
 2 **quency Prevention Act of 1974 (42 U.S.C. 5633(b)) is**  
 3 **amended—**

4           **(1) by striking out “State criminal justice council**  
 5 **designated pursuant to section 223(a)” and inserting**  
 6 **in lieu thereof “State agency designated under subsec-**  
 7 **tion (a)(1)”, and**

8           **(2) by striking out “section 223(a)” and inserting**  
 9 **in lieu thereof “subsection (a)”.**

10       **(c) The last sentence of section 223(c) of the Juvenile**  
 11 **Justice and Delinquency Prevention Act of 1974 (42 U.S.C.**  
 12 **5633(c)) is amended by striking out “not to exceed 2 addi-**  
 13 **tional years” and inserting in lieu thereof “not to exceed 3**  
 14 **additional years.”.**

15       **(d) Section 223(d) of the Juvenile Justice and Delin-**  
 16 **quency Prevention Act of 1974 (42 U.S.C. 5633(d)) is**  
 17 **amended by striking out “sections 803, 804, and 805” and**  
 18 **inserting in lieu thereof “sections 802, 803, and 804”.**

19                                   **GRANTS AND CONTRACTS**

20       **“SEC. 627. Section 224 of the Juvenile Justice and**  
 21 **Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is**  
 22 **amended to read as follows:**

23                                   **“AUTHORITY TO MAKE GRANTS AND CONTRACTS**

24       **“SEC. 224. (a) From not less than 15 percent, but not**  
 25 **more than 25 percent, of the funds appropriated for a fiscal**  
 26 **year to carry out this part, the Administrator shall, by**

1 *making grants to an entering into contracts with public and*  
2 *private nonprofit agencies, organizations, institutions, or in-*  
3 *dividuals provide for each of the following during each fiscal*  
4 *year:*

5           “(1) *developing and maintaining community-*  
6 *based alternatives to traditional forms of institutional-*  
7 *ization of juvenile offenders;*

8           “(2) *developing and implementing effective means*  
9 *of diverting juveniles from the traditional juvenile jus-*  
10 *tice and correctional system, including restitution and*  
11 *reconciliation projects which test and validate selected*  
12 *arbitration models, such as neighborhood courts or*  
13 *panels, and increase victim satisfaction while provid-*  
14 *ing alternatives to incarceration for detained or adjudi-*  
15 *cated delinquents;*

16           “(3) *developing and supporting programs stressing*  
17 *advocacy activities aimed at improving services to*  
18 *youth impacted by the juvenile justice system, includ-*  
19 *ing services which encourage the improvement of due*  
20 *process available to juveniles in the juvenile justice*  
21 *system;*

22           “(4) *developing model programs to strengthen and*  
23 *maintain the family unit in order to prevent or treat*  
24 *juvenile delinquency;*



1           “(5) developing and implementing special empha-  
2           sis prevention and treatment programs relating to juve-  
3           niles who commit serious crimes (including such  
4           crimes committed in schools), including programs de-  
5           signed to deter involvement in illegal activities or to  
6           promote involvement in lawful activities on the part of  
7           gangs whose membership is substantially composed of  
8           juveniles; and

9           “(6) developing and implementing further a co-  
10          ordinated, national law-related education program of  
11          delinquency prevention, including training programs  
12          for persons responsible for the implementation of law-  
13          related education programs in elementary and second-  
14          ary schools.

15          “(b) From any special emphasis funds remaining avail-  
16          able after grants and contracts are made under subsection  
17          (a), but not to exceed 10 percent of the funds appropriated for  
18          a fiscal year to carry out this part, the Administrator is au-  
19          thorized, by making grants to and entering into contracts  
20          with public and private nonprofit agencies, organizations, in-  
21          stitutions, or individuals, to develop and implement new ap-  
22          proaches, techniques, and methods designed to—

23                 “(1) improve the capability of public and private  
24                 agencies and organizations to provide services for de-

1        *linquents and other youth to help prevent juvenile de-*  
2        *linquency;*

3                *“(2) develop and implement, in coordination with*  
4        *the Secretary of Education, model programs and meth-*  
5        *ods to keep students in elementary and secondary*  
6        *schools, to prevent unwarranted and arbitrary suspen-*  
7        *sions and expulsions, and to encourage new approaches*  
8        *and techniques with respect to the prevention of school*  
9        *violence and vandalism;*

10               *“(3) develop, implement, and support, in conjunc-*  
11        *tion with the Secretary of Labor, other public and pri-*  
12        *vate agencies and organizations and business and in-*  
13        *dustry programs for youth employment;*

14               *“(4) develop and support programs designed to en-*  
15        *courage and enable State legislatures to consider and*  
16        *further the purposes of this title, both by amending*  
17        *State laws if necessary, and devoting greater resources*  
18        *to those purposes;*

19               *“(5) develop and implement programs relating to*  
20        *juvenile delinquency and learning disabilities, includ-*  
21        *ing on-the-job training programs to assist law enforce-*  
22        *ment personnel and juvenile justice personnel to more*  
23        *effectively recognize and provide for learning disabled*  
24        *and other handicapped juveniles;*

1           “(6) develop statewide programs through the use  
2 of subsidies or other financial incentives designed to—

3                   “(A) remove juveniles from jails and lockups  
4 for adults;

5                   “(B) replicate juvenile programs designated  
6 as exemplary by the National Institute of Justice;  
7 or

8                   “(C) establish and adopt, based upon the rec-  
9 ommendations of the National Advisory Commit-  
10 tee for Juvenile Justice and Delinquency Preven-  
11 tion made before the date of the enactment of the  
12 Juvenile Justice, Runaway Youth, and Missing  
13 Children’s Act Amendments of 1984, standards  
14 for the improvement of juvenile justice within  
15 each State involved;

16           “(7) develop and implement model programs, re-  
17 lating to the special education needs of delinquent and  
18 other youth, which develop locally coordinated policies  
19 and programs among education, juvenile justice, and  
20 social service agencies.

21           “(c) Not less than 30 percent of the funds available for  
22 grants and contracts under this section shall be available for  
23 grants to and contracts with private nonprofit agencies, orga-  
24 nizations, or institutions which have had experience in deal-  
25 ing with youth.

1       “(d) Assistance provided under this section shall be  
2 available on an equitable basis to deal with female, minority,  
3 and disadvantaged youth, including mentally, emotionally,  
4 or physically handicapped youth.

5       “(e) Not less than 5 percent of the funds available for  
6 grants and contracts under this section shall be available for  
7 grants and contracts designed to address the special needs  
8 and problems of juvenile delinquency in the Virgin Islands,  
9 Guam, American Samoa, the Trust Territory of the Pacific  
10 Islands, and the Commonwealth of the Northern Mariana  
11 Islands.”.

12       SEC. 628. (a) Section 225(b) of the Juvenile Justice  
13 and Delinquency Prevention Act of 1974 (42 U.S.C.  
14 5635(b)) is amended—

15               (1) in paragraph (2) by inserting “(such purpose  
16 or purposes shall be specifically identified in such ap-  
17 plication)” before the semicolon,

18               (2) in paragraph (5) by striking out “, when ap-  
19 propriate,” and inserting in lieu thereof “(if such State  
20 or local agency exists)”,

21               (3) in paragraph (6) by striking out “, when ap-  
22 propriate”, and

23               (4) in paragraph (8) by striking out “indicate”  
24 and inserting in lieu thereof “attach a copy of”.

1       ***(b) Section 225 (c) of the Juvenile Justice and Delin-***  
2 ***quency Prevention Act of 1974 (42 U.S.C. 5635(c)) is***  
3 ***amended—***

4           ***(1) by inserting “and for contracts” after “for***  
5 ***grants”,***

6           ***(2) in paragraph (4) by striking out “delinquents***  
7 ***and other youth to help prevent delinquency” and in-***  
8 ***serting in lieu thereof “address juvenile delinquency***  
9 ***and juvenile delinquency prevention”,***

10          ***(3) in paragraph (5) by inserting “and” at the***  
11 ***end thereof,***

12          ***(4) by striking out paragraph (6), and***

13          ***(5) by redesignating paragraph (7) as para\_ graph***  
14 ***(6).***

15       ***(c) Section 225 of the Juvenile Justice and Delinquency***  
16 ***Prevention Act of 1974 (42 U.S.C. 5635) is amended—***

17           ***(1) by redesignating subsection (d) as subsection***  
18 ***(e), and***

19           ***(2) inserting after subsection (c) the following new***  
20 ***subsection:***

21           ***“(d)(1)(A) Except as provided in subparagraph (B)***  
22 ***new programs selected after the effective date of the Juvenile***  
23 ***Justice, Runaway Youth, and Missing Children’s Act***  
24 ***Amendments of 1984 for assistance through grants or con-***  
25 ***tracts under section 224 or part C of this title shall be select-***

1 *ed through a competitive process to be established by rule by*  
2 *the Administrator. As part of such process, the Administrator*  
3 *shall announce in the Federal Register the availability of*  
4 *funds for such assistance, the general criteria applicable to*  
5 *the selection of applicants to receive such assistance, and a*  
6 *description of the procedures applicable to submitting and re-*  
7 *viewing applications for such assistance.*

8       “(B) *The competitive process described in subparagraph*  
9 *(A) shall not be required if—*

10               “(i) *the Administrator has made a written deter-*  
11 *mination that the proposed program is not within the*  
12 *scope of any program announcement or any announce-*  
13 *ment expected to be issued, but can otherwise be sup-*  
14 *ported by a grant or contract in accordance with sec-*  
15 *tion 224 or part C of this title, and if the proposed*  
16 *program is of such outstanding merit, as determined*  
17 *through peer review conducted under paragraph (2),*  
18 *that the award of a grant or contract without competi-*  
19 *tion is justified; or*

20               “(ii) *the Administrator makes a written determina-*  
21 *tion, which shall include the factual and other bases*  
22 *thereof, that the applicant is uniquely qualified to pro-*  
23 *vide proposed training services as provided in section*  
24 *244, and other qualified sources are not capable of car-*  
25 *rying out the proposed program.*

1       “(C) In each case where a program is selected for assist-  
2       ance without competition pursuant to the exception provided  
3       in subparagraph (B), the Administrator shall promptly so  
4       notify the chairman of the Committee on Education and  
5       Labor of the House of Representatives and the chairman of  
6       the Committee on the Judiciary of the Senate. Such notifica-  
7       tion shall include copies of the Administrator’s determination  
8       under clause (i) or clause (ii) of such subparagraph and the  
9       peer review determination required under paragraph (2).

10       “(2) New programs selected after the effective date of the  
11       Juvenile Justice, Runaway Youth, and Missing Children’s  
12       Act Amendments of 1984 for assistance through grants or  
13       contracts under section 224 shall be reviewed before selection  
14       and thereafter as appropriate through a formal peer review  
15       process utilizing experts (other than officers and employees of  
16       the Department of Justice) in fields related to the subject  
17       matter of the proposed program. Such process shall be estab-  
18       lished by the Administrator in consultation with the Direc-  
19       tors and other appropriate officials of the National Science  
20       Foundation and the National Institute of Mental Health.  
21       Before implementation, the Administrator shall submit such  
22       process to such Directors, each of whom shall prepare and  
23       furnish to the chairman of the Committee on Education and  
24       Labor of the House of Representatives and the chairman of  
25       the Committee on the Judiciary of the Senate a final report

1 containing their comments on such process as proposed to be  
2 established.

3       “(3) The Administrator, in establishing the processes re-  
4 quired under paragraphs (1) and (2), shall provide for emer-  
5 gency expedited consideration of program proposals when  
6 necessary to avoid any delay which would preclude carrying  
7 out the program.”.

8       (d) Section 225 of the Juvenile Justice and Delinquen-  
9 cy Prevention Act of 1974 (42 U.S.C. 5035) is amended by  
10 adding at the end thereof the following new subsection:

11       “(f) Notification of grants and contracts made under  
12 section 224 (and the applications submitted for such grants  
13 and contracts) shall, upon being made, be transmitted by the  
14 Administrator, to the chairman of the Committee on Educa-  
15 tion and Labor of the House of Representatives and the  
16 chairman of the Committee on the Judiciary of the Senate.”.

17

#### USE OF FUNDS

18       SEC. 629. Section 227(c) of the Juvenile Justice and  
19 Delinquency Prevention Act of 1974 (42 U.S.C. 5637(c)) is  
20 amended by striking out “section 224(a)(7)” each place it  
21 appears and inserting in lieu thereof “section 224(a)(3)”.

22

#### PAYMENTS

23       SEC. 630. (a) Section 228(a) of the Juvenile Justice  
24 and Delinquency Prevention Act of 1974 (42 U.S.C.  
25 5638(a)) is amended by striking out “he” and inserting in  
26 lieu thereof “the Administrator”.



1       (b) Section 228(d) of the Juvenile Justice and Delin-  
2 quency Prevention Act of 1974 (42 U.S.C. 5638(d)) is  
3 amended by striking out "he" and inserting in lieu thereof  
4 "the Administrator".

5       (c) Section 228(e) of the Juvenile Justice and Delin-  
6 quency Prevention Act of 1974 (42 U.S.C. 5638(e)) is  
7 amended—

8           (1) by striking out "him" and inserting in lieu  
9 thereof "the Administrator",

10          (2) by striking out "section 803" and inserting in  
11 lieu thereof "section 802", and

12          (3) by striking out "section 224(a)(5)" and in-  
13 serting in lieu thereof "section 224(b)(6)".

14       **NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND**  
15               **DELINQUENCY PREVENTION**

16       **SEC. 631. (a) The Juvenile Justice and Delinquency**  
17 **Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended**  
18 **by inserting after the heading for part C of title II the follow-**  
19 **ing new heading for section 241:**

20           **"ESTABLISHMENT OF NATIONAL INSTITUTE FOR**  
21 **JUVENILE JUSTICE AND DELINQUENCY PREVENTION"**.

22       (b) Section 241(b) of the Juvenile Justice and Delin-  
23 quency Prevention Act of 1974 (42 U.S.C. 5651(b)) is  
24 amended by striking out "section 201(f)" and inserting in  
25 lieu thereof "section 201(c)".

1       (c) Section 241(d) of the Juvenile Justice and Delin-  
2 quency Prevention Act of 1974 (42 U.S.C. 5651(d)) is  
3 amended to read as follows:

4       “(d) It shall be the purpose of the Institute to provide—

5               “(1) a coordinating center for the collection, prep-  
6 aration, and dissemination of useful data regarding the  
7 prevention, treatment, and control of juvenile delin-  
8 quency; and

9               “(2) appropriate training (including training de-  
10 signed to strengthen and maintain the family unit) for  
11 representatives of Federal, State, local law enforcement  
12 officers, teachers and special education personnel,  
13 family counselors, child welfare workers, juvenile  
14 judges and judicial personnel, probation personnel, cor-  
15 rectional personnel (including volunteer lay personnel),  
16 persons associated with law-related education, youth  
17 workers, and representatives of private agencies and or-  
18 ganizations with specific experience in the prevention,  
19 treatment, and control of juvenile delinquency.”

20       (d) Section 241 of the Juvenile Justice and Delinquen-  
21 cy Prevention Act of 1974 (42 U.S.C. 5651) is amended—

22               (1) by redesignating subsection (f) as subsection  
23 (g),

24               (2) by inserting after subsection (e) the following  
25 new subsection:

1       “(f) *The Administrator, acting through the Institute,*  
2 *shall provide, not less frequently than once every 2 years, for*  
3 *a national conference of member representatives from State*  
4 *advisory groups for the purpose of—*

5               “(1) *disseminating information, data, standards,*  
6 *advanced techniques, and program models developed*  
7 *through the Institute and through programs funded*  
8 *under section 224;*

9               “(2) *reviewing Federal policies regarding juvenile*  
10 *justice and delinquency prevention;*

11              “(3) *advising the Administrator with respect to*  
12 *particular functions or aspects of the work of the*  
13 *Office; and*

14              “(4) *advising the President and Congress with*  
15 *regard to State perspectives on the operation of the*  
16 *Office and Federal legislation pertaining to juvenile*  
17 *justice and delinquency prevention.”, and*

18              (3) *by adding at the end thereof the following new*  
19 *subsection:*

20              “(h) *The authorities of the Institute under this part*  
21 *shall be subject to the terms and conditions of section*  
22 *225(d).”.*



1        *roles of familial relationships, special education,*  
 2        *remedial education, and recreation, and the extent*  
 3        *to which youth in the juvenile system are treated*  
 4        *differently on the basis of sex, race, or family*  
 5        *income and the ramifications of such treatment;*

6                *“(C) examinations of the treatment of juve-*  
 7        *niles processed in the criminal justice system; and*

8                *“(D) recommendations as to effective means*  
 9        *for deterring involvement in illegal activities or*  
 10        *promoting involvement in lawful activities on the*  
 11        *part of gangs whose membership is substantially*  
 12        *composed of juveniles.”, and*

13                                **TRAINING FUNCTIONS**

14        *SEC. 633. Section 244 of the Juvenile Justice and De-*  
 15        *linquency Prevention Act of 1974 (42 U.S.C. 5654) is*  
 16        *amended—*

17                *(1) in paragraph (1)—*

18                        *(A) by striking out “or who are” and inserting*  
 19        *in lieu thereof “working with or”, and*

20                        *(B) by striking out “and juvenile offenders”*  
 21        *and inserting in lieu thereof “, juvenile offenders,*  
 22        *and their families”,*

23                *(2) in paragraph (2) by striking out “workshop”*  
 24        *and inserting in lieu thereof “workshops”, and*

25                *(3) in paragraph (3) by striking out “teachers”*  
 26        *and all that follows through the end thereof and insert-*  
 27        *ing in lieu thereof the following: “teachers and special*

1        *education personnel, family counselors, child welfare*  
2        *workers, juvenile judges and judicial personnel, proba-*  
3        *tion personnel (including volunteer lay personnel), per-*  
4        *sons associated with law-related education, youth work-*  
5        *ers, and organizations with specific experience in the*  
6        *prevention and treatment of juvenile delinquency;*  
7        *and”.*

8

**REPEALER**

9        *SEC. 634. Section 245 of the Juvenile Justice and De-*  
10       *linquency Prevention Act of 1974 (42 U.S.C. 5655) is re-*  
11       *pealed.*

12

**ANNUAL REPORT**

13       *SEC. 635. Section 246 of the Juvenile Justice and De-*  
14       *linquency Prevention Act of 1974 (42 U.S.C. 5656) is*  
15       *amended by striking out “Sec. 246.” and inserting in lieu*  
16       *thereof “Sec. 245.”.*

17

**DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE**

18

19       *SEC. 636. Section 247 of the Juvenile Justice and De-*  
20       *linquency Act of 1974 (42 U.S.C. 5657) is amended to read*  
21       *as follows:*

22

**“ADDITIONAL FUNCTIONS OF THE INSTITUTE**

23

24       *“SEC. 246. (a) The National Institute for Juvenile*  
25       *Justice and Delinquency Prevention shall review existing re-*  
       *ports, data, and standards, relating to the juvenile justice*  
       *system in the United States.*

1       “(b) *The National Institute for Juvenile Justice and*  
2 *Delinquency Prevention is authorized to develop and support*  
3 *model State legislation consistent with the mandates of this*  
4 *title and the standards developed by National Advisory Com-*  
5 *mittee for Juvenile Justice and Delinquency Prevention*  
6 *before the date of the enactment of the Juvenile Justice, Run-*  
7 *away Youth, and Missing Children’s Act Amendments of*  
8 *1984.”*

9                   **ESTABLISHMENT OF TRAINING PROGRAM**

10       **SEC. 637. (a)** *Section 248(b) of the Juvenile Justice*  
11 *and Delinquency Prevention Act of 1974 (42 U.S.C.*  
12 *5659(b)) is amended to read as follows:*

13       “(b) *Enrollees in the training program established*  
14 *under this section shall be drawn from law enforcement and*  
15 *correctional personnel (including volunteer lay personnel),*  
16 *teachers and special education personnel, family counselors,*  
17 *child welfare workers, juvenile judges and judicial personnel,*  
18 *persons associated with law-related education, youth workers,*  
19 *and representatives of private agencies and organizations*  
20 *with specific experience in the prevention and treatment of*  
21 *juvenile delinquency.”*

22       (b) *Section 248 of the Juvenile Justice and Delinquen-*  
23 *cy Act of 1974 (42 U.S.C. 5659) is amended by striking out*  
24 *“SEC. 248.” and inserting in lieu thereof “SEC. 247.”*

1

**TECHNICAL AMENDMENT**

2       *SEC. 638. Section 249 of the Juvenile Justice and De-*  
3 *linquency Prevention Act of 1974 (42 U.S.C. 5660) is*  
4 *amended by striking out "Sec. 249." and inserting in lieu*  
5 *thereof "Sec. 248."*

6

**TRAINING PROGRAM**

7       *SEC. 639. (a) The heading for section 250 of the Juve-*  
8 *nile Justice and Delinquency Prevention Act of 1974 (42*  
9 *U.S.C. 5661) is amended to read as follows:*

10       *"PARTICIPATION IN TRAINING PROGRAM AND STATE*  
11               *ADVISORY GROUP CONFERENCES"*.

12       *(b) Section 250(c) of the Juvenile Justice and Delin-*  
13 *quency Prevention Act of 1974 (42 U.S.C. 5661(c)) is*  
14 *amended to read as follows:*

15       *"(c) While participating as a trainee in the program*  
16 *established under section 246 or while participating in any*  
17 *conference held under section 241(f), and while traveling in*  
18 *connection with such participation, each person so participat-*  
19 *ing shall be allowed travel expenses, including a per diem*  
20 *allowance in lieu of subsistence, in the same manner as per-*  
21 *sons employed intermittently in Government service are al-*  
22 *lowed travel expenses under section 5703 of title 5, United*  
23 *States Code. No consultation fee may be paid to such person*  
24 *for such participation."*

25       *(c) Section 250 of the Juvenile Justice and Delinquency*  
26 *Prevention Act of 1974 (42 U.S.C. 5661) is amended by*



1 *striking out "SEC. 250." and inserting in lieu thereof "SEC.*  
2 *249."*

3 *AUTHORIZATION OF APPROPRIATIONS*

4 *"SEC. 640. (a) Section 261 of the Juvenile Justice and*  
5 *Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is*  
6 *amended to read as follows:*

7 *"AUTHORIZATION OF APPROPRIATIONS*

8 *"SEC. 261. (a) To carry out the purposes of this title*  
9 *there is authorized to be appropriated such sums as may be*  
10 *necessary for fiscal years 1985, 1986, 1987, and 1988.*  
11 *Funds appropriated for any fiscal year may remain avail-*  
12 *able for obligation until expended.*

13 *"(b) Of such sums as are appropriated to carry*  
14 *out the purposes of this title—*

15 *"(1) not to exceed 7.5 percent shall be available to*  
16 *carry out part A;*

17 *"(2) not less than 31.5 percent shall be available*  
18 *to carry out part B; and*

19 *"(3) 11 percent shall be available to carry out*  
20 *part C.*

21 *"(c) Notwithstanding any other provision of law, the*  
22 *Administrator shall—*

23 *"(1) establish appropriate administrative and su-*  
24 *pervisory board membership requirements for a State*  
25 *agency responsible for supervising the preparation and*  
26 *administration of the State plan submitted under sec-*

1        *tion 223 and permit the State advisory group appoint-*  
2        *ed under section 223(a)(3) to operate as the superviso-*  
3        *ry board for such agency, at the discretion of the Gov-*  
4        *ernor; and*

5                *“(2) approve any appropriate State agency desig-*  
6        *nated by the Governor of the State involved in accord-*  
7        *ance with paragraph (1).”.*

8                *“(d) No funds appropriated to carry out the pur-*  
9        *poses of this title may be used for any bio-medical or*  
10        *behavior control experimentation on individuals or any*  
11        *research involving such experimentation. For the pur-*  
12        *pose of this subsection, the term ‘behavior control’*  
13        *refers to experimentation or research employing meth-*  
14        *ods which involve a substantial risk of physical or psy-*  
15        *chological harm to the individual subject and which are*  
16        *intended to modify or alter criminal and other anti-*  
17        *social behavior, including aversive conditioning ther-*  
18        *apy, drug therapy or chemotherapy (except as part of*  
19        *routine clinical care), physical therapy of mental disor-*  
20        *ders, electroconvulsive therapy, or physical punish-*  
21        *ment. The term does not apply to a limited class of*  
22        *programs generally recognized as involving no such*  
23        *risk, including methadone maintenance and certain al-*  
24        *cohol treatment programs, psychological counseling,*  
25        *parent training, behavior contracting, survival skills*

1       *training, restitution, or community service, if safe-*  
2       *guards are established for the informed consent of sub-*  
3       *jects (including parents or guardians of minors).”.*

4       **APPLICATION OF OTHER ADMINISTRATIVE AUTHORITY**

5       “*SEC. 641. Section 262 of the Juvenile Justice and*  
6       *Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is*  
7       *amended to read as follows:*

8                       **“ADMINISTRATIVE AUTHORITY**

9       “*SEC. 262. (a) The Office shall be administered by the*  
10       *Administrator under the general authority of the Attorney*  
11       *General.*

12       “*(b) Sections 809(c), 811(a), 811(b), 811(b), 811(c),*  
13       *811(a), 812(b), and 812(d) of the Omnibus Crime Control*  
14       *and Safe Streets Act of 1968, as so designated by the oper-*  
15       *ation of the amendments made by the Justice Assistance Act*  
16       *of 1984, shall apply with respect to the administration of and*  
17       *compliance with this Act, except that for purposes of this*  
18       *Act—*

19                       “*(1) any reference to the Office of Justice Assist-*  
20       *ance in such sections shall be deemed to be a reference*  
21       *to the Assistant Attorney General who heads the Office*  
22       *of Justice Assistance; and*

23                       “*(2) the term ‘this title’ as it appears in such sec-*  
24       *tions shall be deemed to be a reference to this Act.*

25       “*(c) Sections 801(a), 801(c), and 806 of the Omnibus*  
26       *Crime Control and Safe Streets Act of 1968, as so designat-*

1 *ed by the operation of the amendments made by the Justice*  
2 *Assistance Act of 1984, shall apply with respect to the ad-*  
3 *ministration of and compliance with this Act, except that for*  
4 *purposes of this Act—*

5           “(1) *any reference to the Attorney General, the*  
6 *Assistant Attorney General who heads the Office of*  
7 *Justice Assistance, the Director of the National Insti-*  
8 *tute of Justice, the Director of the Bureau of Justice*  
9 *Statistics, or the Director of the Bureau of Justice*  
10 *Programs shall be deemed to be a reference to the Ad-*  
11 *ministrator;*

12           “(2) *any reference to the Office of Justice Assist-*  
13 *ance, the Bureau of Justice Programs, the National*  
14 *Institute of Justice, or the Bureau of Justice Statistics*  
15 *shall be deemed to be a reference to the Office of Juve-*  
16 *nil Justice and Delinquency Prevention; and*

17           “(3) *the term ‘this title’ as it appears in such sec-*  
18 *tions shall be deemed to be a reference to this Act.*

19           “(d) *The Administrator is authorized, after appropriate*  
20 *consultation with representatives of States and units of local*  
21 *government, to establish such rules, regulations, and proce-*  
22 *dures as are necessary for the exercise of the functions of the*  
23 *Office and as are consistent with the purpose of this Act.”.*





1                   **ADDITIONAL ASSISTANCE**

2           **SEC. 655. *The Runaway and Homeless Youth Act (42***  
3 ***U.S.C. 5701 et seq.) is amended—***

4                   **(1) *by redesignating sections 315 and 316 as sec-***  
5 ***tions 317 and 318, respectively, and***

6                   **(2) *by inserting after section 314 the following***  
7 ***new sections:***

8                   **“ASSISTANCE TO POTENTIAL GRANTEES**

9                   **“SEC. 315. *The Secretary shall provide informational***  
10 ***assistance to potential grantees interested in establishing run-***  
11 ***away and homeless youth centers. Such assistance shall con-***  
12 ***sist of information on—***

13                   **“(1) *steps necessary to establish a runaway and***  
14 ***homeless youth center, including information on secur-***  
15 ***ing space for such center, obtaining insurance, staffing,***  
16 ***and establishing operating procedures;***

17                   **“(2) *securing local private or public financial***  
18 ***support for the operation of such center, including in-***  
19 ***formation on procedures utilized by grantees under this***  
20 ***title; and***

21                   **“(3) *the need for the establishment of additional***  
22 ***runaway youth centers in the geographical area identi-***  
23 ***fied by the potential grantee involved.***

1    **"LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS**  
2            **RUNAWAY AND HOMELESS YOUTH CENTERS**

3        **SEC. 316. (a) The Secretary may enter into cooperative**  
4 **lease arrangements with States, localities, and nonprofit pri-**  
5 **vate agencies to provide for the use of appropriate surplus**  
6 **Federal facilities transferred by the General Services Ad-**  
7 **ministration to the Department of Health and Human Serv-**  
8 **ices for use as runaway and homeless youth centers if the**  
9 **Secretary determines that—**

10            **"(1) the applicant involved has suitable financial**  
11 **support necessary to operate a runaway and homeless**  
12 **youth center;**

13            **"(2) the applicant is able to demonstrate the pro-**  
14 **gram expertise required to operate such center in com-**  
15 **pliance with this title, whether or not the applicant is**  
16 **receiving a grant under this part; and**

17            **"(3) the applicant has consulted with and ob-**  
18 **tained the approval of the chief executive officer of the**  
19 **unit of general local government in which the facility**  
20 **is located.**

21            **"(b)(1) Each facility made available under this section**  
22 **shall be made available for a period of not less than 2 years,**  
23 **and no rent or fee shall be charged to the applicant in connec-**  
24 **tion with use of such facility.**





1       “(c) No funds appropriated to carry out the purposes of  
2 this title—

3               “(1) may be used for any program or activity  
4 which is not specifically authorized by this title; or

5               “(2) may be combined with funds appropriated  
6 under any other Act if the purpose of combining such  
7 funds is to make a single discretionary grant or a  
8 single discretionary payment unless such funds are  
9 separately identified in all grants and contracts and  
10 are used for the purposes specified in this title.”

11       (e) Part D of the Runaway and Homeless Youth Act  
12 (42 U.S.C. 5751) is redesignated as part C.

13       (f) Section 341 of the Runaway and Homeless Youth  
14 Act (42 U.S.C. 5757) is redesignated as section 331.

15               *Subtitle D—Missing Children's Assistance*

16               *ASSISTANCE RELATING TO MISSING CHILDREN*

17               *SEC. 660. The Juvenile Justice and Delinquency Pre-*  
18 *vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by*  
19 *adding at the end thereof the following new title:*

20               “*TITLE IV—MISSING CHILDREN*

21                               “*SHORT TITLE*

22               “*SEC. 401. This title may be cited as the Missing Chil-*  
23 *dren's Assistance Act.*

24                               “*FINDINGS*

25               “*SEC. 402. The Congress hereby finds that—*

1           “(1) each year thousands of children are abducted  
2 or removed from the control of a parent having legal  
3 custody without such parent’s consent, under circum-  
4 stances which immediately place them in grave danger;

5           “(2) many of these children are never reunited  
6 with their families;

7           “(3) often there are no clues to the whereabouts of  
8 these children;

9           “(4) many missing children are at great risk of  
10 both physical harm and sexual exploitation;

11           “(5) in many cases, parents and local law en-  
12 forcement officials have neither the resources nor the  
13 expertise to mount expanded search efforts;

14           “(6) abducted children are frequently moved from  
15 one locality to another, requiring the cooperation and  
16 coordination of local, State, and Federal law enforce-  
17 ment efforts;

18           “(7) on frequent occasions, law enforcement au-  
19 thorities quickly exhaust all leads in missing children  
20 cases, and require assistance from distant communities  
21 where the child may be located; and

22           “(8) Federal assistance is urgently needed to co-  
23 ordinate and assist in this interstate problem.

24                           “DEFINITIONS

25           “SEC. 403. For the purpose of this title—

1           “(1) the term ‘missing child’ means any individ-  
2           ual less than 18 years of age whose whereabouts are  
3           unknown to such individual’s legal custodian if—

4                   “(A) the circumstances surrounding such in-  
5                   dividual’s disappearance indicate that such indi-  
6                   vidual may possibly have been removed by an-  
7                   other from the control of such individual’s legal  
8                   custodian without such custodian’s consent; or

9                   “(B) the circumstances of the case strongly  
10                  indicate that such individual is likely to be  
11                  abused or sexually exploited; and

12               “(2) the term ‘Administrator’ means the Adminis-  
13               trator of the Office of Juvenile Justice and Delinquen-  
14               cy Prevention.

15           **“DUTIES AND FUNCTIONS OF THE ADMINISTRATOR**

16           **“SEC. 404. (a) The Administrator shall—**

17                   “(1) issue such rules as the Administrator consid-  
18                   ers necessary or appropriate to carry out this title;

19                   “(2) make such arrangements as may be neces-  
20                   sary and appropriate to facilitate effective coordination  
21                   among all federally funded programs relating to miss-  
22                   ing children (including the preparation of an annual  
23                   comprehensive plan for facilitating such coordination);

24                   “(3) provide for the furnishing of information de-  
25                   rived from the national toll-free telephone line, estab-

1 *lished under subsection (b)(1), to appropriate law en-*  
2 *forcement entities;*

3 *“(4) provide adequate staff and agency resources*  
4 *which are necessary to properly carry out the responsi-*  
5 *bilities pursuant to this title;*

6 *“(5) analyze, compile, publish, and disseminate*  
7 *an annual summary of recently completed research, re-*  
8 *search being conducted, and Federal, State, and local*  
9 *demonstration projects relating to missing children*  
10 *with particular emphasis on—*

11 *“(A) effective models of local, State, and*  
12 *Federal coordination and cooperation in locating*  
13 *missing children;*

14 *“(B) effective programs designed to promote*  
15 *community awareness of the problem of missing*  
16 *children;*

17 *“(C) effective programs to prevent the abduc-*  
18 *tion and sexual exploitation of children (including*  
19 *parent, child, and community education); and*

20 *“(D) effective program models which provide*  
21 *treatment, counseling, or other aid to parents of*  
22 *missing children or to children who have been the*  
23 *victims of abduction or sexual exploitation; and*

24 *“(6) prepare, in conjunction with and with the*  
25 *final approval of the Advisory Board on Missing Chil-*

1        *dren, an annual comprehensive plan for facilitating co-*  
2        *operation and coordination among all agencies and or-*  
3        *ganizations with responsibilities related to missing*  
4        *children.*

5        *“(b) The Administrator, either by making grants to or*  
6        *entering into contracts with public agencies or nonprofit pri-*  
7        *vate agencies, shall—*

8                *“(1) establish and operate a national toll-free tele-*  
9                *phone line by which individuals may report informa-*  
10               *tion regarding the location of any missing child, or*  
11               *other child 13 years of age or younger whose where-*  
12               *abouts are unknown to such child’s legal custodian,*  
13               *and request information pertaining to procedures neces-*  
14               *sary to reunite such child with such child’s legal custo-*  
15               *dian;*

16               *“(2) establish and operate a national resource*  
17               *center and clearinghouse designed—*

18                        *“(A) to provide technical assistance to local*  
19                        *and State governments, public and private non-*  
20                        *profit agencies, and individuals in locating and*  
21                        *recovering missing children;*

22                        *“(B) to coordinate public and private pro-*  
23                        *grams which locate, recover, or reunite missing*  
24                        *children with their legal custodians;*



1           “(2) an individual whose official duty is to prosecute violations of the criminal law of a State;

2  
3           “(3) the chief executive officer of a unit of local government within a State;

4  
5           “(4) a statewide elected officer of a State;

6           “(5) the Director of the Federal Bureau of Investigation or the Director's designee from within the Federal Bureau of Investigation; and

7  
8  
9           “(6) 4 members of the public who have experience or expertise relating to missing children (including members representing parent groups).

10  
11  
12          “(b) The Attorney General shall make the initial appointments to the Advisory Board not later than 90 days after the effective date of this title. The Advisory Board shall meet periodically and at the call of the Attorney General, but not less than frequently than annually. The Chairman of the Advisory Board shall be designated by the Attorney General.

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14  
15  
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18          “(c) The Advisory Board shall—

19               “(1) advise the Administrator and the Attorney General in coordinating programs and activities relating to missing children which are planned, administered, or assisted by any Federal program;

20  
21  
22  
23               “(2) advise the Administrator with regard to the establishment of priorities for making grants or contracts under section 406; and





1           “(3) to aid communities in the collection of mate-  
2           rials which would be useful to parents in assisting  
3           other in the identification of missing children;

4           “(4) to increase knowledge of and develop effective  
5           treatment pertaining to the psychological consequences,  
6           on both parents and children, of—

7                   “(A) the abduction of a child, both during  
8                   the period of disappearance and after the child is  
9                   recovered; and

10                   “(B) the sexual exploitation of a missing  
11                   child;

12           “(5) to collect detailed data from selected States  
13           or localities on the actual investigative practices uti-  
14           lized by law enforcement agencies in missing children’s  
15           cases; and

16           “(6) to address the particular needs of missing  
17           children by minimizing the negative impact of judicial  
18           and law enforcement procedures on children who are  
19           victims of abuse or sexual exploitation and by promot-  
20           ing the active participation of children and their fami-  
21           lies in cases involving abuse or sexual exploitation of  
22           children.

23           “(b) In considering grant applications under this title,  
24           the Administrator shall give priority to applicants who—

1           “(1) have demonstrated or demonstrate ability  
2       in—

3           “(A) locating missing children or locating  
4       and reuniting missing children with their legal  
5       custodians;

6           “(B) providing other services to missing chil-  
7       dren or their families; or

8           “(C) conducting research relating to missing  
9       children; and

10          “(2) with respect to subparagraphs (A) and (B) of  
11       paragraph (1), substantially utilize volunteer assist-  
12       ance.

13       *The Administrator shall give first priority to applicants*  
14       *qualifying under subparagraphs (A) and (B) of paragraph*  
15       *(1).*

16          “(c) In order to receive assistance under this title for a  
17       fiscal year, applicants shall give assurance that they will  
18       expend, to the greatest extent practicable, for such fiscal year  
19       an amount of funds (without regard to any funds received  
20       under any Federal law) that is not less than the amount of  
21       funds they received in the preceding fiscal year from State,  
22       local, and private sources.

23                       “CRITERIA FOR GRANTS

24          “SEC. 407. *The Administrator, in consultation with the*  
25       *Advisory Board, shall establish annual research, demonstra-*  
26       *tion, and service program priorities for making grants and*

1 *contracts pursuant to section 406 and, not less than 60 days*  
2 *before establishing such priorities, shall publish in the Federal*  
3 *Register for public comment a statement of such proposed*  
4 *priorities.*

5 **“AUTHORIZATION OF APPROPRIATIONS**

6 **“SEC. 408. To carry out the provisions of this title,**  
7 **there are authorized to be appropriated \$10,000,000 for fiscal**  
8 **year 1985, and such sums as may be necessary for fiscal**  
9 **years 1986, 1987, and 1988.”**

10 **Subtitle E—Effective Dates**

11 **EFFECTIVE DATES**

12 **SEC. 670. (a) Except as provided in subsection (b), this**  
13 **title and the amendments made by this title shall take effect**  
14 **on the date of the enactment of this Act or October 1, 1984,**  
15 **whichever occurs later.**

16 **(b) Paragraph (2) of section 341(c) of the Runaway and**  
17 **Homeless Youth Act, as added by section 657 of this Act,**  
18 **shall not apply with respect to any grant or payment made**  
19 **before the effective date of this Act.**

20 **CHAPTER VII—SURPLUS FEDERAL PROPERTY**

21 **AMENDMENTS**

22 **SEC. 701. Section 203 of the Federal Property and Ad-**  
23 **ministrative Services Act of 1949 as amended (40 U.S.C.**  
24 **484), is further amended by adding at the end thereof the**  
25 **following new subsection:**

1       “(p)(1) Under such regulations as he may prescribe, the  
2 Administrator is authorized in his discretion to transfer or  
3 convey to the several States, the District of Columbia, the  
4 Commonwealth of Puerto Rico, Guam, American Samoa, the  
5 Virgin Islands, the Trust Territory of the Pacific Islands, the  
6 Commonwealth of the Northern Mariana Islands, or any po-  
7 litical subdivision or instrumentality thereof, surplus real and  
8 related personal property determined by the Attorney Gener-  
9 al to be required for correctional facility use by the author-  
10 ized transferee or grantee under an appropriate program or  
11 project for the care or rehabilitation of criminal offenders as  
12 approved by the Attorney General. Transfers or conveyance  
13 under this authority shall be made by the Administrator with-  
14 out monetary consideration to the United States. If the At-  
15 torney General determines that any surplus property trans-  
16 ferred or conveyed pursuant to an agreement entered into  
17 between March 1, 1982, and the enactment of this subsection  
18 was suitable for transfer or conveyance under this subsection,  
19 the Administrator shall reimburse the transferee for any mon-  
20 etary consideration paid to the United States for such trans-  
21 fer or conveyance.

22       “(2) The deed of conveyance of any surplus real and  
23 related personal property disposed of under the provisions of  
24 this subsection—

1           “(A) shall provide that all such property shall be  
2           used and maintained for the purpose for which it was  
3           conveyed in perpetuity, and that in the event the prop-  
4           erty ceases to be used or maintained for that purpose,  
5           all or any portion of the property shall, in its then ex-  
6           isting condition, at the option of the United States,  
7           revert to the United States; and

8           “(B) may contain such additional terms, reserva-  
9           tions, restrictions, and conditions as may be determined  
10          by the Administrator to be necessary to safeguard the  
11          interests of the United States.

12          “(3) With respect to surplus real and related personal  
13          property conveyed pursuant to this subsection, the Adminis-  
14          trator is authorized and directed—

15               “(A) to determine and enforce compliance with  
16               the terms, conditions, reservations, and restrictions  
17               contained in any instrument by which such transfer  
18               was made;

19               “(B) to reform, correct, or amend any such instru-  
20               ment by the execution of a corrective reformatory or  
21               amendatory instrument where necessary to correct  
22               such instrument or to conform such transfer to the re-  
23               quirements of applicable law; and

24               “(C) to (i) grant releases from any of the terms,  
25               conditions, reservations, and restrictions contained in,

1 and (ii) convey, quitclaim, or release to the transferee  
2 or other eligible user any right or interest reserved to  
3 the United States by any instrument by which such  
4 transfer was made, if he determines that the property  
5 so transferred no longer serves the purpose for which it  
6 was transferred, or that such release, conveyance, or  
7 quitclaim deed will not prevent accomplishment of the  
8 purpose for which such property was so transferred:  
9 *Provided*, That any such release, conveyance, or quit-  
10 claim deed may be granted on, or made subject to,  
11 such terms and conditions as he or she shall deem nec-  
12 essary to protect or advance the interests of the United  
13 States.”.

14 SEC. 702. The first sentence of subsection (o) of section  
15 203 of the Federal Property and Administrative Services Act  
16 of 1949, as amended (40 U.S.C. 484(o)), is further amended  
17 by revising the first sentence of such subsection to read as  
18 follows:

19 “(o) The Administrator with respect to personal proper-  
20 ty donated under subsection (j) of this section and with re-  
21 spect to real and related personal property transferred or  
22 conveyanced under subsection (p) of this section, and the  
23 head of each executive agency disposing of real property  
24 under subsection (k) of this section, shall submit during the  
25 calendar quarter following the close of each fiscal year a

1 report to the Senate (or to the Secretary of the Senate if the  
2 Senate is not in session) and to the House of Representatives  
3 (or to the Clerk of the House if the House is not in session)  
4 showing the acquisition cost of all personal property so do-  
5 nated and of all real property so disposed of during the pre-  
6 ceding fiscal year.”.

## 7 CHAPTER VIII—LABOR RACKETEERING

### 8 AMENDMENTS

9 SEC. 801. (135)(a) Subsection (d) of section 302 of  
10 the Labor Management Relations Act, 1947 (29 U.S.C.  
11 186), is amended to read as follows:

12 “(d)(1) Any person who participates in a transaction in-  
13 volving a payment, loan, or delivery of money or other thing  
14 of value to a labor organization in payment of membership  
15 dues or to a joint labor-management trust fund as defined by  
16 clause (B) of the proviso to clause (5) of subsection (c) of this  
17 section or to a plant, area, or industry-wide labor-manage-  
18 ment committee that is received and used by such labor orga-  
19 nization, trust fund, or committee, which transaction does not  
20 satisfy all the applicable requirements of subsections (c)(4)  
21 through (c)(9) of this section, and willfully and with intent to  
22 benefit himself or to benefit other persons he knows are not  
23 permitted to receive a payment, loan, money, or other thing  
24 of value under subsections (c)(4) through (c)(9) violates this  
25 subsection, shall, upon conviction thereof, be guilty of a



1 felony and be subject to a fine of not more than \$15,000, or  
2 imprisoned for not more than five years, or both; but if the  
3 value of the amount of money or thing of value involved in  
4 any violation of the provisions of this section does not exceed  
5 \$1,000, such person shall be guilty of a misdemeanor and be  
6 subject to a fine of not more than \$10,000, or imprisoned for  
7 not more than one year, or both.

8       “(2) Except for violations involving transactions covered  
9 by subsection (d)(1) of this section, any person who willfully  
10 violates this section shall, upon conviction thereof, be guilty  
11 of a felony and be subject to a fine of not more than \$15,000,  
12 or imprisoned for not more than five years, or both; but if the  
13 value of the amount of money or thing of value involved in  
14 any violation of the provisions of this section does not exceed  
15 \$1,000, such person shall be guilty of a misdemeanor and be  
16 subject to a fine of not more than \$10,000, or imprisoned for  
17 not more than one year, or both.”

18       **(136) (b) Subsection (e) of such section is amended to**  
19 **read as follows:**

20       **“(e) The district courts of the United States and the**  
21 **United States courts of the territories and possessions shall**  
22 **have jurisdiction, for cause shown, and subject to the provi-**  
23 **sions of Rule 65 of the Federal Rules of Civil Procedure**  
24 **(relating to notice to opposite party), over—**

1           “(1) suits alleging a violation of this section  
2 brought by any person directly affected by the alleged  
3 violation, and

4           “(2) suits brought by the United States alleging  
5 that a transaction involving a payment, loan, or deliv-  
6 ery of money or other thing of value to a labor organi-  
7 zation in payment of membership dues or a joint labor-  
8 management trust fund as provided for in clause (B) of  
9 the proviso to clause (5) of subsection (e) of this section  
10 or to a plant, area, or industry-wide labor-management  
11 committee violates this section,

12 to restrain such violations without regard to the provisions of  
13 section 6 of the Clayton Act (15 U.S.C. 17), section 20 of  
14 such Act (20 U.S.C. 52), and sections 1 through 15 of the  
15 Act entitled ‘An Act to amend the Judicial Code to define  
16 and limit the jurisdiction of courts sitting in equity, and for  
17 other purposes’, approved March 23, 1932 (20 U.S.C. 101-  
18 115).”.

19           SEC. 802. (a) So much of subsection (a) of section 411 of  
20 title I of the Employee Retirement Income Security Act of  
21 1974 (29 U.S.C. 1111) as follows “the Labor-Management  
22 Reporting and Disclosure Act of 1959 (29 U.S.C. 401),” is  
23 amended to read as follows: “any felony involving abuse or  
24 (137) misuse of such person’s labor organization or employ-  
25 ee benefit plan position or employment, or conspiracy to

1 commit any such crimes or attempt to commit any such  
2 crimes, or a crime in which any of the foregoing crimes is an  
3 element, shall serve or be permitted to serve—*misuse of such*  
4 *person's position or employment in a labor organization or*  
5 *employee benefit plan to seek or obtain an illegal gain at the*  
6 *expense of the members of the labor organization or the bene-*  
7 *ficiaries of the employee benefit plan, or conspiracy to*  
8 *commit any such crimes or attempt to commit any such*  
9 *crimes, or a crime in which any of the foregoing crimes is an*  
10 *element, shall serve or be permitted to serve—*

11           “(1) as an administrator, fiduciary, officer, trustee,  
12           custodian, counsel, agent, employee, or representative  
13           in any capacity of any employee benefit plan,

14           “(2) as a consultant or adviser to an employee  
15           benefit plan, including but not limited to any entity  
16           whose activities are in whole or substantial part devot-  
17           ed to providing goods or services to any employee ben-  
18           efit plan, or

19           “(3) in any capacity that involves decisionmaking  
20           authority or custody or control of the moneys, funds,  
21           assets, or property of any employee benefit plan,

22 during or for the period of (138) ~~ten~~ *thirteen* years after  
23 such conviction or after the end of such imprisonment, which-  
24 ever is later, unless the sentencing court on the motion of the  
25 person convicted sets a lesser period of at least (139) *five*

1 *three* years after such conviction or after the end of such  
2 imprisonment, whichever is later, or unless prior to the end  
3 of such period, in the case of a person so convicted or impris-  
4 oned (A) his citizenship rights, having been revoked as a  
5 result of such conviction, have been fully restored, or (B) the  
6 United States Parole Commission determines that such per-  
7 son's service in any capacity referred to in paragraphs (1)  
8 through (3) would not be contrary to the purposes of this  
9 title. Prior to making any such determination the Commission  
10 shall hold an administrative hearing and shall give notice to  
11 such proceeding by certified mail to the Secretary of Labor  
12 and to State, county, and Federal prosecuting officials in the  
13 jurisdiction or jurisdictions in which such person was convict-  
14 ed. The Commission's determination in any such proceeding  
15 shall be final. No person shall knowingly hire, retain, employ,  
16 or otherwise place any other person to serve in any capacity  
17 in violation of this subsection. Notwithstanding the preceding  
18 provisions of this subsection, no corporation or partnership  
19 will be precluded from acting as an administrator, fiduciary,  
20 officer, trustee, custodian, counsel, agent, or employee of any  
21 employee benefit plan or as a consultant to any employee  
22 benefit plan without a notice, hearing, and determination by  
23 such Parole Commission that such service would be incon-  
24 sistent with the intention of this section."

1 (b) Subsection (b) of such section is amended to read as  
2 follows:

3 “(b) Any person who intentionally violates this section  
4 shall be fined not more than \$10,000 or imprisoned for not  
5 more than five years, or both.”.

6 (c) Subsection (c) of such section is amended to read as  
7 follows:

8 “(c) For the purpose of this section—

9 “(1) A person shall be deemed to have been ‘con-  
10 victed’ and under the disability of ‘conviction’ from the  
11 date of the judgment of the trial court, regardless of  
12 whether that judgment remains under appeal.

13 “(2) The term ‘consultant’ means any person who,  
14 for compensation, advises, or represents an employee  
15 benefit plan or who provides other assistance to such  
16 plan, concerning the establishment or operation of such  
17 plan.

18 “(3) A period of parole shall not be considered as  
19 part of a period of imprisonment.”.

20 (d) Such section is amended by adding at the end thereof  
21 the following:

22 “(d) Whenever any person—

23 “(1) by operation of this section, has been barred  
24 from office or other position in an employee benefit  
25 plan as a result of a conviction, and

1           “(2) has filed an appeal of that conviction,  
2 any salary which would be otherwise due such person by  
3 virtue of such office or position, shall be placed in escrow by  
4 the individual or organization responsible for payment of such  
5 salary. Payment of such salary into escrow shall continue for  
6 the duration of the appeal or for the period of time during  
7 which such salary would be otherwise due, whichever period  
8 is shorter. Upon the final reversal of such person’s conviction  
9 on appeal, the amounts in escrow shall be paid to such  
10 person. Upon the final sustaining of that person’s conviction  
11 on appeal, the amounts in escrow shall be returned to the  
12 individual or organization responsible for payments of those  
13 amounts. Upon final reversal of such person’s conviction,  
14 such person shall no longer be barred by this statute from  
15 assuming any position from which such person was previous-  
16 ly barred.”.

17           SEC. 803. (a) So much of subsection (a) of section 504 of  
18 the Labor-Management Reporting and Disclosure Act of  
19 1959 (29 U.S.C. 504) as follows “or a violation of title II or  
20 III of this Act” is amended to read as follows: “any felony  
21 involving abuse or misuse **(140)** of such person’s labor orga-  
22 nization or employee benefit plan position or employment, or  
23 conspiracy to commit any such crimes, shall serve or be per-  
24 mitted to serve—of such person’s position or employment in  
25 a labor organization or employee benefit plan to seek or

1 *obtain an illegal gain at the expense of the members of the*  
2 *labor organization or the beneficiaries of the employee benefit*  
3 *plan, or conspiracy to commit any such crimes or attempt to*  
4 *commit any such crimes, or a crime in which any of the*  
5 *foregoing crimes is an element, shall serve or be permitted to*  
6 *serve—*

7           “(1) as a consultant or adviser to any labor orga-  
8           nization,

9           “(2) as an officer, director, trustee, member of any  
10           executive board or similar governing body, business  
11           agent, manager, organizer, employee, or representative  
12           in any capacity of any labor organization,

13           “(3) as a labor relations consultant or adviser to a  
14           person engaged in an industry or activity affecting  
15           commerce, or as an officer, director, agent, or employ-  
16           ee of any group or association of employers dealing  
17           with any labor organization, or in a position having  
18           specific collective bargaining authority or direct respon-  
19           sibility in the area of labor-management relations in  
20           any corporation or association engaged in an industry  
21           or activity affecting commerce, or

22           “(4) in a position which entitles its occupant to a  
23           share of the proceeds of, or as an officer or executive  
24           or administrative employee of, any entity whose activi-

1       ties are in whole or substantial part devoted to provid-  
2       ing goods or services to any labor organization, or  
3               “(5) in any capacity, other than in his capacity as  
4       a member of such labor organization, that involves de-  
5       cisionmaking authority concerning, or decisionmaking  
6       authority over, or custody of, or control of the moneys,  
7       funds, assets, or property of any labor organization,  
8       during or for the period of ~~(141)ten~~ *thirteen* years after  
9       such conviction or after the end of such imprisonment, which-  
10      ever is later, unless the sentencing court on the motion of the  
11      person convicted sets a lesser period of at least ~~(142)five~~  
12      *three* years after such conviction or after the end of such  
13      imprisonment, whichever is later, or unless prior to the end  
14      of such period, in the case of a person so convicted or impris-  
15      oned, (A) his citizenship rights, having been revoked as a  
16      result of such conviction, have been fully restored, or (B) the  
17      United States Parole Commission determines that such per-  
18      son’s service in any capacity referred to in clauses (1)  
19      through (5) would not be contrary to the purposes of this Act.  
20      Prior to making any such determination the Commission shall  
21      hold an administrative hearing and shall give notice of such  
22      proceeding by certified mail to the Secretary of Labor and to  
23      State, county, and Federal prosecuting officials in the juris-  
24      diction or jurisdictions in which such person was convicted.  
25      The Commission’s determination in any such proceeding shall



1 be final. No person shall knowingly hire, retain, employ, or  
2 otherwise place any other person to serve in any capacity in  
3 violation of this subsection.”.

4 (b) Subsection (b) of such section is amended to read as  
5 follows:

6 “(b) Any person who willfully violates this section shall  
7 be fined not more than \$10,000 or imprisoned for not more  
8 than five years, or both.”.

9 (c) Subsection (c) of such section is amended to read as  
10 follows:

11 “(c) For the purpose of this section—

12 “(1) A person shall be deemed to have been ‘con-  
13 victed’ and under the disability of ‘conviction’ from the  
14 date of the judgment of the trial court, regardless of  
15 whether that judgment remains under appeal.

16 “(2) A period of parole shall not be considered as  
17 part of a period of imprisonment.”.

18 (d) Such section 504 is amended by adding at the end  
19 thereof the following:

20 “(d) Whenever any person—

21 “(1) by operation of this section, has been barred  
22 from office or other position in a labor organization as  
23 a result of a conviction, and

24 “(2) has filed an appeal of that conviction,

1 any salary which would be otherwise due such person by  
2 virtue of such office or position, shall be placed in escrow by  
3 the individual employer or organization responsible for pay-  
4 ment of such salary. Payment of such salary into escrow shall  
5 continue for the duration of the appeal or for the period of  
6 time during which such salary would be otherwise due,  
7 whichever period is shorter. Upon the final reversal of such  
8 person's conviction on appeal, the amounts in escrow shall be  
9 paid to such person. Upon the final sustaining of such per-  
10 son's conviction on appeal, the amounts in escrow shall be  
11 returned to the individual employer or organization responsi-  
12 ble for payments of those amounts. Upon final reversal of  
13 such person's conviction, such person shall no longer be  
14 barred by this statute from assuming any position from which  
15 such person was previously barred."

16       SEC. 804. (a) The amendments made by section 802  
17 and section 803 of this title shall take effect with respect to  
18 any judgment of conviction entered by the trial court after  
19 the date of enactment of this title, except that that portion of  
20 such amendments relating to the commencement of the  
21 period of disability shall apply to any judgment of conviction  
22 entered prior to the date of enactment of this title if a right of  
23 appeal or an appeal from such judgment is pending on the  
24 date of enactment of this title.

1       (b) Subject to subsection (a) the amendments made by  
2 sections 803 and 804 shall not affect any disability under  
3 section 411 of the Employee Retirement Income Security  
4 Act of 1974 or under section 504 of the Labor-Management  
5 Reporting and Disclosure Act of 1959 in effect on the date of  
6 enactment of this title.

7       SEC. 805. (a) The first paragraph of section 506 of  
8 title I of the Employee Retirement Income Security Act of  
9 1974 (29 U.S.C. 1136) is amended by striking out "In  
10 order" and inserting in lieu thereof the following:

11       “(a) COORDINATION WITH OTHER AGENCIES AND  
12 DEPARTMENTS.—In order”.

13       (b) Such section is amended by adding at the end thereof  
14 the following new subsection:

15       “(b) RESPONSIBILITY FOR DETECTING AND INVESTI-  
16 GATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE  
17 RETIREMENT INCOME SECURITY ACT AND RELATED FED-  
18 ERAL LAWS.—The Secretary shall have the responsibility  
19 and authority to detect and investigate and refer, where ap-  
20 propriate, civil and criminal violations related to the provi-  
21 sions of this title and other related Federal laws, including  
22 the detection, investigation, and appropriate referrals of re-  
23 lated violations of title 18 of the United States Code. Nothing  
24 in this subsection shall be construed to preclude other appro-  
25 priate Federal agencies from detecting and investigating civil

1 and criminal violations of this title and other related Federal  
2 laws.”.

3 (c) The title of such section is amended to read as  
4 follows:

5 “COORDINATION AND RESPONSIBILITY OF AGENCIES EN-  
6 FORCING EMPLOYEE RETIREMENT INCOME SECURITY  
7 ACT AND RELATED FEDERAL LAWS”.

8 CHAPTER IX—CURRENCY AND FOREIGN TRANS-  
9 ACTIONS REPORTING ACT AMENDMENTS

10 SEC. 901. (a) Section 5321(a)(1) of title 31, United  
11 States Code, is amended by striking out “a civil penalty of  
12 not more than \$1,000” and inserting in lieu thereof “a civil  
13 penalty of not more than \$10,000”.

14 (b) Subsection (a) of section 5322 of title 31, United  
15 States Code, is amended by striking out “\$1,000, or impris-  
16 onment not more than one year, or both” and inserting in  
17 lieu thereof “\$250,000, or imprisonment not more than five  
18 years, or both”.

19 (c) Subsection (a) of section 5316 of title 31, United  
20 States Code, is amended—

21 (1) by inserting “, or attempts to transport or  
22 have transported,” after “transports or has trans-  
23 ported” in paragraph (1); and

1           (2) by striking out "more than \$5,000" and in-  
2           serting in lieu thereof "more than \$10,000" in para-  
3           graph (1).

4           (d) Section 5317 of title 31, United States Code, is  
5           amended—

6           (1) by redesignating subsection (b) as subsection  
7           (c); and

8           (2) by inserting the following new subsection after  
9           subsection (a):

10          “(b) A customs officer may stop and search, without a  
11          search warrant, a vehicle, vessel, aircraft, or other convey-  
12          ance, envelope or other container, or person entering or de-  
13          parting from the United States with respect to which or  
14          whom the officer has reasonable cause to believe there is a  
15          monetary instrument being transported in violation of section  
16          5316 of this title.”.

17          (e) Chapter 53 of title 31 of the United States Code is  
18          amended by adding a new section 5323 at the end thereof as  
19          follows:

20          **“§ 5323. Rewards for informants**

21          “(a) The Secretary may pay a reward to an individual  
22          who provides original information which leads to a recovery  
23          of a criminal fine, civil penalty, or forfeiture, which exceeds  
24          \$50,000, for a violation of this chapter.

1       “(b) The Secretary shall determine the amount of a  
2 reward under this section. The Secretary may not award  
3 more than 25 per centum of the net amount of the fine, pen-  
4 alty, or forfeiture collected or \$150,000, whichever is less.

5       “(c) An officer or employee of the United States, a  
6 State, or a local government who provides information de-  
7 scribed in subsection (a) in the performance of official duties  
8 is not eligible for a reward under this section.

9       “(d) There are authorized to be appropriated such sums  
10 as may be necessary to carry out the provisions of this sec-  
11 tion.”.

12       (f) The table of contents of chapter 53 of title 31 is  
13 amended by adding the following new item after the item  
14 relating to section 5322:

“5323. Rewards for informants.”.

15       (g) Section 1961(1) of title 18, United States Code, is  
16 amended—

17             (1) by striking out “or” after “(relating to embez-  
18 zlement from union funds),”; and

19             (2) by inserting before the semicolon at the end  
20 thereof the following: “, or (E) any act which is indict-  
21 able under the Currency and Foreign Transactions Re-  
22 porting Act”.

## 1 CHAPTER X—MISCELLANEOUS VIOLENT CRIME

## 2 AMENDMENTS

## 3 PART A—MURDER-FOR-HIRE AND VIOLENT CRIMES IN

## 4 AID OF RACKETEERING ACTIVITY

5 SEC. 1001. (a) Chapter 1 of title 18 of the United States

6 Code is amended by adding a new section 16 as follows:

## 7 “§ 16. Crime of violence defined

8 “The term ‘crime of violence’ means—

9 “(a) an offense that has as an element the use, at-  
10 tempted use, or threatened use of physical force  
11 against the person or property of another, or12 “(b) any other offense that is a felony and that, by  
13 its nature, involves a substantial risk that physical  
14 force against the person or property of another may be  
15 used in the course of committing the offense.”16 (b) The analysis for chapter 1 of title 18 of the United  
17 States Code is amended by adding at the end thereof the  
18 following:

“16. Crime of violence defined.”

19 SEC. 1002. (a) Chapter 95 of title 18, United States  
20 Code, is amended by adding new sections 1952A and 1952B,  
21 following section 1952, as follows:22 “§ 1952A. Use of interstate commerce facilities in the com-  
23 mission of murder-for-hire24 “(a) Whoever travels in or causes another (including the  
25 intended victim) to travel in interstate or foreign commerce,

1 or uses or causes another (including the intended victim) to  
2 use the mail or any facility in interstate or foreign commerce,  
3 with intent that a murder be committed in violation of the  
4 laws of any State or the United States as consideration for  
5 the receipt of, or as consideration for a promise or agreement  
6 to pay, anything of pecuniary value, shall be fined not more  
7 than \$10,000 or imprisoned for not more than five years, or  
8 both; and if personal injury results, shall be fined not more  
9 than \$20,000 and imprisoned for not more than twenty  
10 years, or both; and if death results, shall be subject to impris-  
11 onment for any term of years or for life, or shall be fined not  
12 more than \$50,000, or both.

13       “(b) As used in this section and section 1952B—

14               “(1) ‘anything of pecuniary value’ means anything  
15 of value in the form of money, a negotiable instrument,  
16 a commercial interest, or anything else the primary  
17 significance of which is economic advantage; and

18               “(2) ‘facility of interstate commerce’ includes  
19 means of transportation and communication.

20 **“§ 1952B. Violent crimes in aid of racketeering activity**

21       “(a) Whoever, as consideration for the receipt of, or as  
22 consideration for a promise or agreement to pay, anything of  
23 pecuniary value from an enterprise engaged in racketeering  
24 activity, or for the purpose of gaining entrance to or main-  
25 taining or increasing position in an enterprise engaged in



1 racketeering activity, murders, kidnaps, maims, assaults with  
2 a dangerous weapon, commits assault resulting in serious  
3 bodily injury upon, or threatens to commit a crime of violence  
4 against any individual in violation of the laws of any State or  
5 the United States, or attempts or conspires so to do, shall be  
6 punished—

7           “(1) for murder or kidnaping, by imprisonment for  
8 any term of years or for life or a fine of not more than  
9 \$50,000, or both;

10           “(2) for maiming, by imprisonment for not more  
11 than thirty years or a fine of not more than \$30,000,  
12 or both;

13           “(3) for assault with a dangerous weapon or as-  
14 sault resulting in serious bodily injury, by imprisonment  
15 for not more than twenty years or a fine of not more  
16 than \$20,000, or both;

17           “(4) for threatening to commit a crime of vic-  
18 lence, by imprisonment for not more than five years or  
19 a fine of not more than \$5,000, or both;

20           “(5) for attempting or conspiring to commit  
21 murder or kidnaping, by imprisonment for not more  
22 than ten years or a fine of not more than \$10,000, or  
23 both; and

24           “(6) for attempting or conspiring to commit a  
25 crime involving maiming, assault with a dangerous



1 United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise  
2 endeavors to persuade such other person to engage in such  
3 conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half  
4 of the maximum fine prescribed for the punishment of the  
5 crime solicited, or both; or if the crime solicited is punishable  
6 by death, shall be imprisoned for not more than twenty years.

9       “(b) It is an affirmative defense to a prosecution under  
10 this section that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A  
11 renunciation is not ‘voluntary and complete’ if it is motivated  
12 in whole or in part by a decision to postpone the commission  
13 of the crime until another time or to substitute another victim  
14 or another but similar objective. If the defendant raises the  
15 affirmative defense at trial, the defendant has the burden of  
16 proving the defense by a preponderance of the evidence.

19       “(c) It is not a defense to a prosecution under this section that the person solicited could not be convicted of the  
20 crime because he lacked the state of mind required for its  
21 commission, because he was incompetent or irresponsible, or  
22 because he is immune from prosecution or is not subject to  
23 prosecution.”  
24

1 (b) The analysis at the beginning of chapter 19 of title  
2 18 is amended by adding after the item relating to section  
3 372 the following:

“373. Solicitation to commit a crime of violence.”.

4 **PART C—FELONY-MURDER RULE**

5 **SEC. 1004.** Section 1111 of title 18 of the United States  
6 Code is amended by adding after the word “arson” the words  
7 “escape, murder, kidnaping, treason, espionage, sabotage,”.

8 **PART D—MANDATORY PENALTY FOR USE OF A FIREARM**  
9 **DURING A FEDERAL CRIME OF VIOLENCE**

10 **SEC. 1005.** (a) Subsection (c) of section 924 of title 18 is  
11 amended to read as follows:

12 “(c) Whoever, during and in relation to any crime of  
13 violence, including a crime of violence which provides for an  
14 enhanced punishment if committed by the use of a deadly or  
15 dangerous weapon or device, for which he may be prosecuted  
16 in a court of the United States, uses or carries a firearm,  
17 shall, in addition to the punishment provided for such crime  
18 of violence, be sentenced to imprisonment for five years. In  
19 the case of his second or subsequent conviction under this  
20 subsection, such person shall be sentenced to imprisonment  
21 for ten years. Notwithstanding any other provision of law,  
22 the court shall not place on probation or suspend the sen-  
23 tence of any person convicted of a violation of this subsection,  
24 nor shall the term of imprisonment imposed under this sub-  
25 section run concurrently with any other term of imprisonment

1 including that imposed for the crime of violence in which the  
2 firearm was used or carried. No person sentenced under this  
3 subsection shall be eligible for parole during the term of im-  
4 prisonment imposed herein.”.

5           PART E—ARMOR-PIERCING BULLETS

6           SEC. 1006. (a) Chapter 44 of title 18, United States  
7 Code, is amended by adding at the end thereof the following:

8           “§ 929. Use of restricted ammunition

9           “(a) Whoever, during and in relation to the commission  
10 of a crime of violence including a crime of violence which  
11 provides for an enhanced punishment if committed by the use  
12 of a deadly or dangerous weapon or device for which he may  
13 be prosecuted in a court of the United States, uses or carries  
14 any handgun loaded with armor-piercing ammunition as de-  
15 fined in subsection (b), shall, in addition to the punishment  
16 provided for the commission of such crime of violence be sen-  
17 tenced to a term of imprisonment for not less than five nor  
18 more than ten years. Notwithstanding any other provision of  
19 law, the court shall not suspend the sentence of any person  
20 convicted of a violation of this subsection, nor place him on  
21 probation, nor shall the term of imprisonment run concurrent-  
22 ly with any other terms of imprisonment including that im-  
23 posed for the felony in which the armor-piercing handgun  
24 ammunition was used or carried. No person sentenced under

1 this subsection shall be eligible for parole during the term of  
2 imprisonment imposed herein.

3 “(b) For purposes of this section—

4 “(1) ‘armor-piercing ammunition’ means ammuni-  
5 tion which, when or if fired from any handgun used or  
6 carried in violation of subsection (a) under the test  
7 procedure of the National Institute of Law Enforce-  
8 ment and Criminal Justice Standard for the Ballistics  
9 Resistance of Police Body Armor promulgated Decem-  
10 ber 1978, is determined to be capable of penetrating  
11 bullet-resistant apparel or body armor meeting the re-  
12 quirements of Type IIA of Standard NILECJ-STD-  
13 0101.01 as formulated by the United States Depart-  
14 ment of Justice and published in December of 1978;  
15 and

16 “(2) ‘handgun’ means any firearm, including a  
17 pistol or revolver, originally designed to be fired by the  
18 use of a single hand.”.

19 (b) The table of sections for chapter 44 of title 18,  
20 United States Code, is amended by adding at the end thereof  
21 the following:

“929. Use of restricted ammunition.”.

22 **PART F—KIDNAPING OF FEDERAL OFFICIALS**

23 **SEC. 1007. Section 1201 of title 18 of the United States**  
24 **Code is amended—**



1 enforcement officer while he is engaged in or on account of  
2 the performance of his official duties, shall be punished as  
3 provided in subsection (b).

4 “(b)(1) An assault in violation of this section shall be  
5 punished as provided in section 111 of this title.

6 “(2) A kidnaping or attempted kidnaping in violation of  
7 this section shall be punished as provided in section 1201 of  
8 this title.

9 “(3) A murder or attempted murder in violation of this  
10 section shall be punished as provided in sections 1111 and  
11 1113 of this title.

12 “(4) A threat made in violation of this section shall be  
13 punished by a fine of not more than \$5,000 or imprisonment  
14 for a term of not more than five years, or both, except that  
15 imprisonment for a threatened assault shall not exceed three  
16 years.

17 “(c) As used in this section, the term—

18 “(1) ‘Federal law enforcement officer’ means any  
19 officer, agent, or employee of the United States author-  
20 ized by law or by a Government agency to engage in  
21 or supervise the prevention, detection, investigation, or  
22 prosecution of any violation of Federal criminal law;

23 “(2) ‘immediate family member’ of an individual  
24 means—



1           “(A) his spouse, parent, brother or sister,  
2           child or person to whom he stands in loco paren-  
3           tis; or

4           “(B) any other person living in his household  
5           and related to him by blood or marriage;

6           “(3) ‘United States judge’ means any judicial offi-  
7           cer of the United States, and includes a justice of the  
8           Supreme Court and a United States magistrate; and

9           “(4) ‘United States official’ means the President,  
10          President-elect, Vice President, Vice President-elect, a  
11          Member of Congress, a member-elect of Congress, a  
12          member of the executive branch who is the head of a  
13          department listed in 5 U.S.C. 101, or the Director of  
14          The Central Intelligence Agency.”.

15          “(b) The analysis of chapter 7 of title 18, United States  
16          Code, is amended by adding at the end thereof the following  
17          new item:

          “115. Influencing, impeding, or retaliating against a Federal official by threatening  
          or injuring a family member.”.

18          **PART H—ADDITION OF CRIMES OF MAIMING AND**  
19          **INVOLUNTARY SODOMY TO MAJOR CRIMES ACT**

20          **SEC. 1009.** Section 1153 of title 18 is amended to read  
21          as follows:

22          “Any Indian who commits against the person or proper-  
23          ty of another Indian or other person any of the following  
24          offenses, namely, murder, manslaughter, kidnaping, maiming,

1 rape, involuntary sodomy, carnal knowledge of any female,  
2 not his wife, who has not attained the age of sixteen years,  
3 assault with intent to commit rape, incest, assault with intent  
4 to commit murder, assault with a dangerous weapon, assault  
5 resulting in serious bodily injury, arson, burglary, robbery,  
6 and a felony under section 661 of this title within the Indian  
7 country, shall be subject to the same law and penalties as all  
8 other persons committing any of the above offenses, within  
9 the exclusive jurisdiction of the United States.

10        “As used in this section, the offenses of burglary, invol-  
11 untary sodomy, and incest shall be defined and punished in  
12 accordance with the laws of the State in which such offense  
13 was committed as are in force at the time of such offense.

14        “In addition to the offenses of burglary, involuntary  
15 sodomy, and incest, any other of the above offenses which are  
16 not defined and punished by Federal law in force within the  
17 exclusive jurisdiction of the United States shall be defined  
18 and punished in accordance with the laws of the State in  
19 which such offense was committed as are in force at the time  
20 of such offense.”.

21        SEC. 1009A. Section 114 of title 18 is amended by de-  
22 leting “Shall be fined not more than \$1,000 or imprisoned  
23 not more than seven years, or both” and inserting in lieu  
24 thereof “Shall be fined not more than \$25,000 and impris-  
25 oned not more than twenty years, or both”.

1           **PART I—DESTRUCTION OF MOTOR VEHICLES**

2           **SEC. 1010.** Section 31 of title 18 of the United States  
3 Code is amended in the definition of “motor vehicle” by  
4 striking out “or passengers and property;” and inserting in  
5 lieu thereof “passengers and property, or property or  
6 cargo;”.

7           **PART J—DESTRUCTION OF ENERGY FACILITIES**

8           **SEC. 1011.** (a) Chapter 65 of title 18, United States  
9 Code, is amended by adding at the end thereof the following:  
10 **“§ 1365. Destruction of an energy facility**

11           “(a) Whoever knowingly and willfully damages the  
12 property of an energy facility in an amount that in fact ex-  
13 ceeds \$100,000, or damages the property of an energy facili-  
14 ty in any amount and causes a significant interruption or im-  
15 pairment of a function of an energy facility, shall be punish-  
16 able by a fine of not more than \$50,000 or imprisonment for  
17 not more than ten years, or both.

18           “(b) Whoever knowingly and willfully damages the  
19 property of an energy facility in an amount that in fact ex-  
20 ceeds \$5,000 shall be punishable by a fine of not more than  
21 \$25,000, or imprisonment for not more than five years, or  
22 both.

23           “(c) For purposes of this section, the term ‘energy facili-  
24 ty’ means a facility that is involved in the production, stor-  
25 age, transmission, or distribution of electricity, fuel, or an-

1 other form or source of energy, or research, development, or  
2 demonstration facilities relating thereto, regardless of wheth-  
3 er such facility is still under construction or is otherwise not  
4 functioning, except a facility subject to the jurisdiction, ad-  
5 ministration, or in the custody of the Nuclear Regulatory  
6 Commission or interstate transmission facilities, as defined in  
7 49 U.S.C. 1671.

8 “(d) The table of contents for chapter 65 of title 18,  
9 United States Code, is amended by adding at the end thereof  
10 the following new item:

“1365 Destruction of an energy facility.”.

11 PART K—ASSAULTS UPON FEDERAL OFFICIALS

12 SEC. 1012. Section 1114 of title 18 of the United States  
13 Code is amended—

14 (1) by inserting “or attempts to kill” after “kills”;

15 (2) by striking out “while engaged in the perform-  
16 ance of his official duties or on account of the perform-  
17 ance of his official duties” and inserting in lieu thereof  
18 “or any United States probation or pretrial services of-  
19 ficer, or any United States magistrate, or any officer or  
20 employee of any department or agency within the In-  
21 telligence Community (as defined in section 3.4(F) of  
22 Executive Order 12333, December 8, 1981, or succes-  
23 sor orders) not already covered under the terms of this  
24 section,”;



1 sults to any person, including any public safety officer  
2 performing duties as a direct or proximate result of  
3 conduct prohibited by this subsection,";

4 (2) by deleting "death results" in subsections (d),  
5 (f), and (i) and substitute "death results to any person,  
6 including any public safety officer performing duties as  
7 a direct or proximate result of conduct prohibited by  
8 this subsection,".

9 **(143) PART N—PHARMACY ROBBERY AND BURGLARY**

10 **SEC. 1015.** This part may be cited as the "Pharmacy  
11 Protection and Violent Offender Control Act of 1984".

12 **SEC. 1016.** The Congress finds and declares that—

13 (1) robbers and other vicious criminals seeking to  
14 obtain controlled substances have targeted federally  
15 registered pharmacies and other registrants with in-  
16 creasing frequency;

17 (2) the dramatic escalation of the diversion of con-  
18 trolled substances for illegal purposes by persons who  
19 rob and terrorize federally registered pharmacies is di-  
20 rectly related to successful efforts by the Department  
21 of Justice to prevent other forms of diversion of such  
22 substances;

23 (3) Congress did not intend that terrorization and  
24 victimization of pharmacists and other registrants and

1 their families, employees, and customers should result  
2 from the aggressive enforcement of Federal drug laws;

3 (4) in order to address a discrepancy in Federal  
4 law, it is necessary to make robbery and burglary of a  
5 pharmacy or other registrant to obtain controlled sub-  
6 stances a Federal offense, as is the case when such  
7 substances are obtained by fraud, forgery, or illegal  
8 dispensing or prescribing; and

9 (5) although the investigation and prosecution of  
10 pharmacy robbery and burglary is primarily the respon-  
11 sibility of State and local officials, any truly compre-  
12 hensive strategy designed to curb crime must make  
13 available in appropriate cases the investigative and  
14 prosecutorial resources of the Federal Government  
15 which are made available when controlled substances  
16 are obtained by other unlawful means.

#### 17 PURPOSE

18 SEC. 1017. It is the purpose of this part—

19 (1) to assist State and local law enforcement offi-  
20 cials to more effectively repress pharmacy related  
21 crime;

22 (2) to enhance the expeditious prosecution and  
23 conviction of persons guilty of pharmacy crimes;

24 (3) to assure that convicted offenders receive ap-  
25 propriate penalties; and





1 substance shall be fined not more than \$25,000 or imprisoned  
2 not more than twenty years, or both.

3       “(b) Whoever, in committing any offense under this sec-  
4 tion, assaults any person, or puts in jeopardy the life of any  
5 person by the use of a dangerous weapon or device, shall be  
6 fined not more than \$10,000 and imprisoned not more than  
7 twenty-five years.

8       “(c) Whoever, in committing any offense under this sec-  
9 tion kills, any person, shall be subject to imprisonment for  
10 any term of years or for life.

11       “(d) If two or more persons conspire to violate this sec-  
12 tion and one or more of such persons do any overt act to  
13 effect the object of the conspiracy, each shall be punished by  
14 fine or imprisonment, or both, which may not exceed the  
15 maximum punishment prescribed for the offense, the commis-  
16 sion of which was the object of the conspiracy.

17       “(e) For the purposes of this section, the term—

18               “(1) ‘pharmacy’ means the business premises or  
19 property, including storage facilities, vehicles, aircraft,  
20 trucks, or other means of transport or delivery;

21               “(2) ‘pharmacist’ means any person registered in  
22 accordance with this Act for the purpose of engaging  
23 in commercial activities involving the dispensing of any  
24 controlled substance to an ultimate user pursuant to  
25 the lawful order of a practitioner; and



1 (1) in clause (A) by inserting after "extortion,"  
2 the following: "dealing in obscene matter,"; and

3 (2) in clause (B) by inserting after "section 1343  
4 (relating to wire fraud)," the following: "sections  
5 1461-1465 (relating to obscene matter),".

6 **CHAPTER XI—SERIOUS NONVIOLENT OFFENSES**

7 **(145) PART A—CHILD PORNOGRAPHY**

8 **SEC. 1101. (a) Congress hereby finds that—**

9 (1) child pornography has developed into a highly  
10 organized, multi-million-dollar industry which operates  
11 on a nationwide scale;

12 (2) thousands of children including large numbers  
13 of runaway and homeless youth are exploited in the  
14 production and distribution of pornographic materials;  
15 and

16 (3) the use of children as subjects of pornographic  
17 materials is harmful to the physiological, emotional,  
18 and mental health of the individual child and to socie-  
19 ty.

20 **SEC. 1102. Chapter 110 of title 18, United States**  
21 **Code, is amended to read as follows:**

22 **“CHAPTER 110—SEXUAL EXPLOITATION OF**  
23 **CHILDREN**

**“Sec.**

**“2251. Definitions for chapter.**

**“2252. Sexual exploitation of children.**

**“2253. Certain activities relating to material involving the sexual exploitation of minors.**

"2254. Criminal forfeiture.

"2255. Civil forfeiture.

"2256. Reporting.

1 **"§ 2251. Definitions for chapter**

2 **"For the purposes of this chapter, the term—**

3 **"(1) 'minor' means any person under the age of**  
4 **eighteen years;**

5 **"(2) 'sexually explicit conduct' means actual or**  
6 **simulated—**

7 **"(A) sexual intercourse, including genital-**  
8 **genital, oral-genital, anal-genital, or oral-anal,**  
9 **whether between persons of the same or opposite**  
10 **sex;**

11 **"(B) bestiality;**

12 **"(C) sado-masochistic abuse;**

13 **"(D) masturbation; or**

14 **"(E) a display of the genitals or pubic area**  
15 **of any person for the purpose of arousing or incit-**  
16 **ing sexual desire;**

17 **"(3) 'simulated' means the explicit depiction of**  
18 **any conduct described in clause (2) of this section**  
19 **which creates the actual appearance of such conduct;**

20 **"(4) 'producing' means producing, directing, man-**  
21 **ufacturing, issuing, publishing, or advertising; and**

22 **"(5) 'visual or print medium' means any film, pho-**  
23 **tograph, negative, slide, book, magazine, or other**  
24 **visual or print medium.**

1 **“§ 2252. Sexual exploitation of children**

2       “(a) Any person who knowingly employs, uses, per-  
3 suades, induces, entices, or coerces any minor to engage in,  
4 or who has a minor assist any other person to engage in, any  
5 sexually explicit conduct for the purpose of producing any  
6 visual or print medium depicting such conduct, shall be pun-  
7 ished as provided under subsection (c), if such person knows  
8 or has reason to know that such visual or print medium will  
9 be transported in interstate or foreign commerce or mailed,  
10 or if such visual or print medium has actually been transport-  
11 ed in interstate or foreign commerce or mailed.

12       “(b) Any parent, legal guardian, or person having custo-  
13 dy or control of a minor who knowingly permits such minor  
14 to engage in, or to assist any other person to engage in,  
15 sexually explicit conduct for the purpose of producing any  
16 visual or print medium depicting such conduct shall be pun-  
17 ished as provided under subsection (c) of this section, if such  
18 parent, legal guardian, or person knows or has reason to  
19 know that such visual or print medium will be transported in  
20 interstate or foreign commerce or mailed or if such visual or  
21 print medium has actually been transported in interstate or  
22 foreign commerce or mailed.

23       “(c) Any person who violates this section shall be fined  
24 not more than \$75,000 or imprisoned not more than ten  
25 years, or both, but, if such person has a prior conviction  
26 under this section, such person shall be fined not more than

1 \$150,000 or imprisoned not less than two years nor more  
2 than fifteen years, or both.

3 **"§ 2252. Certain activities relating to material involving**  
4 **the sexual exploitation of minors**

5 **"(a) Any person who—**

6 **"(1) knowingly transports or ships in interstate or**  
7 **foreign commerce or mails any visual or print medium;**  
8 **if—**

9 **"(A) the producing of such visual or print**  
10 **medium involves the use of a minor engaging in**  
11 **sexually explicit conduct; and**

12 **"(B) such visual or print medium visually de-**  
13 **piets such conduct or such visual or print medium**  
14 **is obscene and depicts such conduct; or**

15 **"(2) knowingly receives, sells or distributes any**  
16 **visual or print medium that has been transported or**  
17 **shipped in interstate or foreign commerce or mailed;**  
18 **if—**

19 **"(A) the producing of such visual or print**  
20 **medium involves the use of a minor engaging in**  
21 **sexually explicit conduct; and**

22 **"(B) such visual or print medium visually de-**  
23 **piets such conduct or such visual or print medium**  
24 **is obscene and depicts such conduct;**

25 **shall be punished as provided in subsection (b) of this section.**

1       “(b)(1) Any person who violates this section shall be  
2 fined not more than \$75,000 or imprisoned not more than ten  
3 years, or both, but, if such person has a prior conviction  
4 under this section, such person shall be fined not more than  
5 \$150,000 or imprisoned not less than two years nor more  
6 than fifteen years, or both. Any organization which violates  
7 this section shall be fined not more than \$250,000.

8       “(2) For purposes of this section, the term ‘organization’  
9 means a person other than an individual.

10       “§ 2254. Criminal forfeiture

11       “(a) Whoever violates any provision of section 2252  
12 shall forfeit to the United States (1) any interest he has ac-  
13 quired or maintained in violation of section 2252, and (2) any  
14 interest in, security of, claim against, or property or contrac-  
15 tual right of any kind affording a source of influence over,  
16 any enterprise which he has established, operated, controlled,  
17 conducted, or participated in the conduct of, in violation of  
18 section 2252.

19       “(b) In any action brought by the United States under  
20 this section, the district courts of the United States shall  
21 have jurisdiction to enter such restraining orders of prohibi-  
22 tions, or to take such other action, including, but not limited  
23 to, the acceptance of satisfactory performance bonds, in con-  
24 nection with any property or other interest subject to forfeit-  
25 ure under this section, as it shall deem proper.

1           “(e)(1) Upon conviction of a person under this section,  
2 the court shall authorize the Attorney General to seize all  
3 property or other interest declared forfeited under this section  
4 upon such terms and conditions as the court shall deem  
5 proper. If a property right or other interest is not exercisable  
6 or transferable for value by the United States, it shall expire,  
7 and shall not revert to the convicted person.

8           “(2) All provisions of law relating to the disposition of  
9 property, or the proceeds from the sale thereof, or the remis-  
10 sion or mitigation of forfeitures for violation of the customs  
11 laws, and the compromise of claims and the award of com-  
12 pensation to informers in respect of such forfeitures shall  
13 apply to forfeitures incurred, or alleged to have been in-  
14 curred, under the provisions of this section, insofar as appli-  
15 cable and not inconsistent with the provisions thereof. Such  
16 duties as are imposed upon the collector of customs or any  
17 other person with respect to the disposition of property under  
18 the customs laws shall be performed under this chapter by  
19 the Attorney General.

20           “(3) The United States shall dispose of all such property  
21 as soon as commercially reasonable, making due provision for  
22 the rights of innocent persons.

23           **“§ 2255. Civil forfeiture**

24           “(a) The following property shall be subject to forfeiture  
25 by the United States:



1           “(1) any visual or print medium produced; trans-  
2           ported, shipped, or received in violation of this chapter;  
3           and

4           “(2) any property constituting, or derived from,  
5           any proceeds obtained, directly or indirectly, from a  
6           violation of this chapter, except that no property shall  
7           be forfeited under this paragraph, to the extent of the  
8           interest of an owner, by reason of any act or omission  
9           established by that owner to have been committed or  
10          omitted without the knowledge or consent of that  
11          owner.

12          “(b) All provisions of the customs law relating to the  
13          seizure, summary and judicial forfeiture, and condemnation of  
14          property for violation of the customs laws, the disposition of  
15          such property or the proceeds from the sale thereof, the re-  
16          mission or mitigation of such forfeitures, and the compromise  
17          of claims, shall apply to seizures and forfeitures incurred, or  
18          alleged to have been incurred, under the provisions of this  
19          section, insofar as applicable and not inconsistent with the  
20          provisions of this section, except that such duties as are im-  
21          posed upon the customs officer or any other person with re-  
22          spect to the seizure and forfeiture of property under the cus-  
23          toms laws shall be performed with respect to seizures and  
24          forfeitures of property under this section by such officers,  
25          agents, or other persons as may be authorized or designated

1 for that purpose by the Attorney General, except to the  
2 extent that such duties arise from seizures and forfeitures  
3 effected by any customs officer.

4 **“§ 2256. Reporting**

5 **“Beginning one hundred and twenty days after the date**  
6 **of enactment of this Act, and every year thereafter, the At-**  
7 **torney General shall report to Congress the number of cases**  
8 **and convictions brought under section 2252 of title 18,**  
9 **United States Code, and the dollar amount of any forfeiture**  
10 **of assets under section 2254 of such title.”.**

11 **PART B—WARNING THE SUBJECT OF A SEARCH**

12 **SEC. 1103. Section 2232 of title 18 of the United States**  
13 **Code is amended—**

14 (a) by deleting in the first paragraph “shall be  
15 fined not more than \$2,000 or imprisoned not more  
16 than one year, or both” and inserting in lieu thereof  
17 “shall be fined not more than \$10,000 or imprisoned  
18 more than five years, or both;

19 (b) by adding a new paragraph as follows:

20 “Whoever, having knowledge that any person author-  
21 ized to make searches and seizures has been authorized or is  
22 otherwise likely to make a search or seizure, in order to pre-  
23 vent the authorized seizing or securing of any person, goods,  
24 wares, merchandise or other property, gives notice or at-  
25 tempts to give notice of the possible search or seizure to any

1 person shall be fined not more than \$10,000 or imprisoned  
2 not more than five years, or both.”.

3 **PART C—PROGRAM FRAUD AND BRIBERY**

4 **SEC. 1104.** (a) Chapter 31 of title 18 of the United  
5 States Code is amended by adding a new section 666 as fo<sup>l</sup>-  
6 lows:

7 **“§ 666. Theft or bribery concerning programs receiving**  
8 **Federal funds**

9 “(a) Whoever, being an agent of an organization, or of a  
10 State or local government agency, that receives benefits in  
11 excess of \$10,000 in any one year period pursuant to a Fed-  
12 eral program involving a grant, a contract, a subsidy, a loan,  
13 a guarantee, insurance, or another form of Federal assist-  
14 ance, embezzles, steals, purloins, willfully misapplies, obtains  
15 by fraud, or otherwise knowingly without authority converts  
16 to his own use or to the use of another, property having a  
17 value of \$5,000 or more owned by or under the care, custo-  
18 dy, or control of such organization or State or local govern-  
19 ment agency, shall be imprisoned for not more than ten years  
20 and fined not more than \$100,000 or an amount equal to  
21 twice that which was obtained in violation of this subsection,  
22 whichever is greater, or both so imprisoned and fined.

23 “(b) Whoever, being an agent of an organization, or of a  
24 State or local government agency, described in subsection (a),  
25 solicits, demands, accepts, or agrees to accept anything of

1 value from a person or organization other than his employer  
2 or principal for or because of the recipient's conduct in any  
3 transaction or matter or a series of transactions or matters  
4 involving \$5,000 or more concerning the affairs of such orga-  
5 nization or State or local government agency, shall be impris-  
6 oned for not more than ten years or fined not more than  
7 \$100,000 or an amount equal to twice that which was ob-  
8 tained, demanded, solicited or agreed upon in violation of this  
9 subsection, whichever is greater, or both so imprisoned and  
10 fined.

11       “(c) Whoever offers, gives, or agrees to give to an agent  
12 of an organization or of a State or local government agency,  
13 described in subsection (a), anything of value for or because  
14 of the recipient's conduct in any transaction or matter or any  
15 series of transactions or matters involving \$5,000 or more  
16 concerning the affairs of such organization or State or local  
17 government agency, shall be imprisoned not more than ten  
18 years or fined not more than \$100,000 or an amount equal to  
19 twice that offered, given or agreed to be given, whichever is  
20 greater, or both so imprisoned and fined.

21       “(d) For purposes of this section—

22               “(1) ‘agent’ means a person or organization au-  
23       t orized to act on behalf of another person, organiza-  
24       tion or a government and, in the case of an organiza-

1 tion or a government, includes a servant or employee,  
2 a partner, director, officer, manager and representative;

3 “(2) ‘organization’ means a legal entity, other  
4 than a government, established or organized for any  
5 purpose, and includes a corporation, company, associa-  
6 tion, firm, partnership, joint stock company, foundation,  
7 institution, trust, society, union, and any other associa-  
8 tion of persons;

9 “(3) ‘government agency’ means a subdivision of  
10 the executive, legislative, judicial, or other branch of a  
11 government, including a department, independent es-  
12 tablishment, commission, administration, authority,  
13 board, and bureau; or a corporation or other legal  
14 entity established by, and subject to control by, a gov-  
15 ernment or governments for execution of a governmen-  
16 tal or intergovernmental program; and

17 “(4) ‘local’ means of or pertaining to a political  
18 subdivision within a State.”

19 (b) The analysis at the beginning of chapter 31 of title  
20 18 of the United States Code is amended by adding after the  
21 item relating to section 665 the following:

“666. Theft or bribery concerning programs receiving Federal funds.”

1 PART D—COUNTERFEITING OF STATE AND CORPORATE  
2 SECURITIES (146) AND FORGING OF ENDORSE-  
3 MENTS OR SIGNATURES ON UNITED STATES SECURI-  
4 TIES

5 SEC. 1105. (a) Chapter 25 of title 18 of the United  
6 States Code is amended by adding the following new sections  
7 at the end thereof:

8 “§ (147) ~~510~~. 511. Securities of the States and private enti-  
9 ties

10 “(a) Whoever makes, utters or possesses a counterfeited  
11 security of a State or a political subdivision thereof or of an  
12 organization, or whoever makes, utters or possesses a forged  
13 security of a State or political subdivision thereof or of an  
—14 organization, with intent to deceive another person, organiza-  
15 tion, or government shall be fined not more than \$250,000 or  
16 imprisoned for not more than ten years, or both.

17 “(b) Whoever makes, receives, possesses, sells or other-  
18 wise transfers an implement designed for or particularly  
19 suited for making a counterfeit or forged security with the  
20 intent that it be so used shall be punished by a fine of not  
21 more than \$250,000 or by imprisonment for not more than  
22 ten years, or both.

23 “(c) For purposes of this section—

1           “(1) the term ‘counterfeited’ means a document  
2 that purports to be genuine but is not, because it has  
3 been falsely made or manufactured in its entirety;

4           “(2) the term ‘forged’ means a document that pur-  
5 ports to be genuine but is not because it has been  
6 falsely altered, completed, signed, or endorsed, or con-  
7 tains a false addition thereto or insertion therein, or is  
8 a combination of parts of two or more genuine docu-  
9 ments;

10           “(3) the term ‘security’ means—

11           “(A) a note, stock certificate, treasury stock  
12 certificate, bond, treasury bond, debenture, certifi-  
13 cate of deposit, interest coupon, bill, check, draft,  
14 warrant, debit instrument as defined in section  
15 916(c) of the Electronic Fund Transfer Act (15  
16 U.S.C. 1693(c)), money order, traveler’s check,  
17 letter of credit, warehouse receipt, negotiable bill  
18 of lading, evidence of indebtedness, certificate of  
19 interest in or participation in any profit-sharing  
20 agreement collateral-trust certificate, pre-reorga-  
21 nization certificate of subscription, transferable  
22 share, investment contract, voting trust certifi-  
23 cate, or certificate of interest in tangible or intan-  
24 gible property;





1           “(2) with intent to defraud, passes, utters, or pub-  
2           lishes, or attempts to pass, utter, or publish any securi-  
3           ty of the United States bearing a forged endorsement  
4           or signature; or

5           “(2) with knowledge that a security of the United  
6           States is stolen or bears a forged endorsement or sig-  
7           nature, buys, sells, exchanges, receives, delivers, re-  
8           tains, or conceals any such security of the United  
9           States that in fact is stolen or bears a forged endorse-  
10          ment or signature—

11 shall be fined not more than \$250,000 or imprisoned not  
12 more than ten years, or both; but if the face value of the  
13 security of the United States or the aggregate face value, if  
14 more than one security, does not exceed \$500 in any of the  
15 above offenses, the penalty shall be a fine of not more than  
16 \$1,000 or imprisonment for not more than one year, or both.

17          “(b) For purposes of this section—

18           “(1) the term ‘forge’ means to create an endorse-  
19           ment or signature which purports to be genuine but is  
20           not because it has been falsely signed, made, complet-  
21           ed, altered, subjected to a false addition, or subjected  
22           to a combination of parts of two or more genuine en-  
23           dorsements or signatures;

1           “(2) the term ‘security’ means (A) an obligation of  
2           the United States or (B) any security as defined in sec-  
3           tion 510(e)(2) of this title.”.

4           (b) The analysis at the beginning of chapter 25 of title  
5           18 is amended by adding after the item relating to section  
6           509 the following:

“510. Securities of the State and private ~~(150)~~ entities. entities.”  
(151) “511. Forging endorsements or signatures on securities of the United  
States.”.

7           (c) Section 3056(a) of title 18 of the United States Code  
8           is amended by inserting “511,” after “509,”.

9           PART E—RECEIPT OF STOLEN BANK PROPERTY

10          SEC. 1106. Subsection (c) of section 2113 of title 18 is  
11          amended to read as follows:

12          “(c) Whoever receives, possesses, conceals, stores, bar-  
13          ters, sells, or disposes of, any property or money or other  
14          thing of value which has been taken or stolen from a bank,  
15          credit union, or savings and loan association in violation of  
16          subsection (b), knowing the same to be property which has  
17          been stolen shall be subject to the punishment provided in  
18          subsection (b) for the taker.”.

19          PART F—BANK BRIBERY

20          SEC. 1107. (a) Section 215 of title 18 is amended to  
21          read as follows:

22          “(a) Whoever, being an officer, director, employee,  
23          agent, or attorney of any financial institution, bank holding  
24          company, or savings and loan holding company, except as

1 provided by law, directly or indirectly, asks, demands, exacts,  
2 solicits, seeks, accepts, receives or agrees to receive anything  
3 of value, for himself or for any other person or entity, other  
4 than such financial institution, from any person or entity for  
5 or in connection with any transaction or business of such fi-  
6 nancial institution; or

7       “(b) Whoever, except as provided by law, directly or  
8 indirectly, gives, offers, or promises anything of value to any  
9 officer, director, employee, agent, or attorney of any financial  
10 institution, bank holding company, or savings and loan hold-  
11 ing company, or offers or promises any such officer, director,  
12 employee, agent, or attorney to give anything of value to any  
13 person or entity, other than such financial institution, for or  
14 in connection with any transaction or business of such finan-  
15 cial institution, shall be fined not more than \$5,000 or three  
16 times the value of anything offered, asked, given, received, or  
17 agreed to be given or received, whichever is greater, or im-  
18 prisoned not more than five years, or both; but if the value of  
19 anything offered, asked, given, received, or agreed to be  
20 given or received does not exceed \$100, shall be fined not  
21 more than \$1,000 or imprisoned not more than one year, or  
22 both.

23       “(c) As used in this section—

24           “(1) ‘financial institution’ means—

1           “(A) any bank the deposits of which are in-  
2           sured by the Federal Deposit Insurance Corpora-  
3           tion;

4           “(B) any member, as defined in section 2 of  
5           the Federal Home Loan Bank Act, as amended,  
6           of the Federal Home Loan Bank System and any  
7           Federal Home Loan Bank;

8           “(C) any institution the accounts of which  
9           are insured by the Federal Savings and Loan In-  
10          surance Corporation;

11          “(D) any credit union the accounts of which  
12          are insured by the Administrator of the National  
13          Credit Union Administration;

14          “(E) any Federal land bank, Federal land  
15          bank association, Federal intermediate credit  
16          bank, production credit association, bank for coop-  
17          eratives; and

18          “(F) a small business investment company,  
19          as defined in section 103 of the Small Business  
20          Investment Act of 1958 (15 U.S.C. 662); and

21          “(2) ‘bank holding company’ or ‘savings and loan  
22          holding company’ means any person, corporation, part-  
23          nership, business trust, association or similar organiza-  
24          tion which controls a financial institution in such a  
25          manner as to be a bank holding company or a savings

1 and loan holding company under the Bank Holding  
2 Company Act Amendments of 1956 (12 U.S.C. 184i)  
3 or the Savings and Loan Holding Company Amend-  
4 ments of 1967 (12 U.S.C. 1730a).

5 “(d) This section shall not apply to the payment by a  
6 financial institution of the usual salary or director’s fee paid  
7 to an officer, director, employee, agent, or attorney thereof,  
8 or to a reasonable fee paid by such financial institution to  
9 such officer, director, employee, agent, or attorney for serv-  
10 ices rendered to such financial institution.”.

11 (b) Section 216 of title 18 is repealed, and the section  
12 analysis of chapter 11 for section 216 be amended to read:  
“216. Repealed.”.

13 **PART G—BANK FRAUD**

14 **SEC. 1108.** (a) Chapter 63 of title 18 of the United  
15 States Code is amended by adding a new section as follows:

16 **“§ 1344. Bank fraud**

17 **“(a) Whoever knowingly executes, or attempts to exe-  
18 cute, a scheme or artifice—**

19 **“(1) to defraud a federally chartered or insured fi-  
20 nancial institution; or**

21 **“(2) to obtain any of the moneys, funds, credits,  
22 assets, securities or other property owned by or under  
23 the custody or control of a federally chartered or in-  
24 sured financial institution by means of false or fraudu-  
25 lent pretenses, representations, or promises, shall be**

1        fined not more than \$10,000, or imprisoned not more  
2        than five years, or both.

3        “(b) As used in this section, the term ‘federally char-  
4        tered or insured financial institution’ means—

5                “(1) a bank with deposits insured by the Federal  
6        Deposit Insurance Corporation;

7                “(2) an institution with accounts insured by the  
8        Federal Savings and Loan Insurance Corporation;

9                “(3) a credit union with accounts insured by the  
10       National Credit Union Administration Board;

11               “(4) a Federal home loan bank or a member, as  
12       defined in section 2 of the Federal Home Loan Bank  
13       Act (12 U.S.C. 1422), of the Federal home loan bank  
14       system; or

15               “(5) a bank, banking association, land bank, inter-  
16       mediate credit bank, bank for cooperatives, production  
17       credit association, land bank association, mortgage as-  
18       sociation, trust company, savings bank, or other bank-  
19       ing or financial institution organized or operating under  
20       the laws of the United States.”.

21        (b) The analysis for chapter 63 of title 18 of the United  
22       States Code is amended by adding at the end thereof the  
23       following:

“1344. Bank fraud.”.

## 1 PART H—POSSESSION OF CONTRABAND IN PRISON

2 SEC. 1109. (a) Section 1791 of title 18, United States  
3 Code is amended to read as follows:

4 **“§ 1791. Providing or possessing contraband in prison**

5 **“(a) OFFENSE.—**A person commits an offense if, in vio-  
6 lat. n of a statute, or a regulation, rule, or order issued pur-  
7 suant thereto—

8 **“(1)** he provides, or attempts to provide, to an  
9 inmate of a Federal penal or correctional facility—

10 **“(A)** a firearm or destructive device;

11 **“(B)** any other weapon or object that may be  
12 used as a weapon or as a means of facilitating  
13 escape;

14 **“(C)** a narcotic drug as defined in section  
15 102 of the Controlled Substances Act (21 U.S.C.  
16 802);

17 **“(D)** a controlled substance, other than a  
18 narcotic drug, as defined in section 102 of the  
19 Controlled Substances Act (21 U.S.C. 802), or an  
20 alcoholic beverage;

21 **“(E)** United States currency; or

22 **“(F)** any other object; or

23 **“(2)** being an inmate of a Federal penal or correc-  
24 tional facility, he makes, possesses, procures, or other-  
25 wise provides himself with, or attempts to make, pos-

1        sess, procure, or otherwise provide himself with, any-  
2        thing described in paragraph (1).

3        “(b) GRADING.—An offense described in this section is  
4        punishable by—

5                “(1) imprisonment for not more than ten years, a  
6        fine of not more than \$25,000, or both, if the object is  
7        anything set forth in paragraph (1)(A);

8                “(2) imprisonment for not more than five years, a  
9        fine of not more than \$10,000, or both, if the object is  
10       anything set forth in paragraph (1)(B) or (1)(C);

11               “(3) imprisonment for not more than one year, a  
12       fine of not more than \$5,000, or both, if the object is  
13       anything set forth in paragraph (1)(D) or (1)(E); and

14               “(4) imprisonment for not more than six months,  
15       a fine of not more than \$1,000, or both, if the object is  
16       any other object.

17        “(c) DEFINITIONS.—As used in this section, ‘firearm’  
18       and ‘destructive device’ have the meaning given those terms,  
19       respectively, in 18 U.S.C. 921(a) (3) and (4).”.

20        (b) Section 1792 of title 18, United States Code, is  
21       amended to read as follows:

22        **“§1792. Mutiny and riot prohibited**

23               “Whoever instigates, connives, willfully attempts to  
24       cause, assists, or conspires to cause any mutiny or riot, at  
25       any Federal penal or correctional facility, shall be imprisoned



1 not more than ten years or fined not more than \$25,000, or  
2 both.”;

3 (c) The analysis at the beginning of chapter 87 of title  
4 18, United States Code, is amended to read as follows:

**“CHAPTER 87**

“Sec.

“1791. Providing or possessing contraband in prison.

“1792. Mutiny and riot prohibited.”;

5 (d) Chapter 301 of title 18, United States Code, is  
6 amended by adding at the end thereof the following new sec-  
7 tion:

8 **“§ 4012. Summary seizure and forfeiture of prison contra-**  
9 **band**

10 “An officer or employee of the Bureau of Prisons may,  
11 pursuant to rules and regulations of the Director of the  
12 Bureau of Prisons, summarily seize any object introduced  
13 into a Federal penal or correctional facility or possessed by  
14 an inmate of such a facility in violation of a rule, regulation  
15 or order promulgated by the Director, and such object shall  
16 be forfeited to the United States.”; and

17 (e) The analysis at the beginning of chapter 301 of title  
18 18, United States Code, is amended by adding after the item  
19 relating to section 4011 the following:

“4012. Summary seizure and forfeiture of prison contraband.”.

20 **PART I—LIVESTOCK FRAUD**

21 **SEC. 1110.** This Part may be cited as the “Livestock  
22 **Fraud Protection Act”.**

1        **SEC. 1111.** Chapter 31 of title 18, United States Code,  
2 is amended by adding a new section 667 to read as follows:

3        **“§ 667. Theft of livestock**

4            “Whoever obtains or uses the property of another which  
5 has a value of \$10,000 or more in connection with the mar-  
6 keting of livestock in interstate or foreign commerce with  
7 intent to deprive the other of a right to the property or a  
8 benefit of the property or to appropriate the property to his  
9 own use or the use of another shall be fined not more than  
10 \$10,000 or imprisoned not more than five years, or both.”.

11        **SEC. 1112.** The analysis of chapter 31 of title 18,  
12 United States Code, is amended by inserting at the end  
13 thereof the following new item:

      “667. Theft of livestock.”.

14        **SEC. 1113.** Section 2316 of title 18, United States  
15 Code, is amended by striking out “cattle” each place it ap-  
16 pears in the section heading and in the text and inserting in  
17 lieu thereof in such instance “livestock”.

18        **SEC. 1114.** Section 2317 of title 18, United States  
19 Code, is amended by striking “cattle” each place it appears  
20 in the section heading and in the text and inserting in lieu  
21 thereof in such instance “livestock”.

22        **SEC. 1115.** The analysis of chapter 113 of title 18,  
23 United States Code, is amended by striking out “cattle” in  
24 sections 2316 and 2317 and inserting in lieu thereof “live-  
25 stock”.



1 States for which the maximum authorized term of imprison-  
2 ment does not exceed six months, shall not be proceeded  
3 against in any court of the United States unless the Attorney  
4 General, after investigation, certifies to the appropriate dis-  
5 trict court of the United States that (1) the juvenile court or  
6 other appropriate court of a State does not have jurisdiction  
7 or refuses to assume jurisdiction over said juvenile with re-  
8 spect to such alleged act of juvenile delinquency, (2) the  
9 State does not have available programs and services ade-  
10 quate for the needs of juveniles, or (3) the offense charged is  
11 a crime of violence that is a felony or an offense described in  
12 section 841, 952(a), 955, or 959 of title 21, and that there is  
13 a substantial Federal interest in the case or the offense to  
14 warrant the exercise of Federal jurisdiction.”

15 (b) The fourth paragraph of section 5032 of title 18 of  
16 the United States Code is amended—

17 (1) by striking “punishable by a maximum term of  
18 ten years imprisonment or more, life imprisonment or  
19 death,” and inserting in lieu thereof: “that is a crime  
20 of violence or an offense described in section 841,  
21 952(a), 955, or 959 of title 21,”;

22 (2) by striking out “sixteen” and “sixteenth” and  
23 inserting in lieu thereof “fifteen” and “fifteenth” re-  
24 spectively; and

1           (3) by striking out the period at the end of the  
2 paragraph and inserting in lieu thereof: “; however, a  
3 juvenile who is alleged to have committed an act after  
4 his sixteenth birthday which if committed by an adult  
5 would be a felony offense that has as an element there-  
6 of the use, attempted use, or threatened use of physical  
7 force against the person of another, or that, by its very  
8 nature, involves a substantial risk that physical force  
9 against the person of another may be used in commit-  
10 ting the offense, or would be an offense described in  
11 section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this  
12 title, and who has previously been found guilty of an  
13 act which if committed by an adult would have been  
14 one of the offenses set forth in this subsection or an  
15 offense in violation of a State felony statute that would  
16 have been such an offense if a circumstance giving rise  
17 to Federal jurisdiction had existed, shall be transferred  
18 to the appropriate district court of the United States  
19 for criminal prosecution.”; and

20           (c) Section 5032 of title 18 of the United States Code is  
21 further amended by adding at the end thereof the following:

22           “Whenever a juvenile transferred to district court under  
23 this section is not convicted of the crime upon which the  
24 transfer was based or another crime which would have war-  
25 ranted transfer had the juvenile been initially charged with

1 that crime, further proceedings concerning the juvenile shall  
2 be conducted pursuant to the provisions of this chapter.

3 "Any proceedings against a juvenile under this chapter  
4 or as an adult shall not be commenced until any prior juvenile  
5 court records of such juvenile have been received by the  
6 court, or the clerk of the juvenile court has certified in writ-  
7 ing that the juvenile has no prior record, or that the juve-  
8 nile's record is unavailable and why it is unavailable.

9 "Whenever a juvenile is adjudged delinquent pursuant  
10 to the provisions of this chapter, the specific acts which the  
11 juvenile has been found to have committed shall be described  
12 as part of the official record of the proceedings and part of  
13 the juvenile's official record."

14 SEC. 1202. Section 5038 of title 18 of the United States  
15 Code is amended to read as follows:

16 "§ 5038. Use of juvenile records

17 "(a) Throughout and upon the completion of the juvenile  
18 delinquency proceeding, the records shall be safeguarded  
19 from disclosure to unauthorized persons. The records shall be  
20 released to the extent necessary to meet the following cir-  
21 cumstances:

22 "(1) inquiries received from another court of law;

23 "(2) inquiries from an agency preparing a presen-  
24 tence report for another court;

1           “(3) inquiries from law enforcement agencies  
2 where the request for information is related to the in-  
3 vestigation of a crime or a position within that agency;

4           “(4) inquiries, in writing, from the director of a  
5 treatment agency or the director of a facility to which  
6 the juvenile has been committed by the court;

7           “(5) inquiries from an agency considering the  
8 person for a position immediately and directly affecting  
9 the national security; and

10           “(6) inquiries from any victim of such juvenile de-  
11 linquency, or if the victim is deceased from the imme-  
12 diate family of such victim, related to the final disposi-  
13 tion of such juvenile by the court in accordance with  
14 section 5037.

15 Unless otherwise authorized by this section, information  
16 about the juvenile record may not be released when the re-  
17 quest for information is related to an application for employ-  
18 ment, license, bonding, or any civil right or privilege. Re-  
19 sponses to such inquiries shall not be different from responses  
20 made about persons who have never been involved in a delin-  
21 quency proceeding.

22           “(b) District courts exercising jurisdiction over any juve-  
23 nile shall inform the juvenile, and his parent or guardian, in  
24 writing in clear and nontechnical language, of rights relating  
25 to his juvenile record.

1           “(c) During the course of any juvenile delinquency pro-  
2 ceeding, all information and records relating to the proceed-  
3 ing, which are obtained or prepared in the discharge of an  
4 official duty by an employee of the court or an employee of  
5 any other governmental agency, shall not be disclosed direct-  
6 ly or indirectly to anyone other than the judge, counsel for  
7 the juvenile and the Government, or others entitled under  
8 this section to receive juvenile records.

9           “(d) Whenever a juvenile is found guilty of committing  
10 an act which if committed by an adult would be a felony that  
11 is a crime of violence or an offense described in section 841,  
12 952(a), 955, or 959 of title 21, such juvenile shall be finger-  
13 printed and photographed. Except a juvenile described in  
14 subsection (f), fingerprints and photographs of a juvenile who  
15 is not prosecuted as an adult shall be made available only in  
16 accordance with the provisions of subsection (a) of this sec-  
17 tion. Fingerprints and photographs of a juvenile who is pros-  
18 ecuted as an adult shall be made available in the manner  
19 applicable to adult defendants.

20           “(e) Unless a juvenile who is taken into custody is pros-  
21 ecuted as an adult neither the name nor picture of any juve-  
22 nile shall be made public in connection with a juvenile delin-  
23 quency proceeding.

24           “(f) Whenever a juvenile has on two separate occasions  
25 been found guilty of committing an act which if committed by



1 an adult would be a felony crime of violence or an offense  
2 described in section 841, 952(a), 955, or 959 of title 21, the  
3 court shall transmit to the Federal Bureau of Investigation,  
4 Identification Division, the information concerning the adju-  
5 dications, including name, date of adjudication, court, of-  
6 fenses, and sentence, along with the notation that the matters  
7 were juvenile adjudications.”.

8           **PART B—WIBETAP AMENDMENTS**

9           **SEC. 1203. (a)** Section 2518(7) of title 18 of the United  
10 States Code is amended by inserting “, the Deputy Attorney  
11 General, the Associate Attorney General,” after the words  
12 “Attorney General”;

13           **(b)** Paragraph (a) of section 2518(7) of title 18 of the  
14 United States Code is amended to read as follows:

15           “(a) an emergency situation exists that involves—

16                   “(i) immediate danger of death or serious  
17                   physical injury to any person,

18                   “(ii) conspiratorial activities threatening the  
19                   national security interest, or

20                   “(iii) conspiratorial activities characteristic of  
21                   organized crime,

22           that requires a wire or oral communication to be inter-  
23           cepted before an order authorizing such interception  
24           can, with due diligence, be obtained, and”.

1 (c) Subsection (1) of section 2516 of title 18 of the  
2 United States Code is amended—

3 (1) in paragraph (c) by adding “section 1343  
4 (fraud by wire, radio, or television), section 2252 or  
5 2253 (sexual exploitation of children),” after “section  
6 664 (embezzlement from pension and welfare funds);”;

7 (2) again in paragraph (c) by deleting “section  
8 1503” and substituting “sections 1503, 1512, and  
9 1513”;

10 (3) by deleting the “or” at the end of paragraph  
11 (f), by redesignating present paragraph “(g)” as “(h)”,  
12 and by inserting a new paragraph (g) as follows:

13 “(g) a violation of section 5322 of title 31, United  
14 States Code (dealing with the reporting of currency  
15 transactions); or” and

16 (4) in the first paragraph by inserting the words  
17 “Deputy Attorney General, Associate Attorney Gener-  
18 al,” after the words “Attorney General.”.

19 **PART C—EXPANSION OF VENUE FOR THREAT OFFENSES**

20 **SEC. 1204. (a)** The second paragraph of subsection (a)  
21 of section 3237 of title 18, United States Code is amended to  
22 read as follows:

23 “Any offense involving the use of the mails, transporta-  
24 tion in interstate or foreign commerce, or the importation of  
25 an object or person into the United States is a continuing

1 offense and, except as otherwise expressly provided by enact-  
2 ment of Congress, may be inquired of and prosecuted in any  
3 district from, through, or into which such commerce, mail  
4 matter, or imported object or person moves.”.

5 (b) Section 3239 of title 18 of the United States Code is  
6 deleted, and amend section analysis accordingly.

7 **PART D—INJUNCTIONS AGAINST FRAUD**

8 **SEC. 1205.** (a) Chapter 63 of title 18 of the United  
9 States Code is amended by adding at the end thereof a new  
10 section 1345 as follows: “

11 **“§ 1345. Injunctions against fraud**

12 “Whenever it shall appear that any person is engaged  
13 or is about to engage in any act which constitutes or will  
14 constitute a violation of this chapter, the Attorney General  
15 may initiate a civil proceeding in a district court of the  
16 United States to enjoin such violation. The court shall pro-  
17 ceed as soon as practicable to the hearing and determination  
18 of such an action, and may, at any time before final determi-  
19 nation, enter such a restraining order or prohibition, or take  
20 such other action, as is warranted to prevent a continuing  
21 and substantial injury to the United States or to any person  
22 or class of persons for whose protection the action is brought.  
23 A proceeding under this section is governed by the Federal  
24 Rules of Civil Procedure, except that, if an indictment has

1 been returned against the respondent, discovery is governed  
2 by the Federal Rules of Criminal Procedure.”.

3 (b) The analysis at the beginning of chapter 63 of title  
4 18 is amended by adding after the item relating to section  
5 1343 the following:

“1345. Injunctions against fraud.”.

6 **PART E—GOVERNMENT APPEAL OF POST-CONVICTION**  
7 **NEW TRIAL ORDERS**

8 **SEC. 1206.** The first paragraph of section 3731 of title  
9 18 of the United States Code is amended by adding, after  
10 “indictment or information” the words, “or granting a new  
11 trial after verdict or judgment,”.

12 **(152) PART F—WITNESS SECURITY PROGRAM**  
13 **IMPROVEMENTS**

14 **SEC. 1207. (a)** Title 18 of the United States Code is  
15 amended by adding after chapter 223 the following new  
16 chapter:

17 **“CHAPTER 224—PROTECTION OF WITNESSES**

“Sec.

“3521. Witness relocation and protection.

“3522. Reimbursement of expenses.

“3523. Penalty for wrongful disclosure.

“3524. Definition for chapter.

18 **“§ 3521. Witness relocation and protection**

19 **“(a) RELOCATION.—**The Attorney General may pro-  
20 vide for the relocation or protection of a Government witness  
21 or a potential Government witness in an official proceeding  
22 concerning an organized criminal activity or other serious of-

1 fense if the Attorney General determines that an offense de-  
2 scribed in section 1512 or 1513, or a State or local offense  
3 that is similar in nature or that involves a crime of violence  
4 directed at a witness, is likely to be committed. The Attorney  
5 General may also provide for the relocation or protection of  
6 the immediate family of, or a person otherwise closely associ-  
7 ated with, such witness or potential witness if the family or  
8 person may also be endangered. The Attorney General shall  
9 issue guidelines defining the types of cases for which the ex-  
10 ercise of authority of the Attorney General contained in this  
11 subsection would be appropriate. Before providing protection  
12 to any person under this chapter, the Attorney General  
13 shall—

14           “(1) to the extent practicable, obtain and consider  
15 information relating to the suitability of the person for  
16 inclusion in the program, including the criminal history,  
17 if any, and a psychological evaluation of, the person;

18           “(2) make a written assessment in each case of  
19 the seriousness of the investigation or case in which  
20 the person's information or testimony has been or will  
21 be provided, and the possible risk of danger to persons  
22 and property in the community where the person is to  
23 be relocated; and

24           “(3) determine that the need for such protection  
25 outweighs the risk of danger to the public.

1 Neither the United States nor the Attorney General shall be  
2 subject to civil liability on account of a decision to provide  
3 protection under this chapter.

4       “(b) RELATED PROTECTIVE MEASURES.—In connec-  
5 tion with the relocation or protection of a witness, a potential  
6 witness, or an immediate family member or close associate of  
7 a witness or potential witness, the Attorney General may  
8 take any action he determines to be necessary to protect such  
9 person from bodily injury, and otherwise to assure his health,  
10 safety, and welfare, for as long as, in the judgment of the  
11 Attorney General, such danger exists. The Attorney General  
12 may—

13               “(1) provide suitable official documents to enable  
14 a person relocated to establish a new identity;

15               “(2) provide housing for the person relocated or  
16 protected;

17               “(3) provide for the transportation of household  
18 furniture and other personal property to the new resi-  
19 dence of the person relocated;

20               “(4) provide a tax free subsistence payment, in a  
21 sum established in regulations issued by the Attorney  
22 General, for such times as the Attorney General deter-  
23 mines to be warranted;

24               “(5) assist the person relocated in obtaining em-  
25 ployment; and

1           “(6) disclose or refuse to disclose the identity or  
2 location of the person relocated or protected, or any  
3 other matter concerning the person or the program  
4 after weighing the danger such a disclosure would pose  
5 to the person, the detriment it would cause to the gen-  
6 eral effectiveness of the program, and the benefit it  
7 would afford to the public or to the person seeking the  
8 disclosure, except that the Attorney General shall,  
9 upon the request of State or local law enforcement offi-  
10 cials, promptly disclose to such officials the identity  
11 and location, criminal records, fingerprints, and other  
12 relevant information relating to the person relocated or  
13 protected when it appears that the person is under in-  
14 vestigation for or has been arrested for or charged with  
15 an offense that is punishable by more than one year in  
16 prison or that is a crime of violence. The Attorney  
17 General shall establish an accurate and effective  
18 system of records concerning the criminal history of  
19 persons provided protection under this chapter in order  
20 to provide the information described in this paragraph.

21           “(e) CIVIL ACTION AGAINST A RELOCATED  
22 PERSON.—Notwithstanding the provisions of subsection  
23 (b)(6), if a person relocated under this section is named as a  
24 defendant in a civil cause of action, arising prior to the per-  
25 son's relocation, for damages resulting from bodily injury,

1 property damage, or injury to business, process in the civil  
2 proceeding may be served upon the Attorney General. The  
3 Attorney General shall make reasonable efforts to serve a  
4 copy of the process upon the person relocated at his last  
5 known address. If a judgment in such an action is entered  
6 against the person relocated, the Attorney General shall de-  
7 termine whether the person has made reasonable efforts to  
8 comply with the provisions of that judgment. The Attorney  
9 General shall take affirmative steps to urge the person relo-  
10 cated to comply with any judgment rendered. If the Attorney  
11 General determines that the person has not made reasonable  
12 efforts to comply with the provisions of the judgment, he  
13 may, in his discretion, after weighing the danger to the  
14 person relocated, disclose the identity and location of that  
15 person to the plaintiff entitled to recovery pursuant to the  
16 judgment. Any such disclosure shall be made upon the ex-  
17 press condition that further disclosure by the plaintiff of such  
18 identity or location may be made only if essential to the  
19 plaintiff's efforts to recover under the judgment, and only to  
20 such additional persons as is necessary to effect the recovery.  
21 Any such disclosure or nondisclosure by the Attorney Gener-  
22 al shall not subject the Government to liability in any action  
23 based upon the consequences thereof.

24       “(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION  
25 BY SPECIAL MASTER.—(1) Anytime one hundred twenty



1 days after a decision by the Attorney General to deny disclo-  
2 sure of the current identity and location of a person provided  
3 protection under this chapter to any person who holds a judi-  
4 cial order or judgment for money or damages entered by a  
5 Federal or State court in his favor against the protected  
6 person; the person who holds the judicial order or judgment  
7 for money or damages shall have standing to petition the  
8 United States district court in the district where the petition-  
9 er resides for appointment of a special master. The United  
10 States district court in the district where the petitioner re-  
11 sides shall have jurisdiction over actions brought under this  
12 subsection.

13       “(2) (A) Upon a determination that—

14               “(i) the petitioner holds a Federal or State judicial  
15               order or judgment; and

16               “(ii) the Attorney General has declined to disclose  
17               to the petitioner the current identity and location of the  
18               protected person with respect to whom the order of  
19               judgment was entered;

20 the court shall appoint a special master to act on behalf of  
21 the petitioner to enforce the order or judgment.

22       “(B) The clerk of the court shall promptly furnish the  
23 master appointed pursuant to clause (A) with a copy of the  
24 order of appointment. The Attorney General shall disclose to  
25 the master the current identity and location of such protected

1 person and any other information necessary to enable the  
2 master to carry out his duties under this subsection. It is the  
3 responsibility of the court to assure that the master proceeds  
4 with all reasonable diligence and dispatch to enforce the  
5 rights of the petitioner.

6       “(3) It is the duty of the master to—

7               “(A) proceed with all reasonable diligence and  
8 dispatch to enforce the rights of the petitioner; and

9               “(B) to carry out his enforcement duties in a  
10 manner that minimizes, to the extent practicable, the  
11 safety and security of the protected person.

12 The master may disclose to State or Federal court judges, to  
13 the extent necessary to effect the judgment, the new identity  
14 or location of the protected person. In no other cases shall  
15 the master disclose the new identity or location of the pro-  
16 tected person without permission of the Attorney General.  
17 Any good faith disclosure made by the master in the perform-  
18 ance of his duties under this subsection shall not create civil  
19 liability against the United States.

20       “(4) Upon appointment, the master shall have the  
21 power to take any action with respect to the judgment or  
22 order which the petitioner could take including the initiation  
23 of judicial enforcement actions in any Federal or State court  
24 or the assignment of such enforcement actions to a third  
25 party under applicable Federal or State law.

1       “(5) The costs of the action authorized by this subsec-  
2 tion and the compensation to be allowed to a master shall be  
3 fixed by the court and shall be apportioned among the parties  
4 as follows:

5           “(A) the petitioner shall be assessed in the  
6 amount he would have paid to collect on his judgment  
7 in an action not arising under the provisions of this  
8 section; and

9           “(B) the protected person shall be assessed the  
10 costs which are normally charged to debtors in similar  
11 actions and any other costs which are incurred as a  
12 result of an action brought pursuant to this section.

13 In the event that the costs and compensation to the master  
14 are not met by the petitioner or protected person, the court  
15 may, in its discretion, enter judgment against the United  
16 States for costs and fees reasonably incurred as a result of an  
17 action brought pursuant to this section.

18       “(e) **RESOLUTION OF COMPLAINTS OR GRIEV-**  
19 **ANCES.**—The Attorney General shall establish guidelines  
20 and procedures for the resolution of complaints or grievances  
21 of persons provided protection under this chapter regarding  
22 the administration of the program.

23       **“§ 3522. Reimbursement of expenses**

24       “The provision of transportation, housing, subsistence,  
25 or other assistance to a person under section 3521 may be

1 conditioned by the Attorney General upon reimbursement of  
 2 expenses in whole or in part to the United States by a State  
 3 or local government.

4 **“§ 3523. Penalty for wrongful disclosure**

5 **“Whoever without the authorization of the Attorney**  
 6 **General, knowingly discloses any information received from**  
 7 **the Attorney General under section 3521(b)(6) shall be fined**  
 8 **not more than \$10,000, or imprisoned not more than five**  
 9 **years, or both.**

10 **“§ 3524. Definition for chapter**

11 **“As used in this subchapter ‘government’ includes the**  
 12 **Federal Government and a State or local government.”.**

13 (b) The table of chapters for part II of title 18, United  
 14 States Code, is amended by adding after the item for chapter  
 15 223 the following new item:

**“224. Protection of witnesses..... 3521”.**

16 (c) Title V of the Organized Crime Control Act of 1970  
 17 (84 Stat. 928) is repealed.

18 (d) Section 568 of title 28, United States Code, is  
 19 amended—

20 (1) by inserting “(a)” before “Appropriations”;

21 and

22 (2) by adding at the end thereof a new subsection  
 23 to read as follows:

24 **“(b) Without regard to the provisions of sections 3202**  
 25 **and 9701 of title 31 of the United States Code, the United**

1 States Marshals Service is authorized, to the extent provided  
 2 in the Appropriations Act, to credit to its appropriations ac-  
 3 count all fees, commissions, and expenses collected for—

4       “(1) the service of civil process, including com-  
 5 plaints, summonses, subpoenas, and similar process;  
 6 and

7       “(2) seizures, levies, and sales associated with ju-  
 8 dicial orders of execution;

9 for the purposes of carrying out these activities. Such cred-  
 10 ited amounts may be carried over from year to year for these  
 11 purposes.”.

12                   *PART F—WITNESS PROTECTION*

13                               *SUBPART A*

14       *SEC. 1207. This subpart may be cited as the “Witness*  
 15 *Security Reform Act of 1984”.*

16                   *AUTHORITIES OF ATTORNEY GENERAL*

17       *SEC. 1208. Part II of title 18, United States Code, is*  
 18 *amended by inserting after chapter 223 of the following new*  
 19 *chapter:*

                  “CHAPTER 224—PROTECTION OF WITNESSES

“Sec.

“3521. *Witness relocation and protection.*

“3522. *Probationers and parolees.*

“3523. *Civil judgments.*

“3524. *Child custody arrangements.*

“3525. *Victims Compensation Fund.*

“3526. *Cooperation of other Federal agencies and State governments.*

“3527. *Additional authority of Attorney General.*

“3528. *Definition.*

1 **“§ 3521. Witness relocation and protection**

2       “(a)(1) *The Attorney General may provide for the relo-*  
3 *cation and other protection of a witness or a potential witness*  
4 *for the Federal Government or for a State government in an*  
5 *official proceeding concerning an organized criminal activity*  
6 *or other serious offense, if the Attorney General determines*  
7 *that an offense involving a crime of violence directed at the*  
8 *witness with respect to that proceeding, an offense set forth in*  
9 *chapter 73 of this title directed at the witness, or a State*  
10 *offense that is similar in nature to either such offense, is*  
11 *likely to be committed. The Attorney General may also pro-*  
12 *vide for the relocation and other protection of the immediate*  
13 *family of, or a person otherwise closely associated with, such*  
14 *witness or potential witness if the family or person may also*  
15 *be endangered on account of the participation of the witness*  
16 *in the judicial proceeding.*

17       “(2) *The Attorney General shall issue guidelines defin-*  
18 *ing the types of cases for which the exercise of the authority*  
19 *of the Attorney General contained in paragraph (1) would be*  
20 *appropriate.*

21       “(3) *The United States and its officers and employees*  
22 *shall not be subject to any civil liability on account of any*  
23 *decision to provide or not to provide protection under this*  
24 *chapter.*

25       “(b)(1) *In connection with the protection under this*  
26 *chapter of a witness, a potential witness, or an immediate*

1 *family member or close associate of a witness or potential*  
2 *witness, the Attorney General shall take such action as the*  
3 *Attorney General determines to be necessary to protect the*  
4 *person involved from bodily injury and otherwise to assure*  
5 *the health, safety, and welfare of that person, including the*  
6 *psychological well-being and social adjustment of that person,*  
7 *for as long as, in the judgment of the Attorney General, the*  
8 *danger to that person exists. The Attorney General may, by*  
9 *regulation—*

10           “(A) *provide suitable documents to enable the*  
11 *person to establish a new identity or otherwise protect*  
12 *the person;*

13           “(B) *provide housing for the person;*

14           “(C) *provide for the transportation of household*  
15 *furniture and other personal property to a new resi-*  
16 *dence of the person;*

17           “(D) *provide to the person a payment to meet*  
18 *basic living expenses, in a sum established in accord-*  
19 *ance with regulations issued by the Attorney General,*  
20 *for such times as the Attorney General determines to*  
21 *be warranted;*

22           “(E) *assist the person in obtaining employment;*

23           “(F) *provide other services necessary to assist the*  
24 *person in becoming self-sustaining;*

1           “(G) disclose or refuse to disclose the identity or  
2           location of the person relocated or protected, or any  
3           other matter concerning the person or the program after  
4           weighing the danger such a disclosure would pose to  
5           the person, the detriment it would cause to the general  
6           effectiveness of the program, and the benefit it would  
7           afford to the public or to the person seeking the disclo-  
8           sure, except that the Attorney General shall, upon the  
9           request of State or local law enforcement officials or  
10          pursuant to a court order, without undue delay, dis-  
11          close to such officials the identity, location, criminal  
12          records, and fingerprints relating to the person relo-  
13          cated or protected when the Attorney General knows or  
14          the request indicates that the person is under investiga-  
15          tion for or has been arrested for or charged with an of-  
16          fense that is punishable by more than one year in  
17          prison or that is a crime of violence; and

18                 “(H) exempt procurement for services, materials,  
19          and supplies, and the renovation and construction of  
20          safe sites within existing buildings from other provi-  
21          sions of law as may be required to maintain the securi-  
22          ty of protective witnesses and the integrity of the Wit-  
23          ness Security Program.

24          Division of the Department of Justice. The Attorney General  
25          shall establish an accurate, efficient, and effective system of



1 records concerning the criminal history of persons provided  
2 protection under this chapter in order to provide the informa-  
3 tion described in subparagraph (G) of this paragraph. Any  
4 action under subparagraphs (A) through (H) of this para-  
5 graph shall be personally approved in writing by the Attor-  
6 ney General or the delegate of the Attorney General under  
7 subparagraph (I) of this paragraph.

8       “(2) Deductions shall be made from any payment made  
9 to a person pursuant to paragraph (1)(D) to satisfy obliga-  
10 tions of that person for family support payments pursuant to  
11 a State court order.

12       “(3) Any person who, without the authorization of the  
13 Attorney General, knowingly discloses any information re-  
14 ceived from the Attorney General under paragraph (1)(G)  
15 shall be fined \$5,000 or imprisoned five years, or both.

16       “(c) Before providing protection to any person under  
17 this chapter, the Attorney General shall, to the extent practi-  
18 cable, obtain information relating to the suitability of the  
19 person for inclusion in the program, including the criminal  
20 history, if any, and a psychological evaluation of, the person.  
21 The Attorney General shall also make a written assessment  
22 in each case of the seriousness of the investigation or case in  
23 which the person's information or testimony has been or will  
24 be provided and the possible risk of danger to other persons  
25 and property in the community where the person is to be

1 *relocated and shall determine whether the need for that per-*  
2 *son's testimony outweighs the risk of danger to the public. In*  
3 *assessing whether a person should be provided protection*  
4 *under this chapter, the Attorney General shall consider the*  
5 *person's criminal record, alternatives to providing protection*  
6 *under this chapter, the possibility of securing similar testimo-*  
7 *ny from other sources, the need for protecting the person, the*  
8 *relative importance of the person's testimony, results of psy-*  
9 *chological examinations, whether providing such protection*  
10 *will substantially infringe upon the relationship between a*  
11 *child who would be relocated in connection with such protec-*  
12 *tion and that child's parent who would not be so relocated,*  
13 *and such other factors as the Attorney General considers ap-*  
14 *propriate. The Attorney General shall not provide protection*  
15 *to any person under this chapter if the risk of danger to the*  
16 *public, including the potential harm to innocent victims, out-*  
17 *weighs the need for that person's testimony. This subsection*  
18 *shall not be construed to authorize the disclosure of the writ-*  
19 *ten assessment made pursuant to this subsection.*

20       “(d)(1) *Before providing protection to any person under*  
21 *this chapter, the Attorney General shall enter into a memo-*  
22 *randum of understanding with that person. Each such memo-*  
23 *randum of understanding shall set forth the responsibilities of*  
24 *that person, including—*

1           “(A) the agreement of the person, if a witness or  
2           potential witness, to testify in and provide information  
3           to all appropriate law enforcement officials concerning  
4           all appropriate proceedings;

5           “(B) the agreement of the person not to commit  
6           any crime;

7           “(C) the agreement of the person to take all neces-  
8           sary steps to avoid detection by others of the facts con-  
9           cerning the protection provided to that person under  
10          this chapter;

11          “(D) the agreement of the person to comply with  
12          legal obligations and civil judgments against that  
13          person;

14          “(E) the agreement of the person to cooperate with  
15          all reasonable requests of officers and employees of the  
16          Government who are providing protection under this  
17          chapter;

18          “(F) the agreement of the person to designate an-  
19          other person to act as agent for the service of process;

20          “(G) the agreement of the person to make a sworn  
21          statement of all outstanding legal obligations, including  
22          obligations concerning child custody and visitation;

23          “(H) the agreement of the person to disclose any  
24          probation or parole responsibilities, and if the person is  
25          on probation or parole under State law, to consent to

1       *Federal supervision in accordance with section 3522 of*  
2       *this title; and*

3               *“(1) the agreement of the person to regularly*  
4       *inform the appropriate program official of the activities*  
5       *and current address of such person.*

6       *Each such memorandum of understanding shall also set forth*  
7       *the protection which the Attorney General has determined*  
8       *will be provided to the person under this chapter, and the*  
9       *procedures to be followed in the case of a breach of the memo-*  
10       *randum of understanding, as such procedures are established*  
11       *by the Attorney General. Such procedures shall include a*  
12       *procedure for filing and resolution of grievances of persons*  
13       *provided protection under this chapter regarding the adminis-*  
14       *tration of the program. This procedure shall include the op-*  
15       *portunity for resolution of a grievance by a person who was*  
16       *not involved in the case.*

17               *“(2) The Attorney General shall enter into a separate*  
18       *memorandum of understanding pursuant to this subsection*  
19       *with each person protected under this chapter who is eighteen*  
20       *years of age or older. The memorandum of understanding*  
21       *shall be signed by the Attorney General and the person pro-*  
22       *tected.*

23               *“(3) The Attorney General may delegate the responsi-*  
24       *bility initially to authorize protection under this chapter only*  
25       *to the Deputy Attorney General, to the Associate Attorney*

1 *General, to the Assistant Attorney General in charge of the*  
2 *Criminal Division of the Department of Justice, to the As-*  
3 *stant Attorney General in charge of Civil Rights Division*  
4 *of the Department of Justice (insofar as the delegation relates*  
5 *to a criminal civil rights case), and to one other officer or*  
6 *employee of the Department of Justice.*

7       “(e) *If the Attorney General determines that harm to a*  
8 *person for whom protection may be provided under section*  
9 *3521 of this title is imminent or that failure to provide imme-*  
10 *diately protection would otherwise seriously jeopardize an on-*  
11 *going investigation, the Attorney General may provide tem-*  
12 *porary protection to such person under this chapter before*  
13 *making the written assessment and determination required*  
14 *by subsection (c) of this section or entering into the memoran-*  
15 *dum of understanding required by subsection (d) of this sec-*  
16 *tion. In such a case the Attorney General shall make such*  
17 *assessment and determination and enter into such memoran-*  
18 *dum of understanding without undue delay after the protec-*  
19 *tion is initiated.*

20       “(f) *The Attorney General may terminate the protection*  
21 *provided under this chapter to any person who substantially*  
22 *breaches the memorandum of understanding entered into be-*  
23 *tween the Attorney General and that person pursuant to sub-*  
24 *section (d), or who provides false information concerning the*  
25 *memorandum of understanding or the circumstances pursu-*

1 ant to which the person was provided protection under this  
2 chapter, including information with respect to the nature and  
3 circumstances concerning child custody and visitation.  
4 Before terminating such protection, the Attorney General  
5 shall send notice to the person involved of the termination of  
6 the protection provided under this chapter and the reasons for  
7 the termination. The decision of the Attorney General to ter-  
8 minate such protection shall not be subject to judicial review.

9 **“§ 3522. Probationers and parolees**

10 “A probation officer may, upon the request of the Attor-  
11 ney General, supervise any person provided protection under  
12 this chapter who is on probation or parole under State law, if  
13 the State involved consents to such supervision. Any person  
14 so supervised shall be under Federal jurisdiction during the  
15 period of supervision and shall, during that period be subject  
16 to all laws of the United States which pertain to parolees.

17 “(b) The failure by any person provided protection  
18 under this chapter who is supervised under subsection (a) to  
19 comply with the memorandum of understanding entered into  
20 by that person pursuant to section 3521(d) of this title shall  
21 be grounds for the revocation of probation or parole, as the  
22 case may be.

23 “(c) The United States Parole Commission and the  
24 Chairman of the Commission shall have the same powers  
25 and duties with respect to a probationer or parolee transferred

1 from State supervision pursuant to this section as they have  
2 with respect to an offender convicted in a court of the United  
3 States and paroled under chapter 311 of this title. The provi-  
4 sions of sections 4201 through 4204, 4205 (a), (e), and (h),  
5 4206 through 4216, and 4218 of this title shall apply follow-  
6 ing a revocation of probation or parole under this section.

7       “(d) If a person provided protection under this chapter  
8 who is on probation or parole and is supervised under subse-  
9 tion (a) of this section has been ordered by the State court  
10 which imposed sentence on the person to pay a sum of money  
11 to the victim of the offense involved for damage caused by the  
12 offense, that penalty or award of damages may be enforced as  
13 though it were a civil judgment rendered by a United States  
14 district court. Proceedings to collect the moneys ordered to be  
15 paid may be instituted by the Attorney General in any  
16 United States district court. Moneys recovered pursuant to  
17 such proceedings shall be distributed to the victim.

18 **“§ 3523. Civil judgments**

19       “(a) If a person provided protection under this chapter  
20 is named as a defendant in a civil cause of action arising  
21 prior to or during the period in which the protection is pro-  
22 vided, process in the civil proceeding may be served upon that  
23 person or an agent designated by that person for that purpose.  
24 The Attorney General shall make reasonable efforts to serve  
25 a copy of the process upon the person protected at the person's

1 *last known address. The Attorney General shall notify the*  
2 *plaintiff in the action whether such process has been served.*  
3 *If a judgment in such action is entered against that person*  
4 *the Attorney General shall determine whether the person has*  
5 *made reasonable efforts to comply with the judgment. The*  
6 *Attorney General shall take appropriate steps to urge the*  
7 *person to comply with the judgment. If the Attorney General*  
8 *determines that the person has not made reasonable efforts to*  
9 *comply with the judgment, the Attorney General may, after*  
10 *considering the danger to the person and upon the request of*  
11 *the person holding the judgment disclose the identity and lo-*  
12 *cation of the person to the plaintiff entitled to recovery pursu-*  
13 *ant to the judgment. Any such disclosure of the identity and*  
14 *location of the person shall be made upon the express condi-*  
15 *tion that further disclosure by the plaintiff of such identity or*  
16 *location may be made only if essential to the plaintiff's ef-*  
17 *forts to recover under the judgment, and only to such addi-*  
18 *tional persons as is necessary to effect the recovery. Any such*  
19 *disclosure or nondisclosure by the Attorney General shall not*  
20 *subject the United States and its officers or employees to any*  
21 *civil liability.*

22       “(b)(1) *Any person who holds a judgment entered by a*  
23 *Federal or State court in his or her favor against a person*  
24 *provided protection under this chapter may, upon a decision*  
25 *by the Attorney General to deny disclosure of the current*



1 *identity and location of such protected person, bring an*  
2 *action against the protected person in the United States dis-*  
3 *trict court in the district where the person holding the judg-*  
4 *ment (hereinafter in this subsection referred to as the 'peti-*  
5 *tioner') resides. Such action shall be brought within one hun-*  
6 *dred and twenty days after the petitioner requested the Attor-*  
7 *ney General to disclose the identity and location of the pro-*  
8 *ected person. The complaint in such action shall contain*  
9 *statements that the petitioner holds a valid judgment of a*  
10 *Federal or State court against a person provided protection*  
11 *under this chapter and that the petitioner sought to enforce*  
12 *the judgment by requesting the Attorney General to disclose*  
13 *the identity and location of the protected person.*

14       “(2) *The petitioner in an action described in paragraph*  
15 *(1) shall notify the Attorney General of the action at the*  
16 *same time the action is brought. The Attorney General shall*  
17 *appear in the action and shall affirm or deny the statements*  
18 *in the complaint that the person against whom the judgment*  
19 *is allegedly held is provided protection under this chapter and*  
20 *that the petitioner requested the Attorney General to disclose*  
21 *the identity and location of the protected person for the pur-*  
22 *pose of enforcing the judgment.*

23       “(3) *Upon a determination (A) that the petitioner holds*  
24 *a judgment entered by a Federal or State court and (B) that*  
25 *the Attorney General has declined to disclose to the petitioner*

1 *the current identity and location of the protected person*  
2 *against whom the judgment was entered, the court shall ap-*  
3 *point a guardian to act on behalf of the petitioner to enforce*  
4 *the judgment. The clerk of the court shall forthwith furnish*  
5 *the guardian with a copy of the order of appointment. The*  
6 *Attorney General shall disclose to the guardian the current*  
7 *identity and location of the protected person and any other*  
8 *information necessary to enable the guardian to carry out his*  
9 *or her duties under this subsection.*

10       “(4) *It is the duty of the guardian to proceed with all*  
11 *reasonable diligence and dispatch to enforce the rights of the*  
12 *petitioner under the judgment. The guardian shall, however,*  
13 *endeavor to carry out such enforcement duties in a manner*  
14 *that maximizes, to the extent practicable, the safety and secu-*  
15 *rity of the protected person. In no event shall the guardian*  
16 *disclose the new identity or location of the protected person*  
17 *without the permission of the Attorney General, except that*  
18 *such disclosure may be made to a Federal or State court in*  
19 *order to enforce the judgment. Any good faith disclosure made*  
20 *by the guardian in the performance of his or her duties under*  
21 *this subsection shall not create any civil liability against the*  
22 *United States or any of its officers or employees.*

23       “(5) *Upon appointment, the guardian shall have the*  
24 *power to perform any act with respect to the judgment which*  
25 *the petitioner could perform, including the initiation of judi-*

1 *cial enforcement actions in any Federal or State court or the*  
2 *assignment of such enforcement actions to a third party*  
3 *under applicable Federal or State law. The Federal Rules of*  
4 *Civil Procedure shall apply in any action brought under this*  
5 *subsection to enforce a Federal or State court judgment.*

6       “(6) *The costs of any action brought under this subsec-*  
7 *tion with respect to a judgment, including any enforcement*  
8 *action described in paragraph (5), and the compensation to be*  
9 *allowed to a guardian appointed in any such action shall be*  
10 *fixed by the court and shall be apportioned among the parties*  
11 *as follows: the petitioner shall be assessed in the amount the*  
12 *petitioner would have paid to collect on the judgment in an*  
13 *action not arising under the provisions of this subsection; the*  
14 *protected person shall be assessed the costs which are normal-*  
15 *ly charged to debtors in similar actions and any other costs*  
16 *which are incurred as a result of an action brought under*  
17 *this subsection. In the event that the costs and compensation*  
18 *to the guardian are not met by the petitioner or by the protect-*  
19 *ed person, the court may, in its discretion, enter judgment*  
20 *against the United States for costs and fees reasonably in-*  
21 *curring as a result of the action brought under this subsection.*

22       “(7) *No officer or employee of the Department of Justice*  
23 *shall in any way impede the efforts of a guardian appointed*  
24 *under this subsection to enforce the judgment with respect to*  
25 *which the guardian was appointed.*

1       “(c) *The provisions of this section shall not apply to a*  
2 *court order to which section 3524 of this title applies.*

3       “§ 3524. *Child custody arrangements*

4       “(a) *The Attorney General may not relocate any child*  
5 *in connection with protection provided to a person under this*  
6 *chapter if it appears that a person other than that protected*  
7 *person has legal custody of that child.*

8       “(b) *Before protection is provided under this chapter to*  
9 *any person (1) who is a parent of a child of whom that person*  
10 *has custody, and (2) who has obligations to another parent of*  
11 *that child with respect to custody or visitation of that child*  
12 *under a court order, the Attorney General shall obtain and*  
13 *examine a copy of such order for the purpose of assuring that*  
14 *compliance with the order can be achieved. If compliance*  
15 *with a visitation order cannot be achieved, the Attorney Gen-*  
16 *eral may provide protection under this chapter to the person*  
17 *only if the parent being relocated initiates legal action to*  
18 *modify the existing court order under subsection (e)(1) of this*  
19 *section. The parent being relocated must agree in writing*  
20 *before being provided protection to abide by any ensuing*  
21 *court orders issued as a result of an action to modify.*

22       “(c) *With respect to any person provided protection*  
23 *under this chapter (1) who is the parent of a child who is*  
24 *relocated in connection with such protection and (2) who has*  
25 *obligations to another parent of that child with respect to cus-*

1 *tody or visitation of that child under a State court order, the*  
2 *Attorney General shall, as soon as practicable after the*  
3 *person and child are so relocated, notify in writing the child's*  
4 *parent who is not so relocated that the child has been provid-*  
5 *ed protection under this chapter. The notification shall also*  
6 *include statements that the rights of the parent not so relo-*  
7 *cated to visitation or custody, or both, under the court order*  
8 *shall not be infringed by the relocation of the child and the*  
9 *Department of Justice responsibility with respect thereto. The*  
10 *Department of Justice will pay all reasonable costs of trans-*  
11 *portation and security incurred in insuring that visitation*  
12 *can occur at a secure location as designated by the United*  
13 *States Marshals Service, but in no event shall it be obligated*  
14 *to pay such costs for visitation in excess of thirty days a*  
15 *year, or twelve in number a year. Additional visitation may*  
16 *be paid for, in the discretion of the Attorney General, by the*  
17 *Department of Justice in extraordinary circumstances. In the*  
18 *event that the unrelocated parent pays visitation costs, the*  
19 *Department of Justice may, in the discretion of the Attorney*  
20 *General, extend security arrangements associated with such*  
21 *visitation.*

22 *“(d)(1) With respect to any person provided protection*  
23 *under this chapter (A) who is the parent of a child who is*  
24 *relocated in connection with such protection and (B) who has*  
25 *obligations to another parent of that child with respect to cus-*

1 *today or visitation of that child under a court order, an action*  
2 *to modify that court order may be brought by any party to the*  
3 *court order in the District Court for the District of Columbia*  
4 *or in the district court for the district in which the child's*  
5 *parent resides who has not been relocated in connection with*  
6 *such protection.*

7       “(2) *With respect to actions brought under paragraph*  
8 *(1), the district courts shall establish a procedure to provide a*  
9 *reasonable opportunity for the parties to the court order to*  
10 *mediate their dispute with respect to the order. The court*  
11 *shall provide a mediator for this purpose. If the dispute is*  
12 *mediated, the court shall issue an order in accordance with*  
13 *the resolution of the dispute.*

14       “(3) *If, within sixty days after an action is brought*  
15 *under paragraph (1) to modify a court order, the dispute has*  
16 *not been mediated, any party to the court order may request*  
17 *arbitration of the dispute. In the case of such a request, the*  
18 *court shall appoint a master to act as arbitrator, who shall be*  
19 *experienced in domestic relations matters. Rule 53 of the*  
20 *Federal Rules of Civil Procedure shall apply to masters ap-*  
21 *pointed under this paragraph. The court and the master*  
22 *shall, in determining the dispute, give substantial deference*  
23 *to the need for maintaining parent-child relationships, and*  
24 *any order issued by the court shall be in the best interests of*  
25 *the child. In actions to modify a court order brought under*

1 *this subsection, the court and the master shall apply the law*  
2 *of the State in which the court order was issued or, in the*  
3 *case of the modification of a court order issued by a district*  
4 *court under this section, the law of the State in which the*  
5 *parent resides who was not relocated in connection with the*  
6 *protection provided under this chapter. The costs to the Gov-*  
7 *ernment of carrying out a court order may be considered in*  
8 *an action brought under this subsection to modify that court*  
9 *order but shall not outweigh the relative interests of the par-*  
10 *ties themselves and the child.*

11       “(4) *Until a court order is modified under this subsec-*  
12 *tion, all parties to that court order shall comply with their*  
13 *obligations under that court order subject to the limitations*  
14 *set forth in subsection (c) of this section.*

15       “(5) *With respect to any person provided protection*  
16 *under this chapter who is the parent of a child who is relo-*  
17 *cated in connection with such protection, the parent not relo-*  
18 *cated in connection with such protection may bring an action,*  
19 *in the District Court for the District of Columbia or in the*  
20 *district court for the district in which that parent resides, for*  
21 *violation by that protected person of a court order with respect*  
22 *to custody or visitation of that child. If the court finds that*  
23 *such a violation has occurred, the court may hold in contempt*  
24 *the protected person. Once held in contempt, the protected*  
25 *person shall have a maximum of sixty days, in the discretion*

1 of the Attorney General, to comply with the court order. If  
2 the protected person fails to comply with the order within the  
3 time specified by the Attorney General, the Attorney General  
4 shall disclose the new identity and address of the protected  
5 person to the other parent and terminate any financial assist-  
6 ance to the protected person unless otherwise directed by the  
7 court.

8       “(6) The United States shall be required by the court to  
9 pay litigation costs, including reasonable attorneys’ fees, in-  
10 curred by a parent who prevails in enforcing a custody or  
11 visitation order; but shall retain the right to recover such  
12 costs from the protected person.

13       “(e)(1) In any case in which the Attorney General de-  
14 termines that, as a result of the relocation of a person and a  
15 child of whom that person is a parent in connection with  
16 protection provided under this chapter, the implementation of  
17 a court order with respect to custody or visitation of that child  
18 would be substantially impossible, the Attorney General may  
19 bring, on behalf of the person provided protection under this  
20 chapter, an action to modify the court order. Such action  
21 may be brought in the district court for the district in which  
22 the parent resides who would not be or was not relocated in  
23 connection with the protection provided under this chapter. In  
24 an action brought under this paragraph, if the Attorney Gen-  
25 eral establishes, by clear and convincing evidence, that imple-



1 *mentation of the court order involved would be substantially*  
2 *impossible, the court may modify the court order but shall,*  
3 *subject to appropriate security considerations, provide an al-*  
4 *ternative as substantially equivalent to the original rights of*  
5 *the nonrelocating parent as feasible under the circumstances.*

6       “(2) *With respect to any State court order in effect to*  
7 *which this section applies, and with respect to any district*  
8 *court order in effect which is issued under this section, if the*  
9 *parent who is not relocated in connection with protection pro-*  
10 *vided under this chapter intentionally violates a reasonable*  
11 *security requirement imposed by the Attorney General with*  
12 *respect to the implementation of that court order, the Attorney*  
13 *General may bring an action in the district court for the*  
14 *district in which that parent resides to modify the court order.*  
15 *The court may modify the court order if the court finds such*  
16 *an intentional violation.*

17       “(3) *The procedures for mediation and arbitration pro-*  
18 *vided under subsection (d) of this section shall not apply to*  
19 *actions for modification brought under this subsection.*

20       “(f) *In any case in which a person provided protection*  
21 *under this chapter is the parent of a child of whom that*  
22 *person has custody and has obligations to another parent of*  
23 *that child concerning custody and visitation of that child*  
24 *which are not imposed by court order, that person, or the*  
25 *parent not relocated in connection with such protection, may*

1 *bring an action in the district court of the district in which*  
2 *that parent not relocated resides to obtain an order providing*  
3 *for custody or visitation, or both, of that child. In any such*  
4 *action, all the provisions of subsection (d) of this section shall*  
5 *apply.*

6       “(g) *In any case in which an action under this section*  
7 *involves court orders from different States with respect to*  
8 *custody or visitation of the same child, the court shall resolve*  
9 *any conflicts by applying the rules of conflict of laws of the*  
10 *State in which the court is sitting.*

11       “(h)(1) *Subject to paragraph (2), the costs of any action*  
12 *described in subsection (d), (e), or (f) of this section shall be*  
13 *paid by the United States.*

14       “(2) *The Attorney General shall insure that any State*  
15 *court order in effect to which this section applies and any*  
16 *district court order in effect which is issued under this section*  
17 *are carried out. The Department of Justice shall pay all costs*  
18 *and fees described in subsections (c) and (d) of this section.*

19       “(i) *As used in this section, the term ‘parent’ includes*  
20 *any person who stands in the place of a parent by law.*

21       “§ 3525. **Victims Compensation Fund**

22       “(a) *The Attorney General may pay restitution to, or in*  
23 *the case of death, compensation for the death of any victim of*  
24 *a crime that causes or threatens death or serious bodily*  
25 *injury and that is committed by any person during a period*

1 *in which that person is provided protection under this chap-*  
2 *ter.*

3       “(b) *Not later than four months after the end of each*  
4 *fiscal year, the Attorney General shall transmit to the Con-*  
5 *gress a detailed report on payments made under this section*  
6 *for such year.*

7       “(c) *There are authorized to be appropriated for the*  
8 *fiscal year 1985 and for each fiscal year thereafter,*  
9 *\$1,000,000 for payments under this section.*

10       “(d) *The Attorney General, shall establish guidelines*  
11 *and procedures for making payments under this section. The*  
12 *payments to victims under this section shall be made for the*  
13 *types of expenses provided for in section 3579(b) of this title,*  
14 *except that in the case of the death of the victim, an amount*  
15 *not to exceed \$50,000 may be paid to the victim's estate. No*  
16 *payment may be made under this section to a victim unless*  
17 *the victim has sought restitution and compensation provided*  
18 *under Federal or State law or by civil action. Such pay-*  
19 *ments may be made only to the extent the victim, or the vic-*  
20 *tim's estate, has not otherwise received restitution and com-*  
21 *ensation, including insurance payments, for the crime in-*  
22 *volved. Payments may be made under this section to victims*  
23 *of crimes occurring on or after the date of the enactment of this*  
24 *chapter. In the case of a crime occurring before the date of the*  
25 *enactment of this chapter, a payment may be made under this*

1 *section only in the case of the death of the victim, and then*  
2 *only in an amount not exceeding \$25,000, and such a pay-*  
3 *ment may be made notwithstanding the requirements of the*  
4 *third sentence of this subsection.*

5 *“(e) Nothing in this section shall be construed to create*  
6 *a cause of action against the United States.*

7 ***“§ 3526. Cooperation of other Federal agencies and State***  
8 ***governments; reimbursement of expenses***

9 *“(a) Each Federal agency shall cooperate with the At-*  
10 *torney General in carrying out the provisions of this chapter*  
11 *and may provide, on a reimbursable basis, such personnel*  
12 *and services as the Attorney General may request in carry-*  
13 *ing out those provisions.*

14 *“(b) In any case in which a State government requests*  
15 *the Attorney General to provide protection to any person*  
16 *under this chapter—*

17 *“(1) the Attorney General may enter into an*  
18 *agreement with that State government in which that*  
19 *government agrees to reimburse the United States for*  
20 *expenses incurred in providing protection to that*  
21 *person under this chapter; and*

22 *“(2) the Attorney General shall enter into an*  
23 *agreement with that State government in which that*  
24 *government agrees to cooperate with the Attorney Gen-*



1 **“§ 576. Reemployment rights**

2       “(a) *A United States marshal for a judicial district who*  
3 *was appointed from a position in the competitive service (as*  
4 *defined in section 2102 of title 5) in the United States Mar-*  
5 *shals Service and who, for reasons other than misconduct,*  
6 *neglect of duty, or malfeasance, is removed from such office,*  
7 *is entitled to be reemployed in any vacant position in the*  
8 *competitive service in the United States Marshals Service at*  
9 *the same grade or pay level, or lower, as the individual’s*  
10 *former position if—*

11               “(1) *the individual is qualified for the vacant po-*  
12 *sition; and*

13               “(2) *the individual has made application for the*  
14 *position not later than ninety days after being removed*  
15 *from office as a United States marshal.*

16 *Such individual shall be so reemployed within thirty days*  
17 *after making such application or after being removed from*  
18 *office, whichever is later. An individual denied reemployment*  
19 *under this section in a position because the individual is not*  
20 *qualified for that position may appeal that denial to the Merit*  
21 *Systems Protection Board under section 7701 of title 5.*

22       “(b) *Any United States marshal serving on the effective*  
23 *date of this section shall continue to serve for the remainder*  
24 *of the term for which such marshal was appointed, unless*  
25 *sooner removed by the President.”.*



1       **(154) PART H G—18 U.S.C. 951 AMENDMENTS**

2       **SEC. 1209. Section 951 of title 18, United States Code,**  
3 **is amended by—**

4           (1) striking out “Secretary of State” and inserting  
5       in lieu thereof “Attorney General if required in subsec-  
6       tion (b)”;

7           (2) inserting “(a)” before “Whoever” and adding  
8       at the end of such subsection the following new subsec-  
9       tions:

10       “(b) The Attorney General shall promulgate rules and  
11       regulations establishing requirements for notification.

12       “(c) The Attorney General shall, upon receipt, promptly  
13       transmit one copy of each notification statement filed under  
14       this section to the Secretary of State for such comment and  
15       use as the Secretary of State may determine to be appropri-  
16       ate from the point of view of the foreign relations of the  
17       United States. Failure of the Attorney General to do so shall  
18       not be a bar to prosecution under this section.

19       “(d) For purposes of this section, the term ‘agent of a  
20       foreign government’ means an individual who agrees to oper-  
21       ate within the United States subject to the direction or con-  
22       trol of a foreign government or official, except that such term  
23       does not include—



1           “(1) a duly accredited diplomatic or consular offi-  
2 cer of a foreign government, who is so recognized by  
3 the Department of State;

4           “(2) any officially and publicly acknowledged and  
5 sponsored official or representative of a foreign govern-  
6 ment;

7           “(3) any officially and publicly acknowledged and  
8 sponsored member of the staff of, or employee of, an  
9 officer, official, or representative described in para-  
10 graph (1) or (2), who is not a United States citizen; or

11           “(4) any person engaged in a legal commercial  
12 transaction.”.

13 **(155) PART I H—Jurisdiction Over Crimes by United**  
14 **States Nationals in Places Outside the Jurisdiction of**  
15 **Any Nation**

16 **SEC. 1210.** Section 7 of title 18, United States Code, is  
17 amended by adding a new paragraph, as follows:

18           “(7) Any place outside the jurisdiction of any  
19 nation with respect to an offense by or against a na-  
20 tional of the United States.”.

21 **(156) Part J I—Department of Justice Internal**  
22 **Operations Guidelines**

23 **SEC. 1211.** The Attorney General shall, not later than  
24 twelve months after the date of enactment of this Act, pro-  
25 vide a detailed report to the Congress concerning—

1           (1) the extent to which internal operating guide-  
2 lines promulgated by the Attorney General for the di-  
3 rection of the investigative and prosecutorial activities  
4 of the Department of Justice have been relied upon by  
5 criminal defendants in courts of the United States as  
6 the basis for due process challenges to indictment and  
7 prosecution by law enforcement authorities of crimes  
8 prohibited by Federal statute;

9           (2) the extent to which courts of the United  
10 States have sustained challenges based upon such  
11 guidelines in cases wherein it has been alleged that  
12 Federal investigative agents or prosecutorial personnel  
13 have failed to comply with the requirements of such in-  
14 ternal operating guidelines, and the extent and nature  
15 of such failures to comply as the courts of the United  
16 States have found to exist;

17           (3) the remedial measures taken by the Attorney  
18 General to ensure the minimization of such violations  
19 of internal operating guidelines by the investigative or  
20 prosecutorial personnel of the Department of Justice;  
21 and

22           (4) the advisability of the enactment of legislation  
23 that would prohibit criminal defendants in the courts of  
24 the United States from relying upon such violations as

1 grounds for the dismissal of indictments, suppression of  
2 evidence, or the vacation of judgments of conviction.

3 **(157) PART K J—NOTICE ON SOCIAL SECURITY**

4 **CHECKS**

5 **SEC. 1212. (a)** The Secretary of the Treasury shall take  
6 such steps as may be necessary to provide that all checks  
7 issued for payment of benefits under title II of the Social  
8 Security Act, and the envelopes in which such checks are  
9 mailed, contain a printed notice that the commission of for-  
10 gery in conjunction with the cashing or attempted cashing of  
11 such checks constitutes a violation of Federal law. Such  
12 notice shall also state the maximum penalties for forgery  
13 under the applicable provisions of title 18 of the United  
14 States Code.

15 (b) Subsection (a) shall apply with respect to checks  
16 issued for months after the ninth month after the date of the  
17 enactment of this Act.

18 **(158) PART L—FOREIGN EVIDENCE IMPROVEMENTS**

19 **SEC. 1213.** This part may be cited as the "Acquisition  
20 of Foreign Evidence Improvements Act".

21 **FOREIGN RECORDS ADMISSIBILITY**

22 **SEC. 1214. (a)** Chapter 223 of title 18, United States  
23 Code, is amended by striking out sections 3401 through 3404  
24 and all references thereto and inserting in lieu thereof the  
25 following:

1 **"§ 2491. Foreign records of regularly conducted activity**

2       **"(a) A document, or copy thereof, which is a memoran-**  
3 **dum, report, record, or data compilation in any form, of acts,**  
4 **events, conditions, opinions or diagnoses, made or maintained**  
5 **in a foreign country shall be admissible in any criminal action**  
6 **or proceeding in any court of the United States as evidence**  
7 **of the matters set forth therein if a competent person certi-**  
8 **fies, under circumstances which subject him to the penalties**  
9 **for perjury in that country—**

10           **"(1) that the document is made or kept in the**  
11 **course of a regularly conducted business activity;**

12           **"(2) that it is a regular practice of that business**  
13 **activity to make or keep a document of that kind;**

14           **"(3) that the document was made at or about the**  
15 **time of the occurrence of the matters set forth, by, or**  
16 **from information transmitted by a person with knowl-**  
17 **edge of those matters;**

18           **"(4) his position in the management or employ of**  
19 **the business activity and how he is in a position to**  
20 **know the matters which he certifies under paragraphs**  
21 **(1) through (3) and paragraph (5); and**

22           **"(5) if the document is not the original, that it is**  
23 **a true and exact copy of the original.**

24       **"(b) A certification in compliance with subsection (a)**  
25 **shall constitute prima facie proof of the genuineness and**



1 United States to act on behalf of the court to the extent  
2 possible. Such deposition shall be taken and filed in a manner  
3 consistent with this rule and subject to any additional condi-  
4 tions as the court shall provide, except that, notwithstanding  
5 any other provision of law, the Federal Rules of Evidence  
6 shall not apply.”.

7 **NOTICE TO UNITED STATES AUTHORITY**

8 **SEC. 1216.** Section 1781 of title 28, United States  
9 Code, is amended by adding at the end thereof the following:

10 “(c) No person or entity subject to the jurisdiction of the  
11 United States shall take, or cause to be taken, any action in a  
12 foreign country to impair, delay, challenge or prevent the  
13 execution of a request by the United States or any agency or  
14 authority thereof either through letters rogatory, treaty, con-  
15 vention, or any other means, for evidence located in that  
16 country, without having simultaneously served the United  
17 States or private litigant with copies of every pleading, objec-  
18 tion, opposition, or other document submitted to any foreign  
19 authority in furtherance of such action.”.

20 **LIMITATIONS AMENDMENT**

21 **SEC. 1217.** (a) Chapter 213 of title 18 of the United  
22 States Code is amended by adding at the end thereof the  
23 following new section:

1 **“§ 3202. Suspension of limitations to obtain foreign infor-**  
2 **mation or evidence**

3 **“(a) Upon application to the court in which the offense**  
4 **lies, the running of any period of limitations applicable to any**  
5 **offense shall be ordered to be suspended for such period as**  
6 **provided in subsection (b) of this section to allow the United**  
7 **States to obtain or to seek to obtain information or evidence**  
8 **from one or more foreign jurisdictions if it reasonably appears**  
9 **that material evidence, fruits, or instrumentalities of a crime**  
10 **are in such jurisdictions.**

11 **“(b) The period of suspension under this section shall**  
12 **run from the date of issuance of a request for foreign informa-**  
13 **tion or evidence, until the foreign authority takes final action**  
14 **upon the request; but in no case shall the period of suspen-**  
15 **sion exceed three years.**

16 **“(c) If more than one such request is made, the respec-**  
17 **tive periods of suspension may be aggregated, but not to**  
18 **exceed a total of three years.**

19 **“(d) Nothing in this section shall extend the period of**  
20 **limitations if final action on such requests by all foreign au-**  
21 **thorities is complete before the period of limitations would**  
22 **expire without regard to this section.”.**

23 **(b) The table of sections for chapter 213 of title 18,**  
24 **United States Code, is amended by adding after the item**  
25 **relating to section 3201 the following:**

**“3202. Suspension of limitations to obtain foreign information or evidence.”.**





1           “(A) such record was made, at or near the time of  
2           the occurrence of the matters set forth, by (or from in-  
3           formation transmitted by) a person with knowledge of  
4           those matters;

5           “(B) such record was kept in the course of a regu-  
6           larly conducted business activity;

7           “(C) the business activity made such a record as  
8           a regular practice; and

9           “(D) if such record is not the original, such  
10          record is a duplicate of the original;

11         unless the source of information or the method or circum-  
12         stances of preparation indicate lack of trustworthiness.

13         “(2) A foreign certification under this section shall au-  
14         thenticate such record or duplicate.

15         “(b) At the arraignment or as soon after the arraign-  
16         ment as practicable, a party intending to offer in evidence  
17         under this section a foreign record of regularly conducted ac-  
18         tivity shall provide written notice of that intention to each  
19         other party. A motion opposing admission in evidence of such  
20         record shall be made by the opposing party and determined  
21         by the court before trial. Failure by a party to file such  
22         motion before trial shall constitute a waiver of objection to  
23         such record or duplicate, but the court for cause shown may  
24         grant relief from the waiver.

25         “(c) As used in this section, the term—



1 *submitted, a pleading or other document to a court or other*  
2 *authority in a foreign country in opposition to an official*  
3 *request for evidence of an offense that is a subject of such*  
4 *proceeding shall serve such pleading or other document on the*  
5 *appropriate attorney for the Government, pursuant to the*  
6 *Federal Rules of Criminal Procedure, at the time such plead-*  
7 *ing or other document is submitted.*

8       “(c) *As used in this section, the term ‘official request’*  
9 *means a letter rogatory, a request under a treaty or conven-*  
10 *tion, or any other request for evidence made by a court of the*  
11 *United States or an authority of the United States having*  
12 *criminal law enforcement responsibility, to a court or other*  
13 *authority of a foreign country.*

14 **“§ 3507. *Special master at foreign deposition***

15       “*Upon application of a party to a criminal case, a*  
16 *United States district court before which the case is pending*  
17 *may, to the extent permitted by a foreign country, appoint a*  
18 *special master to carry out at a deposition taken in that coun-*  
19 *try such duties as the court may direct, including presiding*  
20 *at the deposition or serving as an advisor on questions of*  
21 *United States law. Notwithstanding any other provision of*  
22 *law, a special master appointed under this section shall not*  
23 *decide questions of privilege under foreign law. The refusal of*  
24 *a court to appoint a special master under this section, or of*  
25 *the foreign country to permit a special master appointed*

1 *under this section to carry out a duty at a deposition in that*  
2 *country, shall not affect the admissibility in evidence of a*  
3 *deposition taken under the provisions of the Federal Rules of*  
4 *Criminal Procedure.”.*

5 (b) *The table of sections for chapter 223 of title 18,*  
6 *United States Code, is amended by adding at the end the*  
7 *following new items:*

“3505. *Foreign records of regularly conducted activity.*

“3506. *Service of papers filed in opposition to official request by United States to*  
*foreign government for criminal evidence.*

“3507. *Special master at foreign deposition.”.*

8 **SEC. 1218.** (a) *Chapter 213 of title 18, United States*  
9 *Code, is amended by adding at the end the following new*  
10 *section:*

11 **“§ 3292. Suspension of limitations to permit United States to**  
12 ***obtain foreign evidence***

13 **“(a)(1) Upon application of the United States, filed**  
14 ***before return of an indictment, indicating that evidence of an***  
15 ***offense is in a foreign country, the district court before which***  
16 ***a grand jury is impaneled to investigate the offense shall sus-***  
17 ***pend the running of the statute of limitations for the offense if***  
18 ***the court finds by a preponderance of the evidence that an***  
19 ***official request has been made for such evidence and that it***  
20 ***reasonably appears, or reasonably appeared at the time the***  
21 ***request was made, that such evidence is, or was, in such for-***  
22 ***eign country.***

1       “(2) The court shall rule upon such application not later  
2 than thirty days after the filing of the application.

3       “(b) Except as provided in subsection (c) of this section,  
4 a period of suspension under this section shall begin on the  
5 date on which the official request is made and end on the date  
6 on which the foreign court or authority takes final action on  
7 the request.

8       “(c) The total of all periods of suspension under this  
9 section with respect to an offense—

10               “(1) shall not exceed three years; and

11               “(2) shall not extend a period within which a  
12 criminal case must be initiated for more than six  
13 months if all foreign authorities take final action before  
14 such period would expire without regard to this section.

15       “(d) As used in this section, the term ‘official request’  
16 means a letter rogatory, a request under a treaty or conven-  
17 tion, or any other request for evidence made by a court of the  
18 United States or an authority of the United States having  
19 criminal law enforcement responsibility, to a court or other  
20 authority of a foreign country.”.

21       (b) The table of sections for chapter 213 of title 18,  
22 United States Code, is amended by adding after the item  
23 relating to section 3291 the following new item:

“3292. Suspension of limitations to permit United States to obtain foreign evi-  
dence.”.



1           (1) *The flow of illegal narcotics into the United*  
2 *States is a major and growing problem.*

3           (2) *The problem of illegal drug activity falls*  
4 *across the entire spectrum of Federal activities both na-*  
5 *tionally and internationally.*

6           (3) *Illegal drug trafficking is estimated by the*  
7 *General Accounting Office to be an \$80,000,000,000*  
8 *per annum industry in the United States.*

9           (4) *The annual consumption of drugs has reached*  
10 *epidemic proportions.*

11           (5) *Despite the efforts of the United States Gov-*  
12 *ernment and other nations, the mechanisms for smug-*  
13 *gling opium and other hard drugs into the United*  
14 *States remain virtually intact and United States agen-*  
15 *cies estimate that they are able to interdict no more*  
16 *than 5 to 15 percent of all hard drugs flowing into the*  
17 *country.*

18           (6) *Such significant indicators of the drug prob-*  
19 *lem as drug-related deaths, emergency room visits, hos-*  
20 *pital admissions due to drug-related incidents, and ad-*  
21 *dition rates are soaring.*

22           (7) *Increased drug trafficking is strongly linked*  
23 *to violent, addiction-related crime and recent studies*  
24 *have shown that over 90 percent of heroin users rely*  
25 *upon criminal activity as a means of income.*

1           (8) *Much of the drug trafficking is handled by*  
2           *syndicates, a situation which results in increased vio-*  
3           *lence and criminal activity because of the competitive*  
4           *struggle for control of the domestic drug market.*

5           (9) *Controlling the supply of illicit drugs is a key*  
6           *to reducing the crime epidemic confronting every region*  
7           *of the country.*

8           (10) *The magnitude and scope of the problem re-*  
9           *quires the establishment of a National Drug Enforce-*  
10          *ment Policy Board, chaired by the Attorney General,*  
11          *to facilitate coordination of all Federal efforts by rele-*  
12          *vant agencies.*

13          (11) *Such a Board must have responsibility for*  
14          *coordinating the operations of Federal agencies in-*  
15          *volved in attacking this problem through the develop-*  
16          *ment of policy and resources, so that a unified and ef-*  
17          *ficent effort can be undertaken.*

18          (b) *It is the purpose of this Act to insure—*

19                 (1) *the maintenance of a national and interna-*  
20                 *tional effort against illegal drugs;*

21                 (2) *that the activities of the Federal agencies in-*  
22                 *volved are fully coordinated; and*

23                 (3) *that a single, competent, and responsible high-*  
24                 *level Board of the United States Government, chaired*  
25                 *by the Attorney General, will be charged with this re-*



1       *sponsibility of coordinating United States policy with*  
2       *respect to national and international drug law enforce-*  
3       *ment.*

4       *SEC. 1303. There is established in the executive branch*  
5       *of the Government a Board to be known as the "National*  
6       *Drug Enforcement Policy Board" (hereinafter in this Act*  
7       *referred to as the "Board"). There shall be at the head of the*  
8       *Board a chairman who shall be the Attorney General (here-*  
9       *inafter in this Act referred to as the "Chairman"). In addi-*  
10       *tion to the Chairman, the Board shall be comprised of the*  
11       *Secretaries of State, Treasury, Defense, Transportation,*  
12       *Health and Human Services, the Director of the Office of*  
13       *Management and Budget, and the Director of Central Intel-*  
14       *ligence and such other officials as may be appointed by the*  
15       *President. Decisions made by the Board pursuant to section*  
16       *4(a) of this Act shall be acknowledged by each member there-*  
17       *of in writing.*

18       *SEC. 1304. (a) The Board shall facilitate coordination*  
19       *of United States operations and policy on illegal drug law*  
20       *enforcement. In the furtherance of that responsibility, the*  
21       *Board shall have the responsibility, and is authorized to—*

22                (1) *review, evaluate and develop United States*  
23        *Government policy, strategy and resources with respect*  
24        *to illegal drug law enforcement efforts, including budg-*

1        *etary priorities and a National and International*  
2        *Drug Law Enforcement Strategy;*

3            *(2) facilitate coordination of all United States*  
4        *Government efforts to halt national and international*  
5        *trafficking in illegal drugs; and*

6            *(3) coordinate the collection and evaluation of in-*  
7        *formation necessary to implement United States policy*  
8        *with respect to illegal drug law enforcement.*

9        *(b) For the purposes of coordinating the activities of the*  
10       *several departments and agencies with responsibility for drug*  
11       *law enforcement and implementing the determinations of the*  
12       *Board, it shall be the duty of the Chairman—*

13            *(1) to advise the Board in matters concerning*  
14        *drug law enforcement;*

15            *(2) to make recommendations to the Board for the*  
16        *coordination of drug enforcement activities;*

17            *(3) to correlate and evaluate intelligence and other*  
18        *information on drug law enforcement to support the ac-*  
19        *tivities of the Board;*

20            *(4) to act as primary adviser to the President and*  
21        *Congress on national and international illegal drug*  
22        *law enforcement programs and policies developed by*  
23        *the Board under subsection (a) of this section and the*  
24        *implementation thereof; and*

1           (5) to perform such other duties as the President  
2           may direct.

3           (c) In carrying out responsibilities under this section,  
4 the Chairman, on behalf of the Board, is authorized to—

5           (1) direct, with the concurrence of the head of the  
6           agency employing such personnel, the assignment of  
7           Government personnel within the United States Gov-  
8           ernment in order to implement United States policy  
9           with respect to illegal drug law enforcement;

10          (2) provide guidance in the implementation and  
11          maintenance of policy, strategy, and resources devel-  
12          oped under subsection (a) of this section;

13          (3) review and approve the reprogramming of funds  
14          relating to budgetary priorities developed under subsec-  
15          tion (a) of this section;

16          (4) procure temporary and intermittent services  
17          under section 3109(b) of title 5 of the United States  
18          Code, but at rates for individuals not to exceed the  
19          daily equivalent of the maximum annual rate of basic  
20          pay payable for the grade of GS-18 of the General  
21          Schedule;

22          (5) accept and use donations of property from all  
23          Government agencies; and

24          (6) use the mails in the same manner as any  
25          other department or agency of the executive branch.

1           (d) *Notwithstanding the authority granted in subsection*  
2 *(a) of this section, the Board and the Chairman shall not*  
3 *interfere with routine law enforcement or intelligence deci-*  
4 *sions of any agency and shall undertake no activity incon-*  
5 *sistent with the authorities and responsibilities of the Direc-*  
6 *tor of Central Intelligence under the provisions of the Nation-*  
7 *al Security Act of 1947, as amended, or Executive Order*  
8 *12333.*

9           (e) *The Administrator of the General Services Adminis-*  
10 *tration shall provide to the Board on a reimbursable basis*  
11 *such administrative support services as the Chairman may*  
12 *request.*

13           SEC. 1305. *The Chairman shall submit to the Con-*  
14 *gress, within nine months after enactment of this Act, and*  
15 *biannually thereafter, a full and complete report reflecting*  
16 *United States policy with respect to illegal drug law enforce-*  
17 *ment, plans proposed for the implementation of such policy,*  
18 *and, commencing with the submission of the second report, a*  
19 *full and complete report reflecting accomplishments with re-*  
20 *spect to the United States policy and plans therefore submit-*  
21 *ted to the Congress.*

22           SEC. 1306. *Title II of the Drug Abuse Prevention,*  
23 *Treatment and Rehabilitation Act (21 U.S.C. 1112) is*  
24 *amended by adding at the end of section 201 (21 U.S.C.*  
25 *1111) a new subsection (d) as follows:*



1                   (B) fines to be paid into—

2                   (i) the railroad unemployment insur-  
3                   ance account pursuant to the Railroad Un-  
4                   employment Insurance Act (45 U.S.C. 351  
5                   et seq.);

6                   (ii) the Postal Service Fund pursuant  
7                   to sections 2601(a)(2) and 2003 of title 39 of  
8                   the United States Code and for the purposes  
9                   set forth in section 404(a)(8) of such title 39;

10                  (iii) the navigable waters revolving fund  
11                  pursuant to section 311 of the Federal Water  
12                  Pollution Control Act (33 U.S.C. 1321);  
13                  and

14                  (iv) county public school funds pursu-  
15                  ant to section 3613 of title 18 of the United  
16                  States Code;

17                  (2) penalty assessments collected under section  
18                  3013 of title 18 of the United States Code;

19                  (3) the proceeds of forfeited appearance bonds,  
20                  bail bonds, and collateral collected under section 3146  
21                  of title 18 of the United States Code; and

22                  (4) any money ordered to be paid into the Fund  
23                  under section 3671(c)(2) of title 18 of the United  
24                  States Code.

1       (c)(1) *If the total deposited in the Fund during a par-*  
2 *ticular fiscal year reaches the sum of \$100 million, the excess*  
3 *over that sum shall be deposited in the general fund of the*  
4 *Treasury and shall not be a part of the Fund.*

5       (2) *No deposits shall be made in the Fund after Septem-*  
6 *ber 30, 1988.*

7       (d)(1) *Sums deposited in the Fund shall remain in the*  
8 *Fund and be available for expenditure under this subsection*  
9 *for grants under this title without fiscal year limitation.*

10       (2) *Fifty percent of the total deposited in the Fund*  
11 *during a particular fiscal year shall be available for grants*  
12 *under section 1403 and fifty percent shall be available for*  
13 *grants under section 1404.*

14       (e) *Any sums awarded as part of a grant under this*  
15 *chapter that remain unspent at the end of a fiscal year in*  
16 *which such grant is made may be expended for the purpose*  
17 *for which such grant is made at any time during the next*  
18 *succeeding fiscal year, at the end of which year any remain-*  
19 *ing unobligated sums shall be returned to the general fund of*  
20 *the Treasury.*

21       (f) *As used in this section, the term "offenses against the*  
22 *United States" does not include—*

23               (1) *a criminal violation of the Uniform Code of*  
24 *Military Justice (10 U.S.C. 801 et seq.);*





1           (A) *medical expenses attributable to a physi-*  
2           *cal injury resulting from compensable crime, in-*  
3           *cluding expenses for mental health counseling and*  
4           *care;*

5           (B) *loss of wages attributable to a physical*  
6           *injury resulting from a compensable crime; and*

7           (C) *funeral expenses attributable to a death*  
8           *resulting from a compensable crime;*

9           (2) *such program promotes victim cooperation*  
10          *with the reasonable requests of law enforcement au-*  
11          *thorities;*

12          (3) *such State certifies that grants received under*  
13          *this section will not be used to supplant State funds*  
14          *otherwise available to provide crime victim compensa-*  
15          *tion;*

16          (4) *such program, as to compensable crimes occur-*  
17          *ring within the State, makes compensation awards to*  
18          *victims who are nonresidents of the State on the basis*  
19          *of the same criteria used to make awards to victims*  
20          *who are residents of such State;*

21          (5) *such program provides compensation to vic-*  
22          *tims of crimes occurring within such State that would*  
23          *be compensable crimes, but for the fact that such*  
24          *crimes are subject to Federal jurisdiction, on the same*

1       *basis that such program provides compensation to vic-*  
2       *tims of compensable crimes; and*

3               *(6) such program provides such other information*  
4       *and assurances related to the purposes of this section*  
5       *as the Attorney General may reasonably require.*

6       *(c) A State crime victim compensation program in effect*  
7       *on the date grants may first be made under this section shall*  
8       *be deemed an eligible crime victim compensation program for*  
9       *the purposes of this section until the day after the close of the*  
10       *first regular session of the legislature of that State that*  
11       *begins after such date.*

12       *(d) As used in this section—*

13               *(1) the term “property damage” does not include*  
14       *damage to prosthetic devices or dental devices;*

15               *(2) the term “medical expenses” includes, to the*  
16       *extent provided under the eligible crime victim compen-*  
17       *sation program, expenses for dental services and de-*  
18       *vices and prosthetic devices and for services rendered*  
19       *in accordance with a method of healing recognized by*  
20       *the law of the State;*

21               *(3) the term “compensable crime” means a crime*  
22       *the victims of which are eligible for compensation*  
23       *under the eligible crime victim compensation program;*  
24       *and*

1           (4) *the term "State" includes the District of Co-*  
2           *lumbia, the Commonwealth of Puerto Rico, and any*  
3           *other possession or territory of the United States.*

4                           **CRIME VICTIM ASSISTANCE**

5           **SEC. 1404.** *(a)(1) Subject to the availability of money*  
6           *in the Fund, the Attorney General shall make an annual*  
7           *grant from any portion of the Fund not used for grants under*  
8           *section 1403 with respect to a particular fiscal year, and*  
9           *after any deduction under subsection (c), to the chief execu-*  
10          *tive of each State for the financial support of eligible crime*  
11          *victim assistance programs.*

12          (2) *Such chief executive shall—*

13                (A) *certify that priority shall be given to eligible*  
14                *crime victim assistance programs providing assistance*  
15                *to victims of sexual assault, spousal abuse, or child*  
16                *abuse;*

17                (B) *certify that funds awarded to eligible crime*  
18                *victim assistance programs will not be used to supplant*  
19                *State and local funds otherwise available for crime*  
20                *victim assistance; and*

21                (C) *provide such other information and assur-*  
22                *ances related to the purposes of this section as the At-*  
23                *torney General may reasonably require.*

24          (3) *The amounts of grants under paragraph (1) shall*  
25          *be—*

26                (A) *\$100,000 to each State; and*

1           (B) that portion of the then remaining available  
2 money to each State that results from a distribution  
3 among the States on the basis of each State's popula-  
4 tion in relation to the population of all States.

5           (4) If the amount available for grants under paragraph  
6 (1) is insufficient to provide \$100,000 to each State, the  
7 funds available shall be distributed equally among the States.

8           (b)(1) A victim assistance program is an eligible crime  
9 victim assistance program for the purposes of this section if  
10 such program—

11           (A) is operated by a public agency or a nonprofit  
12 organization, or a combination of such agencies or or-  
13 ganizations or of both such agencies and organizations,  
14 and provides services to victims of crime;

15           (B) demonstrates—

16           (i) a record of providing effective services to  
17 victims of crime and financial support from  
18 sources other than the Fund; or

19           (ii) substantial financial support from  
20 sources other than the Fund;

21           (C) utilizes volunteers in providing such services,  
22 unless and to the extent the chief executive determines  
23 that compelling reasons exist to waive this requirement;

1           (D) promotes within the community served coordi-  
2 nated public and private efforts to aid crime victims;  
3 and

4           (E) assists potential recipients in seeking crime  
5 victim compensation benefits.

6           (2) An eligible crime victim assistance program shall  
7 expend sums received under subsection (a) only for providing  
8 services to victims of crime.

9           (c)(1) The Attorney General may in any fiscal year  
10 deduct from amounts available under section 1404 an  
11 amount not to exceed 5 percent of the amount in the Fund,  
12 and may expend the amount so deducted to provide services  
13 to victims of Federal crimes by the Department of Justice, or  
14 reimburse other instrumentalities of the Federal Government  
15 otherwise authorized to provide such services.

16           (2) The Attorney General shall appoint or designate an  
17 official of the Department of Justice to be the Federal Crime  
18 Victim Assistance Administrator (hereinafter in this title re-  
19 ferred to as the "Federal Administrator") to exercise the re-  
20 sponsibilities of the Attorney General under this subsection.

21           (3) The Federal Administrator shall—

22           (A) be responsible for monitoring compliance with  
23 guidelines for fair treatment of crime victims and wit-  
24 nesses issued under section 6 of the Victim and Wit-  
25 ness Protection Act of 1982 (Public Law 97-291);

1           (B) consult with the heads of Federal law enforce-  
2           ment agencies that have responsibilities affecting vic-  
3           tims of Federal crimes;

4           (C) coordinate victim services provided by the  
5           Federal Government with victim services offered by  
6           other public agencies and nonprofit organizations; and

7           (D) perform such other functions related to the  
8           purposes of this title as the Attorney General may  
9           assign.

10          (4) The Attorney General may reimburse other instru-  
11          mentalities of the Federal Government and contract for the  
12          performance of functions authorized under this subsection.

13          (d) As used in this section—

14               (1) the term "State" includes the District of Co-  
15               lumbia, the Commonwealth of Puerto Rico, and, except  
16               for the purposes of paragraphs (3)(A) and (4) of sub-  
17               section (a) of this section, any other territory or posses-  
18               sion of the United States; and

19               (2) the term "services to victims of crime" in-  
20               cludes—

21                       (A) crises intervention services;

22                       (B) providing, in an emergency, transporta-  
23                       tion to court, short-term child care services, and  
24                       temporary housing and security measures;

1           (C) assistance in participating in criminal  
2 justice proceedings; and

3           (D) payment of all reasonable costs for a fo-  
4 rensic medical examination of a crime victim, to  
5 the extent that such costs are otherwise not reim-  
6 bursed or paid;

7           (3) the term "services to victims of Federal  
8 crime" means services to victims of crime with respect  
9 to Federal crime, and includes—

10           (A) training of law enforcement personnel in  
11 the delivery of services to victims of Federal  
12 crime;

13           (B) preparation, publication, and distribu-  
14 tion of informational materials—

15           (i) setting forth services offered to vic-  
16 tims of crime; and

17           (ii) concerning services to victims of  
18 Federal crime for use by Federal law en-  
19 forcement personnel; and

20           (C) salaries of personnel who provide serv-  
21 ices to victims of crime, to the extent that such  
22 personnel provide such services;

23           (4) the term "crisis intervention services" means  
24 counseling to provide emotional support in crisis aris-  
25 ing from the occurrence of crime; and







1       “(c)(1) Proceeds paid to the Attorney General under  
2 this section shall be retained in escrow in the Crime Victims  
3 Fund in the Treasury by the Attorney General for five years  
4 after the date of an order under this section, but during that  
5 five year period may—

6               “(A) be levied upon to satisfy—

7                       “(i) a money judgment rendered by a United  
8 States district court in favor of a victim of an of-  
9 fense for which such defendant has been convicted,  
10 or a legal representative of such victim; and

11                      “(ii) a fine imposed by a court of the United  
12 States; and

13               “(B) if ordered by the court in the interest of jus-  
14 tice, be used to—

15                      “(i) satisfy a money judgment rendered in  
16 any court in favor of a victim of any offense for  
17 which such defendant has been convicted, or a  
18 legal representative of such victim; and

19                      “(ii) pay for legal representation of the de-  
20 fendant in matters arising from the offense for  
21 which such defendant has been convicted, but no  
22 more than 20 percent of the total proceeds may be  
23 so used.

24               “(2) The court shall direct the disposition of all such  
25 proceeds in the possession of the Attorney General at the end

1 of such five years and may require that all or any part of  
2 such proceeds be released from escrow and paid into the  
3 Crime Victims Fund in the Treasury.

4 “(d) As used in this section, the term ‘Interested party’  
5 includes the defendant and any transfer of proceeds due the  
6 defendant under the contract, the person with whom the de-  
7 fendant has contracted, and any person physically harmed as  
8 a result of the offense for which the defendant has been con-  
9 victed.

10 **“§ 3672. Notice to victims of order of special forfeiture**

11 “The United States attorney shall, within 30 days after  
12 the imposition of an order under this chapter and at such  
13 other times as the Attorney General may require, publish in  
14 a newspaper of general circulation in the district in which the  
15 offense for which a defendant was convicted occurred, a  
16 notice that states—

17 “(1) the name of, and other identifying informa-  
18 tion about, the defendant;

19 “(2) the offense for which the defendant was con-  
20 victed; and

21 “(3) that the court has ordered a special forfeiture  
22 of certain proceeds that may be used to satisfy a judg-  
23 ment obtained against the defendant by a victim of an  
24 offense for which the defendant has been convicted.”



1       (d) *Except as otherwise provided by Federal law, no*  
2 *officer or employee of the Federal Government, and no recipi-*  
3 *ent of sums under this title, shall use or reveal any research*  
4 *or statistical information furnished under this title by any*  
5 *person and identifiable to any specific private person for any*  
6 *purpose other than the purpose of for which such information*  
7 *was obtained in accordance with this title. Such information,*  
8 *and any copy of such information, shall be immune from*  
9 *legal process and shall not, without the consent of the person*  
10 *furnishing such information, be admitted as evidence or used*  
11 *for any purpose in any action, suit, or other judicial, legisla-*  
12 *tive, or administrative proceeding.*

13       (e) *No person shall on the ground of race, color, religion,*  
14 *national origin, handicap, or sex be excluded from participa-*  
15 *tion in, denied the benefits of, subjected to discrimination*  
16 *under, or denied employment in connection with, any under-*  
17 *taking funded in whole or in part with sums made available*  
18 *under this title.*

19       (f) *If, after reasonable notice and opportunity for a*  
20 *hearing on the record, the Attorney General finds that a*  
21 *State has failed to comply substantially with any provision*  
22 *of this title or a rule, regulation, guideline, or procedure*  
23 *issued under this title, or an application submitted in accord-*  
24 *ance with this title or the provisions of any other applicable*  
25 *law, the Attorney General shall—*

1           (1) terminate payments to such State;

2           (2) suspend payments to such State until the At-  
3           torney General is satisfied that such noncompliance  
4           has ended; or

5           (3) take such other action as the Attorney General  
6           deems appropriate.

7           (g) The Attorney General shall, no later than December  
8           31, 1987, report to the President and to the Congress on the  
9           revenue derived from each source described in section 1302  
10          and on the effectiveness of the activities supported under this  
11          title. The Attorney General may include in such report rec-  
12          ommendations for legislation to improve this title.

13                                **PAROLE PROCEEDING AMENDMENTS**

14          **SEC. 1408. (a) Section 4207 of title 19 of the United**  
15          **States Code is amended—**

16                        (1) by striking out "and" at the end of paragraph  
17          (4); and

18                        (2) by inserting after paragraph (4) the following  
19          new paragraph:

20                        “(5) a statement, which may be presented orally  
21          or otherwise, by any victim of the offense for which the  
22          prisoner is imprisoned about the financial, social, psy-  
23          chological, and emotional harm done to, or loss suffered  
24          by such victim; and”.

25          (b) Section 6(a) of the Victim and Witness Protection  
26          Act of 1982 is amended—

1           (1) in the catchline of paragraph (4), by striking  
2 out "Major";

3           (2) in paragraph (4), by striking out "if possible,  
4 of judicial proceedings relating to their case, includ-  
5 ing—" and inserting in lieu thereof "if possible, of—";  
6 and

7           (3) in subparagraph (D) of paragraph (4)—

8                 (A) by inserting "and punishment" after  
9 "prosecution"; and

10                (B) by inserting "a hearing to determine a  
11 parole release date and" after "imposed,".

12           (c) Section 4215 of title 18 of the United States Code is  
13 amended—

14                (1) so that the heading of such section reads as  
15 follows:

16 "**§ 4215. Appeal**";

17                (2) in subsection (a)—

18                   (A) in the first sentence—

19                         (i) by striking out "have the decision  
20 reconsidered" and inserting in lieu thereof  
21 "appeal such decision"; and

22                         (ii) by striking out "regional commis-  
23 sioner" and inserting in lieu thereof "Na-  
24 tional Appeal Board"; and

25                    (B) by striking out the second sentence; and





1 individual, be fined not more than \$250,000 or imprisoned  
2 not more than five years, or both, and, if a person other than  
3 an individual, be fined not more than \$1,000,000. In the  
4 case of an offense by a person under this section that occurs  
5 after that person is convicted of another offense under this  
6 section, the person convicted, if an individual, shall be fined  
7 not more than \$1,000,000 or imprisoned not more than fif-  
8 teen years, or both, and if other than an individual, shall be  
9 fined not more than \$5,000,000.

10 “(b) Upon a determination by a preponderance of the  
11 evidence that any articles in the possession of a defendant in  
12 a prosecution under this section bear counterfeit marks, the  
13 United States may obtain an order for the destruction of such  
14 articles.

15 “(c) All defenses, affirmative defenses, and limitations  
16 on remedies that would be applicable in an action under the  
17 Lanham Act shall be applicable in a prosecution under this  
18 section. In a prosecution under this section, the defendant  
19 shall have the burden of proof, by a preponderance of the  
20 evidence, of any such affirmative defense.

21 “(d) For the purposes of this section—

22 “(1) the term ‘counterfeit mark’ means—

23 “(A) a spurious mark—

24 “(i) that is used in connection with  
25 trafficking in goods or services;

1           “(ii) that is identical with, or substan-  
2           tially indistinguishable from, a mark regis-  
3           tered for those goods or services on the prin-  
4           cipal register in the United States Patent  
5           and Trademark Office and in use, whether  
6           or not the defendant knew such mark was so  
7           registered; and

8           “(iii) the use of which is likely to cause  
9           confusion, to cause mistake, or to deceive; or

10          “(B) a spurious designation that is identical  
11          with, or substantially indistinguishable from, a  
12          designation as to which the remedies of the  
13          Lanham Act are make available by reason of sec-  
14          tion 110 of the Olympic Charter Act;

15          but such term does not include any mark or designa-  
16          tion used in connection with goods or services of which  
17          the manufacturer or producer was, at the time of the  
18          manufacturer or production in question authorized to  
19          use the mark or designation for the type of goods or  
20          services so manufactured or produced, by the holder of  
21          the right to use such mark or designation;

22          “(2) the term ‘traffic’ means transport, transfer,  
23          or otherwise dispose of, to another, as consideration for  
24          anything of value, or make or obtain control of with  
25          intent so to transport, transfer, or dispose of;



1                   (C) by designating the third paragraph as  
2                   subsection (c); and

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

4           “(d)(1)(A) In the case of a civil action arising under  
5 section 32(1)(a) of this Act (15 U.S.C. 1114) or section 110  
6 of the Act entitled ‘An Act to incorporate the United States  
7 Olympic Association’, approved September 21, 1950 (36  
8 U.S.C. 390) with respect to a violation that consists of using  
9 a counterfeit mark in connection with the sale offering for  
10 sale, or distribution of goods or services, the court may, upon  
11 ex parte application, grant an order under subsection (a) of  
12 this section pursuant to this subsection providing for the sei-  
13 zure of goods and counterfeit marks involved in such viola-  
14 tion and the means of making such marks, and records docu-  
15 menting the manufacture, sale, or receipt of things involved  
16 in such violation.

17           “(B) As used in this subsection the term ‘counterfeit  
18 mark’ means—

19                   “(i) a counterfeit of a mark that is registered on  
20 the principal register in the United States Patent and  
21 Trademark Office for such goods or services sold, of-  
22 fered for sale, or distributed and that is in use, whether  
23 or not the person against whom relief is sought knew  
24 such mark was so registered; or

1           “(ii) a spurious designation that is identical with,  
2           or substantially indistinguishable from, a designation  
3           as to which the remedies of this Act are made available  
4           by reason of section 110 of the Act entitled ‘An Act to  
5           incorporate the United States Olympic Association’,  
6           approved September 21, 1950 (36 U.S.C. 380);  
7           but such term does not include any mark or designation used  
8           in connection with goods or services of which the manufactur-  
9           er or producer was, at the time of the manufacture or produc-  
10          tion in question authorized to use the mark or designation for  
11          the type of goods or services so manufactured or produced, by  
12          the holder of the right to use such mark or designation.

13          “(2) The court shall not receive an application under  
14          this subsection unless the applicant has given such notice of  
15          the application as is reasonable under the circumstances to  
16          the United States attorney for the judicial district in which  
17          such order is sought. Such attorney may participate in the  
18          proceedings arising under such application if such proceed-  
19          ings may affect evidence of an offense against the United  
20          States. The court may deny such application if the court de-  
21          termines that the public interest in a potential prosecution so  
22          requires.

23          “(3) The application for an order under this subsection  
24          shall—

1           “(A) be based on an affidavit or the verified com-  
2           plaint establishing facts sufficient to support the find-  
3           ings of fact and conclusions of law required for such  
4           order; and

5           “(B) contain the additional information required  
6           by paragraph (5) of this subsection to be set forth in  
7           such order.

8           “(4) The court shall not grant such an application  
9           unless—

10           “(A) the person obtaining an order under this  
11           subsection provides the security determined adequate  
12           by the court for the payment of such damages as any  
13           person may be entitled to recover as a result of a  
14           wrongful seizure or wrongful attempted seizure under  
15           this subsection; and

16           “(B) the court finds that it clearly appears from  
17           specific facts that—

18           “(i) an order other than an *ex parte* seizure  
19           order is not adequate to achieve the purposes of  
20           section 32 of this Act (15 U.S.C. 1114);

21           “(ii) the applicant has not publicized the re-  
22           quested seizure;

23           “(iii) the applicant is likely to succeed in  
24           showing that the person against whom seizure  
25           would be ordered used a counterfeit mark in con-

1            *nection with the sale, offering for sale, or distribu-*  
2            *tion of goods or services;*

3            *“(iv) an immediate and irreparable injury*  
4            *will occur if such seizure is not ordered;*

5            *“(v) the matter to be seized will be located at*  
6            *the place identified in the application;*

7            *“(vi) the harm to the applicant of denying*  
8            *the application outweighs the harm to the legiti-*  
9            *mate interests of the person against whom seizure*  
10           *would be ordered of granting the application; and*

11           *“(vii) the person against whom seizure would*  
12           *be ordered, or persons acting in concert with such*  
13           *person, would destroy, move, hide, or otherwise*  
14           *make such matter inaccessible to the court, if the*  
15           *applicant were to proceed on notice to such*  
16           *person.*

17           *“(5) An order under this subsection shall set forth—*

18           *“(A) the findings of fact and conclusions of law*  
19           *required for the order;*

20           *“(B) a particular description of the matter to be*  
21           *seized, and a description of each place at which such*  
22           *matter is to be seized;*

23           *“(C) the time period, which shall end not later*  
24           *than seven days after the date on which such order is*  
25           *issued, during which the seizure is to be made;*

1           “(D) the amount of security required to be provid-  
2           ed under this subsection; and

3           “(E) a date for the hearing required under para-  
4           graph (10) of this subsection.

5           “(6) The court shall take appropriate action to protect  
6           the person against whom an order under this subsection is  
7           directed from publicity, by or at the behest of the plaintiff,  
8           about such order and any seizure under such order.

9           “(7) Any materials seized under this subsection shall be  
10          taken into the custody of the court. The court shall enter an  
11          appropriate protective order with respect to discovery by the  
12          applicant of any records that have been seized. The protective  
13          order shall provide for appropriate procedures to assure that  
14          confidential information contained in such records is not im-  
15          properly disclosed to the applicant.

16          “(8) An order under this subsection, together with the  
17          supporting documents, shall be sealed until the person  
18          against whom the order is directed has an opportunity to con-  
19          test such order, except that any person against whom such  
20          order is issued shall have access to such order and supporting  
21          documents after the seizure has been carried out.

22          “(9) The court shall order that a United States marshal  
23          or other law enforcement officer is to serve a copy of the order  
24          under this subsection and then is to carry out the seizure  
25          under such order. The court shall issue orders, when appro-



1 *priate, to protect the defendant from undue damage from the*  
2 *disclosure of trade secrets or other confidential information*  
3 *during the course of the seizure, including, when appropriate,*  
4 *orders restricting the access of the applicant (or any agent or*  
5 *employee of the applicant) to such secrets or information.*

6       “(10)(A) *The court shall hold a hearing, unless waived*  
7 *by all the parties, on the date set by the court in the order of*  
8 *seizure. That date shall be not sooner than ten days after the*  
9 *order is issued and not later than fifteen days after the order*  
10 *is issued, unless the applicant for the order shows good cause*  
11 *for another date or unless the party against whom such order*  
12 *is directed consents to another date for such nearing. At such*  
13 *hearing the party obtaining the order shall have the burden to*  
14 *prove that the facts supporting findings of fact and conclu-*  
15 *sions of law necessary to support such order are still in effect.*  
16 *If that party fails to meet that burden, the seizure order shall*  
17 *be dissolved or modified appropriately.*

18       “(B) *In connection with a nearing under this para-*  
19 *graph, the court may make such orders modifying the time*  
20 *limits for discovery under the Rules of Civil Procedure as*  
21 *may be necessary to prevent the frustration of the purposes of*  
22 *such hearing.*

23       “(11) *A person who suffers damage by reason of a*  
24 *wrongful seizure under this subsection has a cause of action*  
25 *against the applicant for the order under which such seizure*

1 *was made, and shall be entitled to recover such relief as may*  
 2 *be appropriate, including damages for lost profits, cost of ma-*  
 3 *terials, loss of good will, and punitive damages in instances*  
 4 *where the seizure was sought in bad faith, and, unless the*  
 5 *court finds extenuating circumstances, to recover a reasona-*  
 6 *ble attorney's fee. The court in its discretion may award pre-*  
 7 *judgment interest on relief recovered under this paragraph, at*  
 8 *an annual interest rate established under section 6621 of the*  
 9 *Internal Revenue Code of 1954, commencing on the date of*  
 10 *service of the claimant's pleading setting forth the claim*  
 11 *under this paragraph and ending on the date such recovery is*  
 12 *granted, or for such shorter time as the court deems appropri-*  
 13 *ate.";*

14 (2) *in section 35 (15 U.S.C. 1117)—*

15 (A) *by inserting "(a)" before "When"; and*

16 (B) *by adding at the end the following new*  
 17 *subsection:*

18 *"(b) In assessing damages under subsection (a), the*  
 19 *court shall, unless the court finds extenuating circumstances,*  
 20 *enter judgment for three times such profits or damages,*  
 21 *whichever is greater, together with a reasonable attorney's*  
 22 *fee, in the case of any violation of section 32(1)(a) of this Act*  
 23 *(15 U.S.C. 1114(1)(a)) or section 110 of the Act entitled 'An*  
 24 *Act to incorporate the United States Olympic Association',*  
 25 *approved September 21, 1950 (36 U.S.C. 380) that consists*

1 of intentionally using a mark or designation, knowing such  
2 mark or designation is a counterfeit mark (as defined in sec-  
3 tion 34(d) of this Act (15 U.S.C. 1116(d)), in connection  
4 with the sale, offering for sale, or distribution of goods or  
5 services. In such cases, the court may in its discretion award  
6 prejudgment interest on such amount at an annual interest  
7 rate established under section 6621 of the Internal Revenue  
8 Code of 1954, commencing on the date of the service of the  
9 claimant's pleadings setting forth the claim for such entry  
10 and ending on the date such entry is made, or for such short-  
11 er time as the court deems appropriate."; and

12 (3) in section 36 (15 U.S.C. 1118), by adding at  
13 the end of such section "The party seeking an order  
14 under this section for destruction of articles seized  
15 under section 34(d) (15 U.S.C. 1116(d)) shall give ten  
16 days' notice to the United States attorney for the judi-  
17 cial district in which such order is sought (unless good  
18 cause is shown for lesser notice) and such United  
19 States attorney may, if such destruction may affect  
20 evidence of an offense against the United States, seek  
21 a hearing on such destruction or participate in any  
22 hearing otherwise to be held with respect to such de-  
23 struction."



1       “(b)(1) Whoever attempts to commit an offense under  
2 subsection (a) of this section shall be punished as provided in  
3 subsection (c) of this section.

4       “(2) Whoever is a party to a conspiracy of two or more  
5 persons to commit an offense under subsection (a) of this sec-  
6 tion, if any of the parties engages in any conduct in further-  
7 ance of such offense, shall be fined an amount not greater  
8 than the amount provided as the maximum fine for such of-  
9 fense under subsection (c) of this section or imprisoned not  
10 longer than one-half the period provided as the maximum im-  
11 prisonment for such offense under subsection (c) of this sec-  
12 tion, or both.

13       “(c) The punishment for an offense under subsection (a)  
14 or (b)(1) of this section is—

15               “(1) a fine of not more than the greater of  
16 \$10,000 or twice the value obtained by the offense or  
17 imprisonment for not more than ten years, or both, in  
18 the case of an offense under subsection (a)(2) or (a)(3)  
19 of this section which does not occur after a conviction  
20 for another offense under either such subsection, or an  
21 attempt to commit an offense punishable under this  
22 paragraph:

23               “(2) a fine of not more than the greater of  
24 \$50,000 or twice the value obtained by the offense or  
25 imprisonment for not more than fifteen years, or both,

1       *in the case of an offense under subsection (a)(1) or*  
2       *(a)(4) of this section which does not occur after a con-*  
3       *vicition for another offense under either such subsection,*  
4       *or an attempt to commit an offense punishable under*  
5       *this paragraph; and*

6               *“(3) a fine of not more than the greater of*  
7       *\$100,000 or twice the value obtained by the offense or*  
8       *imprisonment for not more than twenty years, or both,*  
9       *in the case of an offense under subsection (a) of this*  
10       *section which occurs after a conviction for another of-*  
11       *fense under such subsection, or an attempt to commit*  
12       *an offense punishable under this paragraph.*

13               *“(d) The United States Secret Service shall, in addi-*  
14       *tion to any other agency having such authority, have the au-*  
15       *thority to investigate offenses under this section. Such au-*  
16       *thority of the United States Secret Service shall be exercised*  
17       *in accordance with an agreement which shall be entered into*  
18       *by the Secretary of the Treasury and the Attorney General.*

19               *“(e) As used in this section—*

20               *“(1) the term ‘access device’ means any card,*  
21       *plate, code, account number, or other means of account*  
22       *access that can be used, alone or in conjunction with*  
23       *another access device, to obtain money, goods, services,*  
24       *or any other thing of value, or that can be used to ini-*

1 *tiates a transfer of funds (other than a transfer originat-*  
2 *ed solely by paper instrument);*

3 *“(2) the term ‘counterfeit access device’ means*  
4 *any access device that is counterfeit, fictitious, altered,*  
5 *or forged, or an identifiable component of an access*  
6 *device or a counterfeit access device;*

7 *“(3) the term ‘unauthorized access device’ means*  
8 *any access device that is lost, stolen, expired, revoked,*  
9 *canceled, or obtained with intent to defraud;*

10 *“(4) the term ‘produce’ includes design, alter, au-*  
11 *thenticate, duplicate, or assemble;*

12 *“(5) the term ‘traffic’ means transfer, or otherwise*  
13 *dispose of, to another, or obtain control of with intent*  
14 *to transfer or dispose of; and*

15 *“(6) the term ‘device-making equipment’ means*  
16 *any equipment, mechanism, or impression designed or*  
17 *primarily used for making an access device or a coun-*  
18 *terfeit access device.*

19 *“(f) This section does not prohibit any lawfully author-*  
20 *ized investigative, protective, or intelligence activity of a law*  
21 *enforcement agency of the United States, a State, or a politi-*  
22 *cal subdivision of a State, or of an intelligence agency of the*  
23 *United States, or any activity authorized under title V of the*  
24 *Organized Crime Control Act of 1970) 18 U.S.C. note prec.*  
25 *3481).”.*

1       ***(b) The table of sections at the beginning of chapter 47***  
2 ***of title 18 of the United States Code is amended by adding at***  
3 ***the end the following new item:***

***"1029. Fraud and related activity in connection with access devices."***

4       ***SEC. 1603. The Attorney General shall report to the***  
5 ***Congress annually, during the first three years following the***  
6 ***date of the enactment of this Act, concerning prosecutions***  
7 ***under the section of title 18 of the United States Code added***  
8 ***by this chapter.***

9                   **CHAPTER XVII—SALARIES OF UNITED**  
10                   **STATES ATTORNEYS**

11       ***SEC. 1701. (a) Section 548 of title 28, United States***  
12 ***Code, is amended to read as follows:***

13       ***§ 548. Salaries***

14       ***"Subject to sections 5315 through 5317 of title 5, the***  
15 ***Attorney General shall fix the annual salaries of United***  
16 ***States attorneys, assistant United States attorneys, and at-***  
17 ***torneys appointed under section 543 of this title at rates of***  
18 ***compensation not in excess of the rate of basic compensation***  
19 ***provided for Executive Level IV of the Executive Schedule***  
20 ***set forth in section 5315 of title 5, United States Code."***

21       ***(b) Section 5315 of title 5, United States Code, is***  
22 ***amended by striking out the items relating to the United***  
23 ***States Attorney for the Southern District of New York, the***  
24 ***United States Attorney for the District of Columbia, the***  
25 ***United States Attorney for the Northern District of Illinois,***



1 *and the United States Attorney for the Central District of*  
2 *California.*

3 **CHAPTER XVIII—ARMED CAREER CRIMINAL**

4 **SEC. 1801.** *This chapter may be cited as the "Armed*  
5 *Career Criminal Act of 1984".*

6 **SEC. 1802.** *Section 1202(a) of title VII of the Omni-*  
7 *bis Crime Control and Safe Streets Act of 1968 (18 U.S.C.*  
8 *App. 1202(a)) is amended by adding at the end "In the case*  
9 *of a person who receives, possesses, or transports in commerce*  
10 *or affecting commerce any firearm and who has three previ-*  
11 *ous convictions by any court referred to in paragraph (1) of*  
12 *this subsection for robbery or burglary, or both, such person*  
13 *shall be fined not more than \$25,000 and imprisoned not less*  
14 *than fifteen years, and, notwithstanding any other provision*  
15 *of law, the court shall not suspend the sentence of, or grant a*  
16 *probationary sentence to, such person with respect to the con-*  
17 *viction under this subsection, and such person shall not be*  
18 *eligible for parole with respect to the sentence imposed under*  
19 *this subsection."*

20 **SEC. 1803.** *Section 1202(c) of title VII of the Omnibus*  
21 *Crime Control and Safe Streets Act of 1968 (18 U.S.C.*  
22 *App. 1202(c)) is amended—*

23 *(1) by striking out the period at the end of para-*  
24 *graph (7) and inserting a semicolon in lieu thereof;*  
25 *and*



1           (4) by striking out "\$1,000" each place it appears  
2           in paragraph (2) and inserting in lieu thereof  
3           "\$2,000";

4           (5) by striking out "~~\$400~~" in paragraph (2) and in-  
5           serting in lieu thereof "\$800"; and

6           (6) by striking out "\$250" in paragraph (2) and in-  
7           serting in lieu thereof "\$500".

## 8                           CHAPTER XX—TERRORISM

### 9                                   PART A—HOSTAGE TAKING

10          SEC. 2001. *This Part may be cited as the "Act for the*  
11 *Prevention and Punishment of the Crime of Hostage-*  
12 *Taking".*

13          SEC. 2002. (a) *Chapter 55 of title 18 of the United*  
14 *States Code is amended by adding at the end the following*  
15 *new section:*

#### 16        "**§ 1203. Hostage taking**

17           "(a) *Except as provided in subsection (b) of this section,*  
18 *whoever, whether inside or outside the United States, seizes*  
19 *or detains and threatens to kill, to injure, or to continue to*  
20 *detain another person in order to compel a third person or a*  
21 *governmental organization to do or abstain from doing any*  
22 *act as an explicit or implicit condition for the release of the*  
23 *person detained, or attempts to do so, shall be punished by*  
24 *imprisonment for any term of years or for life.*

1       “(b)(1) It is not an offense under this section if the con-  
2 duct required for the offense occurred outside the United  
3 States unless—

4               “(A) the offender or the person seized or detained  
5 is a national of the United States;

6               “(B) the offender is found in the United States;  
7 or

8               “(C) the governmental organization sought to be  
9 compelled is the Government of the United States.

10       “(2) It is not an offense under this section if the conduct  
11 required for the offense occurred inside the United States,  
12 each alleged offender and each person seized or detained are  
13 nationals of the United States, and each alleged offender is  
14 found in the United States, unless the governmental organi-  
15 zation sought to be compelled is the Government of the  
16 United States.

17       “(C) As used in this section, the term ‘national of the  
18 United States’ has the meaning given such term in section  
19 101(a)(22) of the Immigration and Nationality Act (8  
20 U.S.C. 1101(a)(22)).”

21       (b) The table of sections at the beginning of chapter 55  
22 of title 18 of the United States Code is amended by adding at  
23 the end the following new item:

      “1203. Hostage taking.”

24       Sec. 2003. This subtitle and the amendments made by  
25 this subtitle shall take effect on the later of—

1           (1) *the date of the enactment of this Act; or*

2           (2) *the date the International Convention Against*  
3 *the Taking of Hostages has come into force and the*  
4 *United States has become a party to that convention.*

5                           **PART B—AIRCRAFT SABOTAGE**

6   **SHORT TITLE**

7           **SEC. 2011.** *This Part may be cited as the "Aircraft*  
8 *Sabotage Act".*

9                           **STATEMENT OF FINDINGS AND PURPOSE**

10          **SEC. 2012.** *The Congress hereby finds that—*

11                   (1) *the Convention for the Suppression of Unlaw-*  
12 *ful Acts Against the Safety of Civil Aviation (ratified*  
13 *by the United States on November 1, 1972) requires*  
14 *each contracting State to establish its jurisdiction over*  
15 *certain offenses affecting the safety of civil aviation;*

16                   (2) *such offenses place innocent lives in jeopardy,*  
17 *endanger national security, affect domestic tranquility,*  
18 *gravely affect interstate and foreign commerce, and are*  
19 *offenses against the law of nations; and*

20                   (3) *the purpose of this subtitle is to implement*  
21 *fully the Convention for the Suppression of Unlawful*  
22 *Acts Against the Safety of Civil Aviation and to*  
23 *expand the protection accorded to aircraft and related*  
24 *facilities.*

25          **SEC. 2013.** (a) *Section 31 of title 18, United States*  
26 *Code, is amended—*

1           (1) *in the first paragraph by—*

2                   (A) *striking out “and” before the term*  
3                   *“spare part” and inserting “and ‘special aircraft*  
4                   *jurisdiction of the United States’” after the term*  
5                   *“spare part”; and*

6                   (B) *striking out “Civil Aeronautics Act of*  
7                   *1938” and inserting in lieu thereof “Federal*  
8                   *Aviation Act of 1958”;*

9           (2) *by striking out “and” at the end of the third*  
10           *undesignated paragraph thereof;*

11           (3) *by striking the period at the end thereof and*  
12           *inserting in lieu thereof “;” ; and*

13           (4) *by adding at the end thereof the following new*  
14           *paragraphs:*

15           “*‘In flight’ means any times from the moment all the*  
16           *external doors of an aircraft are closed following embarkation*  
17           *until the moment when any such door is opened for disem-*  
18           *barcation. In the case of a forced landing the flight shall be*  
19           *deemed to continue until competent authorities take over the*  
20           *responsibility for the aircraft and the persons and property*  
21           *on board; and*

22           “*‘In service’ means any time from the beginning of pre-*  
23           *flight preparation of the aircraft by ground personnel or by*  
24           *the crew for a specific flight until twenty-four hours after any*

1 *landing; the period of service shall, in any event, extend for*  
2 *the entire period during which the aircraft is in flight.”*

3 *(b) Section 32 of title 18, United States Code, is*  
4 *amended to read as follows:*

5 ***“§ 32. Destruction of aircraft or aircraft facilities***

6 *“(a) Whoever willfully—*

7 *“(1) sets fire to, damages, destroys, disables, or*  
8 *wrecks any aircraft in the special aircraft jurisdiction*  
9 *of the United States or any civil aircraft used, operat-*  
10 *ed, or employed in interstate, overseas, or foreign air*  
11 *commerce;*

12 *“(2) places or causes to be placed a destructive*  
13 *device or substance in, upon, or in proximity to, or*  
14 *otherwise makes or causes to be made unworkable or*  
15 *unusable or hazardous to work or use, any such air-*  
16 *craft or any part or other materials used or intended to*  
17 *be used in connection with the operation of such air-*  
18 *craft, if such placing or causing to be placed or such*  
19 *making or causing to be made is likely to endanger the*  
20 *safety of any such aircraft;*

21 *“(3) sets fire to, damages, destroys, or disables*  
22 *any air navigation facility or interferes by force or vio-*  
23 *lence with the operation of such facility, if such fire,*  
24 *damaging, destroying, disabling, or interfering is likely*  
25 *to endanger the safety of any such aircraft in flight;*

1           “(4) with the intent to damage, destroy, or disable  
2           any such aircraft, sets fire to, damages, destroys, or  
3           disables or places a destructive device or substance in,  
4           upon, or in proximity to, any appliance or structure,  
5           ramp, landing area, property, machine, or apparatus,  
6           or any facility or other material used, or intended to be  
7           used, in connection with the operation, maintenance,  
8           loading, unloading or storage of any such aircraft or  
9           any cargo carried or intended to be carried on any  
10          such aircraft;

11           “(5) performs an act of violence against or inca-  
12          pacitates any individual on any such aircraft, if such  
13          act of violence or incapacitation is likely to endanger  
14          the safety or such aircraft;

15           “(6) communicates information, knowing the in-  
16          formation to be false and under circumstances in which  
17          such information may reasonably be believed, thereby  
18          endangering the safety of any such aircraft in flight; or

19           “(7) attempts to do anything prohibited under  
20          paragraphs (1) through (6) of this subsection;

21          shall be fined not more than \$100,000 or imprisoned not  
22          more than twenty years or both.

23          “(b) Whoever willfully—

24           “(1) performs an act of violence against any indi-  
25          vidual on board any civil aircraft registered in a coun-



1        *try other than the United States which such aircraft is*  
2        *in flight, if such act is likely to endanger the safety of*  
3        *that aircraft;*

4                *“(2) destroys a civil aircraft registered in a coun-*  
5        *try other than the United States while such aircraft is*  
6        *in service or causes damage to such an aircraft which*  
7        *renders that aircraft incapable of flight or which is*  
8        *likely to endanger that aircraft’s safety in flight;*

9                *“(3) places or causes to be placed on a civil air-*  
10        *craft registered in a country other than the United*  
11        *States while such aircraft is in service, a device or*  
12        *substance which is likely to destroy that aircraft, or to*  
13        *cause damage to that aircraft which renders that air-*  
14        *craft incapable of flight or which is likely to endanger*  
15        *that aircraft’s safety in flight; or*

16                *“(4) attempts to commit an offense described in*  
17        *paragraphs (1) through (3) of this subsection;*

18        *shall, if the offender is later found in the United States, be*  
19        *fined not more than \$100,000 or imprisoned not more than*  
20        *twenty years, or both.*

21                *“(c) Whoever willfully imparts or conveys any threat to*  
22        *do an act which would violate any of paragraphs (1) through*  
23        *(5) of subsection (a) or any of paragraphs (1) through (3) of*  
24        *subsection (b) of this section, with an apparent determination*  
25        *and will to carry the threat into execution shall be fined not*

1 *more than \$25,000 or imprisoned not more than five years,*  
2 *or both.”*

3 *(c) Section 101(38)(d) of the Federal Aviation Act of*  
4 *1958 (49 U.S.C. 1301(38)(d), relating to the definition of*  
5 *the term “special aircraft jurisdiction of the United States”,*  
6 *is amended—*

7 *(1) in clause (i), by striking out “; or” and in-*  
8 *serting in lieu thereof a semicolon;*

9 *(2) at the end of clause (ii), by striking out “and”*  
10 *and inserting in lieu thereof “or;” and*

11 *(3) by adding at the end thereof the following new*  
12 *clause:*

13 *“(iii) regarding which an offense as defined*  
14 *in subsection (d) or (e) of article I, section I of*  
15 *the Convention for the Suppression of Unlawful*  
16 *Acts against the Safety of Civil Aviation (Mon-*  
17 *tréal, September 23, 1971) is committed if the*  
18 *aircraft lands in the United States with an al-*  
19 *leged offender still on board; and”.*

20 *SEC. 2014. (a)(1) Section 921 of the Federal Aviation*  
21 *Act of 1958 (49 U.S.C. 1471) is amended by adding at the*  
22 *end thereof the following new subsections:*

23 *“(c) Whoever imparts or conveys or causes to be impart-*  
24 *ed or conveyed false information, knowing the information to*  
25 *be false and under circumstances in which such information*

1 *may reasonably be believed, concerning an attempt or alleged*  
2 *attempt being made or to be made, to do any act which would*  
3 *be a crime prohibited by subsection (i), (j), (k), or (l) of sec-*  
4 *tion 902 of this Act, shall be subject to a civil penalty of not*  
5 *more than \$10,000 which shall be recoverable in a civil*  
6 *action brought in the name of the United States.*

7       “(d) *Except for law enforcement officers of any municipi-*  
8 *pal or State government or officers or employees of the Feder-*  
9 *al Government, who are authorized or required within their*  
10 *official capacities to carry arms, or other persons who may be*  
11 *so authorized under regulations issued by the Administrator,*  
12 *whoever while aboard, or while attempting to board, any air-*  
13 *craft in, or intended for operation in, air transportation or*  
14 *intrastate air transportation, has on or about his person or*  
15 *his property a concealed deadly or dangerous weapon, which*  
16 *is, or would be, accessible to such person in flight shall be*  
17 *subject to a civil penalty of not more than \$10,000 which*  
18 *shall be recoverable in a civil action brought in the name of*  
19 *the United States.”*

20       (2) *That portion of the table of contents contained in the*  
21 *first section of the Federal Aviation Act of 1958 which ap-*  
22 *pears under the side heading*

      “*Sec. 901. Civil penalties.*”

23 *is amended by inserting at the end thereof:*

      “(c) *Conveying false information.*

      “(d) *Concealed weapons.*”

1       **(b) Section 901(a)(2) of the Federal Aviation Act of**  
2 **1958 (49 U.S.C. 1471(a)(2)) is amended by inserting "pen-**  
3 **alties provided for in subsections (c) and (d) of this section**  
4 **or" after "Secretary of Transportation in the case of".**

5       **(c)(1) Section 902(l)(1) of the Federal Aviation Act of**  
6 **1958 (49 U.S.C. 1472(l)(1) is amended by striking out**  
7 **"\$1,000" and inserting in lieu thereof "\$10,000".**

8       **(2) Section 902(l)(2) of the Federal Aviation Act of**  
9 **1958 (49 U.S.C. 1472(l)(2)) is amended by striking out**  
10 **"\$5,000" and inserting in lieu thereof "\$25,000".**

11       **(d)(1) Section 902(m) of the Federal Aviation Act of**  
12 **1958 (49 U.S.C. 1472(m)) is amended to read as follows:**

13               **"FALSE INFORMATION AND THREATS**

14       **"(m)(1) Whoever willfully and maliciously, or with**  
15 **reckless disregard for the safety of human life, imparts or**  
16 **conveys or causes to be imparted or conveyed false informa-**  
17 **tion, knowing the information to be false and under circum-**  
18 **stances in which such information may reasonably be be-**  
19 **lieved, concerning an attempt or alleged attempt being made**  
20 **or to be made, to do any act which would be a felony prohibit-**  
21 **ed by subsection (i), (j), (k), or (l) of this section, shall be**  
22 **found not more than \$25,000 or imprisoned not more than**  
23 **five years, or both.**

24       **"(2) Whoever imparts or conveys or causes to be im-**  
25 **parted or conveyed any threat to do an act which would be a**  
26 **felony prohibited by subsection (i), (j), (k), or (l) of this sec-**

1 *tion with an apparent determination and will to carry the*  
 2 *threat into execution shall be fined not more than \$25,000 or*  
 3 *imprisoned not more than five years, or both."*

4 *(2) That portion of the table of contents contained in the*  
 5 *first section of the Federal Aviation Act of 1958 which ap-*  
 6 *pears under the side heading*

*"Sec. 902. Criminal penalties."*

7 *is amended by striking out*

*"(m) False information."*

8 *and inserting in lieu thereof*

*"(m) False information and threats."*

9 *SEC. 2015. This part shall become effective on the date*  
 10 *of the enactment of this Act.*

11 **(160) TITLE III—PRESIDENT'S EMERGENCY**

12 **FOOD ASSISTANCE ACT OF 1984**

13 **SHORT TITLE**

14 *SEC. 301. This title may cited as the "President's*  
 15 *Emergency Food Assistance Act of 1984".*

16 **PART A—PRESIDENT'S EMERGENCY FUND**

17 **FINDINGS**

18 *SEC. 302. The Congress finds that—*

19 *(1) acute food crises continue to cause loss of life,*  
 20 *severe malnutrition, and general human suffering in*  
 21 *many areas of the Third World, especially in sub-Sa-*  
 22 *haran Africa;*



1 *be provided through such governments or other entities, pri-*  
2 *vate or public, including intergovernmental and multilateral*  
3 *organizations, as the President deems appropriate. Assistance*  
4 *provided from the Fund may be furnished notwithstanding*  
5 *any other provision of law.*

6 (b) *Because the effects of severe food shortages will vary*  
7 *with the country or region, assistance to alleviate human suf-*  
8 *fering may include the provision of food assistance or such*  
9 *activities as the provision of seed, animal fodder, animal vac-*  
10 *cines, and transportation (including inland transportation)*  
11 *and distribution services.*

12 (c)(1) *Amounts made available to the Fund to carry out*  
13 *the purposes of this title shall be derived as follows:*

14 (A) *The President may direct that funds made*  
15 *available in any fiscal year to carry out any title of*  
16 *the Agricultural Trade Development and Assistance*  
17 *Act of 1954 or chapter 1 of part I or chapter 4 of part*  
18 *II of the Foreign Assistance Act of 1961 be transferred*  
19 *to and consolidated with the Fund, except that in any*  
20 *fiscal year not more than \$50,000,000 may be trans-*  
21 *ferred under this subparagraph.*

22 (B) *There are authorized to be appropriated to the*  
23 *President, in addition to funds otherwise available for*  
24 *such purposes, such amounts as may be necessary to*  
25 *carry out the purposes of this part.*

1           (2) Amount appropriated or transferred under this sec-  
2 tion are authorized to remain available until expended.

3           (3) No amount of funds may be appropriated or trans-  
4 ferred which, when added to amounts previously appropriated  
5 or transferred but not yet obligated, would cause the amount  
6 in the Fund to exceed \$50,000,000.

7           (d) The President may make loans, advances, and  
8 grants to, make and perform agreements and contracts with,  
9 or enter into transactions with, any individual, corporation,  
10 or other body of persons, government or government agency,  
11 whether within or without the United States, and interna-  
12 tional and intergovernmental organizations in furtherance of  
13 the purposes and within the limitations of this title.

14

#### REPORTS

15           SEC. 304. Not later than December 31 of each year, the  
16 President shall submit a comprehensive report which details  
17 all activities funded under the authority of this title during  
18 the previous fiscal year. Such report shall include informa-  
19 tion for each instance in which the Fund's resources were  
20 utilized, regarding the numbers of beneficiaries reached, the  
21 activities of the recipient country and other donors in ad-  
22 dressing the food shortage, the current prospects for improve-  
23 ment of food shortage conditions, and the extent to which the  
24 United States, the recipient country, and other donors are  
25 working to minimize the severity of future serious food short-  
26 age situations.



1           **PART B—FOOD FOR PEACE PROGRAM**

2                   **TRANSPORTATION AND STORAGE**

3           **SEC. 305.** *Section 203 of the Agricultural Trade Devel-*  
4 *opment and Assistance Act of 1954 is amended by inserting*  
5 *after the semicolon at the end of clause (4) the following: "in*  
6 *the case of commodities for urgent and extraordinary relief*  
7 *requirements, including prepositioned commodities, transpor-*  
8 *tation costs from designated points of entry or ports of entry*  
9 *abroad to storage and distribution sites and associated stor-*  
10 *age and distribution costs;".*

11           **PART C—APPROPRIATIONS FOR FISCAL YEAR 1985**

12                   **APPROPRIATIONS FOR FISCAL YEAR 1985**

13           **SEC. 306.** *There are hereby appropriated to the Presi-*  
14 *deni for the fiscal year 1985, \$50,000,000 for payment to the*  
15 *Fund.*

16                           **(161) TITLE IV**

17           **SEC. 401.** *(a)(1) Notwithstanding any provision of title*  
18 *XX of the Social Security Act, the amount applicable under*  
19 *section 2003(c)(3) of such Act shall be \$2,725,000,000 for*  
20 *fiscal year 1985. Of such amount, \$25,000,000 shall be al-*  
21 *lotted and used in accordance with this section.*

22           **(2)** *In addition to any other amounts appropriated*  
23 *under this resolution or any Act, there are hereby appropri-*  
24 *ated \$25,000,000 for fiscal year 1985, for carrying out title*

1 *XX of the Social Security Act, to be used in accordance with*  
2 *the provisions of this section.*

3 (3) *Amounts appropriated under this section shall*  
4 *remain available until September 30, 1985, without regard*  
5 *to section 102 of this resolution.*

6 (4) *Except as otherwise provided in this section, each*  
7 *State's allotment of the additional amounts authorized and*  
8 *appropriated under this section shall be the same proportion*  
9 *of \$25,000,000 as such State's proportional allotment of*  
10 *other title XX funds for fiscal year 1985, as determined*  
11 *under section 2003 of the Social Security Act.*

12 (b) *The additional \$25,000,000 made available to the*  
13 *States for fiscal year 1985 pursuant to subsection (a) shall—*

14 (1) *be used only for the purpose of providing*  
15 *training and retraining (including training in the pre-*  
16 *vention of child abuse in child care settings) to provid-*  
17 *ers of licensed or registered child care services, opera-*  
18 *tors and staffs (including those receiving in-service*  
19 *training) of facilities where licensed or registered child*  
20 *care services are provided, State licensing and enforce-*  
21 *ment officials, and parents;*

22 (2) *be expended only to supplement the level of*  
23 *any funds that would, in the absence of the additional*  
24 *funds appropriated under this section, be available*  
25 *from other sources (including any amounts available*

1        *under title XX of the Social Security Act without*  
2        *regard to this section) for the purpose specified in para-*  
3        *graph (1), and shall in no case supplant such funds*  
4        *from other sources or reduce the level thereof; and*

5                *(3) be separately accounted for in the reports and*  
6        *audits provided for in section 2006 of the Social Secu-*  
7        *rity Act.*

8        *(c)(1) In order to provide guidance and assistance to the*  
9        *States in utilizing funds allocated pursuant to title XX of the*  
10       *Social Security Act, not later than 3 months after the date of*  
11       *enactment of this section, the Secretary shall draft and dis-*  
12       *tribute to the States for their consideration, a Model Child*  
13       *Care Standards Act containing minimum licensing or regis-*  
14       *tration standards for day care centers, group homes, and*  
15       *family day care homes regarding matters including—*

16                *(i) the training, development, supervision, and*  
17        *evaluation of staff;*

18                *(ii) staff qualification requirements, by job classi-*  
19        *fication;*

20                *(iii) staff-child ratios;*

21                *(iv) probation periods for new staff;*

22                *(v) employment history checks for staff; and*

23                *(vi) parent visitation; and*

1           (2)(A) Any State receiving an allotment under such  
2 title from the funds made available as a result of subsection  
3 (a) shall have in effect, not later than September 30, 1985—

4           (i) procedures, established by State law or regula-  
5 tion, to provide for employment history and background  
6 checks; and

7           (ii) provisions of State law, enacted in accordance  
8 with the provisions of Public Law 92-544 (86 Stat.  
9 115) requiring nationwide criminal record checks  
10 for all operators, staff or employees, or prospective operators,  
11 staff or employees of child care facilities (including any facil-  
12 ity or program having primary custody of children for 20  
13 hours or more per week), juvenile detention, correction or  
14 treatment facilities, with the objective of protecting the chil-  
15 dren involved and promoting such children's safety and wel-  
16 fare while receiving service through such facilities or pro-  
17 grams.

18           (B) In the case of any State not meeting the require-  
19 ments of subparagraph (A) by September 30, 1985, such  
20 State's allotment for fiscal year 1986 or 1987 shall be re-  
21 duced in the aggregate by an amount equal to one half of the  
22 amount by which such State's allotment under such title was  
23 increased for fiscal year 1985 as a result of subsection (a).

24           (d) The determination and promulgation required by  
25 section 2003(b) of the Social Security Act with respect to the

1 *fiscal year 1985 (to take into account the preceding provi-*  
2 *sions of this section) shall be made as soon as possible after*  
3 *the date of the enactment of this Act.*

4 *SEC. 402. (a) The Congress finds that—*

5 *(1) disturbing increases have occurred in recent*  
6 *years in the numbers of younger Americans who are*  
7 *abused;*

8 *(2) many children who run away from home, who*  
9 *fall prey to pornography and prostitution, who suffer*  
10 *from a dependency on alcohol and drugs, and who*  
11 *become juvenile offenders, have been victims of child*  
12 *abuse;*

13 *(3) research has shown that abuse tends to repeat*  
14 *itself, and many times parents who abuse their chil-*  
15 *dren were once victims themselves;*

16 *(4) given the increased demand for treatment and*  
17 *crisis intervention in child abuse and neglect cases,*  
18 *Federal funds distributed to States are most often used*  
19 *for treatment and little is left for prevention efforts;*

20 *(5) since 1980 some States have begun to recog-*  
21 *nize the critical need for prevention efforts, and trust*  
22 *funds (generated by surcharges on marriage licenses,*  
23 *birth certificates or divorce actions, or by special check-*  
24 *offs on income tax returns) are being established to*  
25 *allow such States to pay for child abuse and neglect*



1 *State has collected funds for child abuse and neglect preven-*  
2 *tion activities through a trust fund or other funding mecha-*  
3 *nism.*

4 (c) *There is authorized to be appropriated such sums as*  
5 *are necessary to carry out the provisions of sections 402 to*  
6 *409 for the fiscal year 1985 and for each of the four succeed-*  
7 *ing fiscal years.*

8

#### STATE ELIGIBILITY

9 *SEC. 405. Any State is eligible for a grant under sec-*  
10 *tions 402 to 409 for any fiscal year if such State has estab-*  
11 *lished or maintained in the previous fiscal year a trust fund*  
12 *or other funding mechanism, including appropriations, which*  
13 *is available only for child abuse and neglect prevention ac-*  
14 *tivities, including activities which—*

15 (1) *provide statewide educational and public in-*  
16 *formational seminars for the purpose of developing ap-*  
17 *propriate public awareness regarding the problems of*  
18 *child abuse and neglect;*

19 (2) *encourage professional persons and groups to*  
20 *recognize and deal with problems of child abuse and*  
21 *neglect;*

22 (3) *make information about the problems of child*  
23 *abuse and neglect available to the public and organiza-*  
24 *tions and agencies which deal with problems of child*  
25 *abuse and neglect; and*

1           (4) encourage the development of community pre-  
2           vention programs, including—

3                   (A) community-based educational programs  
4                   on parenting, prenatal care, perinatal bonding,  
5                   child development, basic child care, care of chil-  
6                   dren with special needs, coping with family stress,  
7                   personal safety and sexual abuse prevention train-  
8                   ing for children, and self-care training for latch-  
9                   key children; and

10                   (B) community-based programs relating to  
11                   crisis care, aid to parents, child-abuse counseling,  
12                   peer support groups for abusive or potentially  
13                   abusive parents and their children, lay health  
14                   visitors, respite or crisis child care, and early  
15                   identification of families where the potential for  
16                   child abuse and neglect exists.

17   LIMITATIONS

18           SEC. 406. (a)(1) Any grant made to any eligible State  
19           under sections 402 to 409 in any fiscal year shall be equal to  
20           the lesser of—

21                   (A) 25 percent of the total amount made available  
22                   by such State for child abuse and neglect prevention  
23                   activities and collected in the previous fiscal year in a  
24                   trust fund (excluding any interest income from the  
25                   principal of such fund) or through any other funding  
26                   mechanism, including appropriations; or



1           (B) an amount equal to 50 cents times the  
2           number of children residing in such State according to  
3           the most current data available to the Secretary.

4           (2) For purposes of clause (B) of paragraph (1), the  
5           term "children" means individuals who have not attained the  
6           age of majority, as defined by such State.

7           (b)(1) No grant may be made to any eligible State  
8           unless an application is made to the Secretary at such time,  
9           in such manner, and containing or accompanied by such in-  
10          formation as the Secretary deems essential to carry out the  
11          purposes and provisions of sections 402 to 409. Each appli-  
12          cation shall—

13           (A) specify that the trust fund advisory board, or  
14           in States without a trust fund mechanism, the State  
15           liaison agency to the National Center on Child Abuse  
16           and Neglect, established by section 2 of the Child  
17           Abuse Prevention and Treatment Act, will be responsi-  
18           ble for administering and awarding of the Federal  
19           grants to eligible recipients carrying out activities de-  
20           scribed in section 5;

21           (B) provide assurances that any assistance re-  
22           ceived under sections 402 to 409 shall not be used as a  
23           source for non-Federal funds for the matching require-  
24           ments of any other provision of Federal law; and

