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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 14, 1986

The President today signed the following legislation:

H.J. Res. 626 which approves the "Compact of Free Association" between the United States and the Government of Palau;

H.R. 2946 which establishes an independent jury system for the Superior Court of the District of Columbia;

H.R. 3004 which (1) makes numerous changes concerning the representation of indigent persons in Criminal proceedings under the Criminal Justice Act, and (2) permits certain retired United States judges and magistrates to be recalled into service;

H.R. 4378 which establishes standards for the construction and maintenance of commemorative works on certain Federal land in or near the District of Columbia;

H.R. 4444 which provides for more efficient consular services;

H.R. 4745 which reforms and modernizes the Federal criminal code with respect to sexual abuse;

H.R. 5028 which authorizes appropriations of \$1.8 million for construction of the Lower Colorado Water Supply Project to provide water for domestic, municipal, industrial, and recreational purposes to certain communities along the Colorado River in California; and

H.R. 5674 which changes the division structure in two Federal judicial districts.

#

CARL

OK

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/6/86 ACTION/CONCURRENCE/COMMENT DUE BY: November 10th

SUBJECT: H.R. 4745 -- SEXUAL ABUSE ACT OF 1986

Tech Amends. to - Crime Control Act

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	THOMAS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please give your recommendations to my office by Monday, November 10th. Thanks.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NOV 06 1986

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4745 - Sexual Abuse Act of 1986
Sponsors - Rep. Conyers (D) Michigan and 13 others

Last Day for Action

November 17, 1986 - Monday

Purpose

To reform and modernize the Federal criminal code with respect to sexual abuse.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval

Discussion

H.R. 4745 would generally update Federal laws covering sexual criminal offenses.

Background

Under current Federal law, it is a criminal offense to commit "rape," to commit an assault with intent to commit rape, or to "carnally know" a female -- other than one's spouse -- under the age of sixteen. Federal authorities may prosecute these offenses if they are committed within a Federal enclave (e.g., within the special maritime or territorial jurisdiction of the United States or in Indian country). Criminal liability for other forms of sexual offenses depends on State law. (It should be noted at the outset that Federal sexual offenses are not a problem of major proportions. During 1983, for example, 86 Federal rape cases were reported to law enforcement authorities. The corresponding number of cases reported to State and local authorities was approximately 78,000.)

Federal law does not define "rape." As a consequence, and also as a result of the relatively few cases interpreting the rape statute, it is difficult to know precisely what conduct is, and what conduct is not, prohibited. Similarly, the boundaries of the Federal "statutory rape" statute are unclear.

Description of the Enrolled Bill

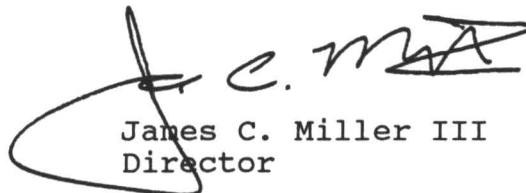
The enrolled bill, which passed both Houses by voice vote, would generally reform and modernize the Federal sexual offense statutes. Key provisions of H.R. 4745 would:

- o Create a series of offenses (i.e., aggravated sexual abuse, sexual abuse, sexual abuse of a minor, and abusive sexual contact) graded according to their seriousness;
- o Substitute more modern terminology (e.g., "sexual abuse") for common law terms (e.g., "rape" or "carnal knowledge");
- o Define sexual offenses in gender-neutral terms;
- o Define the offenses so that the focus in a trial is on the conduct of the defendant, rather than the conduct or state of mind of a victim; and
- o Expand Federal jurisdiction to include all Federal prisons.

Depending on the offense, convictions would carry sentences ranging from six months imprisonment and a fine to life imprisonment and a fine.

Department of Justice Views

In its enrolled bill views letter, Justice notes that provisions identical to this enrolled bill were included as section 87 of S. 1236, the "Criminal Law and Procedure Technical Amendments Act of 1986," an initiative of the Justice Department that is also enrolled and pending your action. Justice nevertheless recommends approval of this enrolled bill.


James C. Miller III
Director

Enclosures

MEMORANDUM OF CALL

Previous editions usable

TO: CA

YOU WERE CALLED BY- YOU WERE VISITED BY- Jack Fowler

OF (Organization)

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

He is calling officially as the Wash. Bureau Chief of the Nat. Committee of Catholic Laymen to voice their opposition to the language of the Crime Control Amendments.

RECEIVED BY: R.S. DATE: 11-7 TIME: 2:12

MEMORANDUM OF CALL

Previous editions usable

TO: C.A.

YOU WERE CALLED BY- YOU WERE VISITED BY- Mike Swartz

OF (Organization)

546-3004

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

RECEIVED BY: DATE: TIME:

MEMORANDUM OF CALL

Previous editions usable

TO: CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Eugene Delgaudio

OF (Organization) Public Advocate (Exec Dir.)

PLEASE PHONE ▶ FTS AUTOVON

546-3224

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE calling to ask that you

recommend the President veto the Comprehensive Crime Control Act.

RECEIVED BY RS DATE 11-7 TIME 2:43

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
* U.S.GPO:1985-0-461-274/20008 FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO: QA or CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Bill Mattox

OF (Organization) 546-5400

PLEASE PHONE ▶ FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

regarding crime central

RECEIVED BY RS DATE 11-7 TIME 10:05

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
* U.S.GPO:1985-0-461-274/20008 FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO: CA

YOU WERE CALLED BY- YOU WERE VISITED BY-

Stephanie Johnson

OF (Organization) Christian Action Council

PLEASE PHONE ▶ FTS AUTOVON

237-2100

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE regarding

Crime Control Act.

RECEIVED BY R.S. DATE 11-7 TIME 9:18

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6
* U.S.GPO: 1985-0-461-274/20008

MEMORANDUM OF CALL

Previous editions usable

TO: CA or CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Jim Kappus

OF (Organization) Amer. Life League

PLEASE PHONE ▶ FTS AUTOVON

690-2049

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

about veto of
S 1236 - Crime Control
Act of 1984.

RECEIVED BY R.S. DATE 11-7 TIME 5:35

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6
* U.S.GPO: 1985-0-461-274/20008

MEMORANDUM OF CALL

Previous editions usable

TO: CA or CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Bob Bartleson
OF (Organization) United Families

PLEASE PHONE ▶ FTS AUTOVON

546-1600

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

Regarding
President vetoing

273-0429 5 1236 or HR 4745

RECEIVED BY R.S. DATE 11-7 TIME 5:40

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
*U.S.GPO:1985-0-461-274/20008 FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO: CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Pat McGuigan
OF (Organization)

PLEASE PHONE ▶ FTS AUTOVON

546-1173 Direct Line

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

It is fairly important.
Will be there for
Approx 1 1/2 hour & a half.

RECEIVED BY R.S. DATE 11-6 TIME 5:25

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
*U.S.GPO:1985-0-461-274/20008 FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO:

CD

YOU WERE CALLED BY- YOU WERE VISITED BY-

Roy Jones

OF (Organization)

Liberty Federation

PLEASE PHONE FTS AUTOVON

(804) 528-5000

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

1 847-7286

RECEIVED BY RS. DATE 11-7 TIME 10:43

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

* U.S.GPO: 1985-0-461-274/20008

MEMORANDUM OF CALL

Previous editions usable

TO:

CA.

YOU WERE CALLED BY- YOU WERE VISITED BY-

Barrie Lyons

OF (Organization)

Beverly Lattay's Office

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

51236

Regarding FGS, you can use
51236 CWA's name
in your memo
to PAT.

RECEIVED BY RS. DATE 11-7 TIME 3:30

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

* U.S.GPO: 1985-0-461-274/20008

04/22/86 -- IN THE HOUSE

Received in the House, after passage in the Senate
Referred to HOUSE COMMITTEE ON THE JUDICIARY

10/17/86 -- IN THE HOUSE

Full text of measure printed in "Congressional Record" (CR Page H-11295)

Motion to discharge, BY BERMAN (D-CA)

Measure discharged from HOUSE COMMITTEE ON THE JUDICIARY

Considered in (laid before) the House (CR Page H-11290)

Amendment offered, BY BERMAN (D-CA) in the nature of a substitute (CR Page H-11299)

Agreed to amendment, BY BERMAN (D-CA) (VOICE VOTE) in the nature of a substitute

Measure passed to third reading (VOICE VOTE)

Measure passed (agreed to) (VOICE VOTE) as amended

10/17/86 -- IN THE SENATE

Returned to the Senate from the House, WITH amendments

10/18/86 -- IN THE SENATE

Motion to consider (or proceed with consideration), BY DOLE (R-KS)

Enter selection, 'MENU' or 'HELP'.....

S.1236

Legislative History

(Screen F - 4 of 4)

No objection to request for unanimous consent, BY DOLE (R-KS)

Considered in (laid before) the Senate (CR Page S-17303)

Motion to agree to House amendment(s), BY THURMOND (R-SC)

Agreed to motion, BY THURMOND (R-SC) (VOICE VOTE)

Enter selection, 'MENU' or 'HELP'.....

debt—and that we are not able to get out of it unless we face the fact that we are going to have further reductions in spending, and face the fact that we are going to have to have some kind of additional revenues from some sources.

We continue to kid ourselves. Basically, I voted against the budget package given us yesterday because every person in this body knows that it was put together with smoke and mirrors and bookkeeping tricks to do little, if anything, about the deficit that continues to threaten not only the domestic economy of the United States, but also continues to rob us of the profit motives that we should have from international trade.

One of the greatest challenges for the next Congress will be not only the budget, the continuing deficits and the skyrocketing national debt, but also, I suggest, finding some mechanism through trade restrictions, if those become necessary, to stop the drain on the American economy that is extremely serious today and which is not going to go away, in my opinion, unless we have the courage to do it here.

Mr. President, one of the next and real challenges of the 100th Congress upcoming, it seems to me, will be national defense and the difficulties that we face around the world with the important obligations that we have with the advise and consent procedures with regard to international decisions.

In that regard, as a member of the Armed Services Committee, I want to thank the occupant of the chair, Senator STEVENS, for the consideration he has given our authorizing committee from time to time. He has tried to be helpful. There have been times when I thought the Appropriations Committee was not as helpful as they should have been, and I suggest that that problem may arise in the future.

I only speak of national defense first because I am very much afraid—and I have written this in the form of a letter to the Secretary of Defense, Secretary Weinberger—I am very fearful that our total defense plans and programs essentially are in disarray. I believe if anyone would understand what we have on the drawing boards and what we have in the black box programs upcoming, what we have in all of the missiles, all of the bombers, all of the strategic defense initiatives, and other programs, there is no way that the next President of the United States, who will come into office in a couple of years, is going to be facing anything other than what I think will be a disaster with regard to how in the world do we pay for all of these things that we have going and still maintain the basic defense structure that we have today.

I think it is going to be a major problem and one that we are going to have to address. We made an important stride in that, I would suggest, with the enactment of the defense re-

organization bill, which is a start in the direction of correcting this difficulty that I see with regard to not only planning for national defense, but having a workable plan that can be adequately financed to carry out the important national defense objectives and responsibilities of the United States of America, the leader of the free world.

In closing, let me say that I am somewhat concerned about the fact that it seems to me there is a movement today by the President of the United States to make the strategic defense initiative or star wars as it is sometimes referred to, a key part in the political campaign for control of the U.S. Senate.

I think that is a mistake for several reasons, not the least of which this is one Senator who is a Democrat, who has fundamentally believed that when we go beyond our shores, our national security interests and our foreign policy decisions should be truly bipartisan. I think the record will clearly show that this Senator, on this side of the aisle, supported the President on numerous occasions when he needed support, even times when he did not have the support of the people on that side of the aisle, who supported some of his veto overrides.

I am not perfect. I have disagreed with the President on several occasions and I do not always vote with him on foreign policy decisions. But on many of those key foreign policy decisions, it has been this Senator and others on this side of the aisle who have recognized the need for a nonpartisan approach to national defense and a nonpartisan approach particularly with regard to the foreign policy of the United States of America.

I think it is wrong, Mr. President, terribly wrong. I hope that the Senators on that side of the aisle, regardless of how much they want to win reelection, would caution against what seems to be the final drive by the President to help assure the control of this body by the Senators from his party making an all-out effort to talk about star wars and how he needs a Republican majority to maintain star wars, which he seems to believe—I think mistakenly—to be the only really important matter we have with regard to our national defense.

I say that, Mr. President, as an early backer of the strategic defense initiative. I think we need to continue research and development of that and testing where we can. But for any President of the United States who preaches time and time again that we must be bipartisan in our approach when it comes to our national defense, for the same President of the United States who preaches time and time again that it is tremendously important in foreign policy that we be bipartisan—I wish that President of the United States would practice what he preaches when he gets involved in the heat of a political campaign. Because

if the President of the United States will not provide the leadership and the balance that is necessary when it comes to the decisions that we make beyond the shores of the United States of America, then whom can we expect to do it?

So, Mr. President, I simply hope that, regardless of the outcome of this important election next month, I hope, I predict that we will, regardless of the activities of the President of the United States, and regardless of who wins the key battle for control of the U.S. Senate, that most of us will be back here working as we have in the past, working together as best we can and make our judgments based on what we know of and what we believe will happen in the future. I simply predict that we will be back here again making the right decisions at the right time as best we can. I hope that the President of the United States would recognize that he has a role to play in a bipartisan approach to defense policy and foreign policy as well.

GOOD LUCK TO RETIRING SENATORS

Mr. EXON. Mr. President, as we leave this body, as I hope we will leave in the near future, I want to say good luck to the retiring Senators on both sides of the aisle. I have given previous talks about this, so I will not do it in detail again, but I think one of the hardest parts of these days approaching sine die is to realize and recognize that you have some excellent people, that you loved to serve with, leaving you and that you will not serve with them again in this body that we all love and cherish so much.

With that, Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The President pro tempore of the Senate is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate now turn to consideration of S. 1236, which is being held at the desk.

I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. I ask unanimous consent that the order for the quorum call be rescinded.

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

TWO FAILURES OF A NATION

Mr. MELCHER. Mr. President, there are two failures of a nation that can be corrected. I believe it is the job of Congress and the administration to correct these failures. The first one that I want to speak about has to do with dignity and respect for fellow

Mr. Speaker, the House managers, the members of the Committee on Public Works and Transportation deserve our congratulations for finishing this monumental work. The bipartisan leadership of the Committee on Public Works has been working to enact a comprehensive water resources authorization into law for over a dozen years.

The House managers are prepared to take the long-awaited final step, and I urge adoption of the rule so the House may proceed to the conference report.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. STANGELAND] the ranking member of the Subcommittee on Water Resources.

(Mr. STANGELAND asked and was given permission to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, I strongly urge support of this rule. I want to thank the Rules Committee for bringing this to the floor at this time. This is legislation that is much needed. It has been worked on for 4 years. This House has passed a water resources bill in the past, only to have it fail on the other side.

We finally have a water resources conference report after a great deal of work, a great deal of major changes in how we approach projects, a great deal of support in this legislation for our inland waterway system, for renovation of our locks and dams system and a strong addressing in this bill of our deep port needs in the Nation; so I would urge my colleagues to vote for the rule so that we can bring up this much needed legislation. We have not had major water resources legislation for 14 years. It is time that we move ahead in this field.

I thank the Rules Committee again and thank the gentleman for yielding this time.

Mr. PEPPER. Mr. Speaker, I yield 5 minutes to the very able chairman of the Subcommittee on Water Resources of the Public Works and Transportation Committee, the honorable gentleman from New Jersey [Mr. ROE], who has done so much for this great program of building America.

Mr. ROE. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HOWARD], the chairman of the Public Works Committee.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

I just want to express my great appreciation and I am sure the appreciation of people who are concerned about our environment all across the country, to the gentleman from New Jersey [Mr. ROE], to the gentleman from Minnesota [Mr. STANGELAND], and to my colleague, the gentleman from Kentucky [Mr. GENE SNYDER], all members of the Subcommittee on Water Resources of the Public Works and Transportation Committee, and

also to the staff on both sides of that committee who worked tirelessly for weeks, months, and years, so that we can be assured of this great environmental advance in the coming years.

Mr. ROE. Mr. Speaker, I thank the distinguished chairman.

Mr. Speaker, I want to add my high commendation, if I may, to the chairman of our Rules Committee, Senator CLAUDE PEPPER, and to the ranking member of our Rules Committee, the Honorable GENE TAYLOR of Missouri.

I have had occasion in the last few weeks to listen to some not-so-nice encomiums spread to the Rules Committee, but I would suggest to these gentlemen and to the Members of the House that I think that the Rules Committee has done an extraordinary job over the years and over the last month particularly, and particularly on this piece of legislation.

□ 1345

I wanted to say that to begin with I am not going to go into a long dissertation as to the contents of this legislation, but as has been reported by the chairman and ranking minority member of the Committee on Rules, it is a landmark piece of legislation. It took us 5 years of constant work with every Member of this House, across party lines, to solve the basic problems of reestablishing a whole new system of handling water resources throughout our country based on an equitable, fair, even basis to each region of the Nation.

We have not been able to get a water resources bill passed in 14 years, and now I think that today will be the day when we will be able to achieve that goal.

I will save, if I may, Mr. Speaker, my full remarks and an explanation of the details of the bill for the time that the bill is called up formally, but again I want to compliment the members of the Committee on Rules for the splendid job which they have done.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who will be the ranking minority member on the Committee on Public Works and Transportation in the next Congress.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to just very briefly add my words of thanks and appreciation to the distinguished chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER] and my distinguished colleague, the gentleman from Missouri [Mr. TAYLOR] a member of the Committee on Rules who formerly served on the Committee on Public Works and Transportation. I would like to particularly commend the great work of the gentleman from New Jersey, Mr. BOB ROE, the gentleman from Minnesota, Mr. ARLAN STANGELAND, and certainly of the gentleman from New Jersey, Mr. JIM HOWARD, and the gentleman from Kentucky, Mr. GENE SNYDER, for the work that they have done.

Mr. Speaker, this effort goes back to the time that I was privileged to serve as ranking minority member of the Water Resources Subcommittee with my good friend, Mr. ROE. I am just delighted that we now have this rule before us and that we are going to consider H.R. 6, and we are going to pass it.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I urge the adoption of this rule.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. HERTEL of Michigan). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOWARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 5, not voting 52, as follows:

[Roll No. 486]

YEAS—375

Abercrombie	Cobey	Fazio
Akaka	Coble	Feighan
Anderson	Coelho	Fiedler
Andrews	Coleman (MO)	Fields
Annunzio	Coleman (TX)	Fish
Anthony	Collins	Flippo
Applegate	Combest	Florio
Armev	Conte	Poley
Aspin	Conyers	Ford (MI)
Atkins	Cooper	Ford (TN)
AuCoin	Coughlin	Fowler
Badham	Courter	Frenzel
Barnard	Coyne	Frost
Barnes	Craig	Fuqua
Bartlett	Crockett	Gallo
Barton	Daniel	Garcia
Bateman	Dannemeyer	Gaydos
Bates	Darden	Gejdenson
Bedell	Daschle	Gekas
Beilenson	Davis	Gibbons
Bennett	DeLay	Gilman
Bentley	Dellums	Gingrich
Bereuter	Derrick	Glickman
Berman	DeWine	Gonzalez
Bevill	Dickinson	Goodling
Bilirakis	Dicks	Gordon
Bliley	Dingell	Gradison
Boehrlert	DioGuardi	Gray (IL)
Boggs	Dixon	Gray (PA)
Boland	Donnelly	Green
Boner (TN)	Dorgan (ND)	Gregg
Bonker	Dornan (CA)	Guarini
Borski	Dowdy	Gunderson
Boulter	Downey	Hall (OH)
Brown (CO)	Dreier	Hall, Ralph
Bruce	Duncan	Hamilton
Bryant	Durbin	Hammerschmidt
Burton (IN)	Dwyer	Hatcher
Bustamante	Dymally	Hawkins
Byron	Dyson	Hayes
Callahan	Early	Hendon
Carney	Eckart (OH)	Henry
Carper	Eckert (NY)	Hertel
Carr	Edgar	Hiler
Chandler	Edwards (CA)	Holt
Chapman	Emerson	Hopkins
Chappell	English	Horton
Chapple	Erdreich	Howard
Cheney	Evans (IA)	Hoyer
Clay	Evans (IL)	Hubbard
Clinger	Fascell	Huckaby

Either —
H.R. 4745 or
S. 1236 has
been sent over
from Justice
check out w/
OMB re possible
signing or veto

S. 1236

CONG. REC.

Oct. 17 part 2

H. 11291; H. 11307-08

Nov rec'd 11/5
Nov 17 deadline

Oct 18

Senate:

HR. 4745

S. 1236

No actn

specifically strikes marriage exclusion

John Bolton

HR 4745 - rec'd 11/5. Nov 17 deadline

5/8/86 - "Admin supports enactment of HR 4745"

S. 1236 - No actn

Hughes	Montgomery	Smith (FL)
Hunter	Moody	Smith (IA)
Hutto	Moorhead	Smith (NE)
Hyde	Morrison (CT)	Smith (NJ)
Ireland	Morrison (WA)	Smith, Denny
Jacobs	Mrazek	(OR)
Jeffords	Murphy	Smith, Robert
Jenkins	Murtha	(NH)
Johnson	Myers	Smith, Robert
Jones (NC)	Natcher	(OR)
Jones (TN)	Neal	Snowe
Kanjorski	Nelson	Snyder
Kasich	Nielson	Solarz
Kastenmeier	Nowak	Spence
Kemp	Oakar	Spratt
Kennelly	Oberstar	St Germain
Kildee	Obey	Staggers
Kindness	Olin	Stallings
Kleczka	Ortiz	Stangeland
Kolbe	Oxley	Stark
Kolter	Packard	Stenholm
Kostmayer	Panetta	Stokes
Kramer	Parris	Strang
LaFalce	Pashayan	Stratton
Lagomarsino	Pease	Studds
Lantos	Penny	Stump
Latta	Pepper	Sundquist
Leach (IA)	Perkins	Sweeney
Lehman (CA)	Petri	Swift
Lehman (FL)	Porter	Swindall
Lent	Price	Synar
Levin (MI)	Pursell	Tallon
Levine (CA)	Quillen	Tauke
Lewis (CA)	Rahall	Tauzin
Lewis (FL)	Rangel	Taylor
Lightfoot	Ray	Thomas (CA)
Lipinski	Reid	Thomas (GA)
Livingston	Ridge	Torres
Lloyd	Rinaldo	Torricelli
Long	Ritter	Towns
Lowery (CA)	Roberts	Trafficant
Lowry (WA)	Robinson	Traxler
Lujan	Rodino	Udall
Luken	Roe	Valentine
Lungren	Roemer	Vander Jagt
Mack	Rogers	Vento
MacKay	Rostenkowski	Visclosky
Madigan	Roth	Volkmmer
Manton	Roukema	Vucanovich
Markey	Rowland (CT)	Waldon
Marlenee	Rowland (GA)	Walgren
Martin (IL)	Roybal	Watkins
Martin (NY)	Russo	Waxman
Martinez	Sabo	Weber
Matsui	Savage	Wheat
Mavroules	Saxton	Whitehurst
Mazzoli	Scheuer	Whitley
McCandless	Schneider	Whittaker
McCloskey	Schroeder	Whitten
McCollum	Schuetter	Williams
McCurdy	Schulze	Wilson
McDade	Schumer	Wirth
McEwen	Seiberling	Wise
McHugh	Sensenbrenner	Wolf
McKernan	Sharp	Wolpe
McKinney	Shaw	Wortley
McMillan	Shelby	Wright
Meyers	Shumway	Wyden
Mikulski	Shuster	Wylie
Miller (CA)	Sikorski	Yates
Miller (OH)	Sisisky	Yatron
Miller (WA)	Skeen	Young (AK)
Moakley	Skelton	Young (FL)
Mollohan	Slattery	Young (MO)
Monson	Slaughter	Zschau

NAYS—5

Crane	Franklin	Walker
Fawell	Solomon	

NOT VOTING—52

Ackerman	Foglietta	Michel
Alexander	Frank	Mineta
Archer	Gephardt	Mitchell
Biaggi	Grotberg	Molinari
Boniore (MI)	Hansen	Moore
Bosco	Hartnett	Nichols
Boucher	Hefner	Owens
Boxer	Hillis	Pickle
Breaux	Jones (OK)	Regula
Brooks	Kaptur	Richardson
Broomfield	Leath (TX)	Rose
Brown (CA)	Leland	Rudd
Burton (CA)	Loeffler	Schaefer
Campbell	Lott	Siljander
Coats	Lundine	Weaver
Daub	McCain	Weiss
de la Garza	McGrath	
Edwards (OK)	Mica	

□ 1405

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

MAKING MINOR OR TECHNICAL AMENDMENTS TO THE COMPREHENSIVE CRIME CONTROL ACT OF 1984

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1236) to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. (Mr. HERTEL of Michigan). Is there objection to the request of the gentleman from California?

Mr. GEKAS. Mr. Speaker, reserving the right to object, I want to assert that this is a matter which has already brought about agreement between both the minority and the majority; but for purposes of the RECORD, we would ask the gentleman from California [Mr. BERMAN] to explain the volume and nature of the technical amendments which we are offering.

Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, S. 1236, as amended, is a noncontroversial bill that makes a number of technical and other minor corrections in numerous provisions of Federal law related to criminal justice matters.

The amendment is derived from a bill that the Committee on the Judiciary unanimously reported favorably.

Mr. Speaker, the amendment is derived from a bill reported unanimously by the Committee on the Judiciary, and from three other bills passed by this House—H.R. 2713, the Restitution Amendments Act of 1985, H.R. 2998, the Victims of Crime Technical Amendments Act of 1986, and H.R. 4745, the Sexual Abuse Act of 1986.

Most of the provisions amended by the bill before us were part of the Comprehensive Crime Control Act of 1984. The Comprehensive Crime Control Act was enacted during the final weeks of the 98th Congress, and the circumstances surrounding its enactment resulted in a number of typographical, grammatical, printing, and other technical errors. The legislation before us seeks to correct many of these, as well as similar errors in provisions not enacted by the Comprehensive Crime Control Act. In addition, the legislation makes minor substantive changes to provisions enacted by the Comprehensive Crime Control Act and to other criminal justice provisions, primarily in title 18, United States Code. Final-

ly, the legislation also modernizes and reforms Federal laws concerning sexual abuse crimes.

Until now, the Committee on the Judiciary has been making technical and minor substantive amendments seriatim. Thus, the committee recommended, and last October the House passed, the Restitution Amendments Act of 1985 (H.R. 2713), a bill making technical corrections and minor substantive changes in restitution-related provisions of title 18, United States Code. Last March, the House passed a committee-recommended bill, the Victims of Crime Technical Amendments Act of 1986 (H.R. 2998), which makes technical corrections in provisions of the Victims of Crime Act of 1984, a part of the Comprehensive Crime Control Act. Both of those bills are pending action by the other body.

In response to requests from the Justice Department and Members of the other body, the Subcommittee on Criminal Justice began work early this summer on a larger package of technical and minor substantive amendments. The subcommittee worked with interested organizations and groups in order to fashion a noncontroversial bill, including the Justice Department, the National Association of Criminal Defense Lawyers, the U.S. Sentencing Commission, the American Bar Association, the U.S. Parole Commission, the Administrative Office of the U.S. Courts, the Federal Public and Community Defenders, the National Organization for Victim Assistance, and the Network for Victims of Sexual Assault. In addition, our distinguished colleague from California, Mr. MATSUI, plays a very significant role in developing provisions of the bill that ensure that a local law enforcement agency can gain access to important data about a Federal prisoner who is released into the community served by the law enforcement agency.

The subcommittee's began with a package of amendments sent up by the Justice Department and introduced by the chairman of the Judiciary Committee, Mr. RODINO, and the Committee's Ranking Republican Member, Mr. FISH. The subcommittee did not limit itself solely to the provisions in the Justice Department package, but also considered other proposals as well. However, if any interested group objected to a particular provision, that provision was not included in the bill.

These efforts resulted in H.R. 5241, which was reported unanimously by the subcommittee and by the Committee on the Judiciary.

Shortly after the committee reported the bill, the Subcommittee on Criminal Justice began working with interested Members of the other body to iron out the differences between H.R. 5241 as reported and S. 1236, a similar bill that the other body passed last April. All the provisions of each bill were considered, as were the provisions of the Restitution Amendments Act of 1986 and the Victims of Crime Technical Amendments Act of 1986. We sought to fashion a compromise that would be noncontroversial.

As a result, a number of provisions were not included in the final compromise. For example, section 16A of S. 1236 substantively amends 18 U.S.C. 3742 concerning the standard of review when a sentence is appealed. That provision was controversial in this body, and so was not included in the compromise. Section 3742 does not take effect until November 1, 1987, however, and the subcommit-

tee will be able to review it next Congress, before the section takes effect.

The drafting of this compromise would not have been possible without the assistance of several individuals, and, on behalf of the subcommittee, I want to thank them for their efforts. First, I want to acknowledge the valuable assistance of Roger Pauley and Vicky Portney of the Justice Department's Criminal Division; David Tevelin of the U.S. Sentencing Commission; Alan Chasset of the U.S. Parole Commission; Scott Wallace of the National Association of Criminal Defense Lawyers; Tom Smith of the American Bar Association; and Edward Marek, Federal Public Defender for the northern District of Ohio. I also want to acknowledge the significant contribution of the subcommittee's intern from Stanford University, B.G. Porter, who was responsible for much of the committee's report on H.R. 5241. Mr. Porter is the third Stanford intern that the subcommittee has had, and he has lived up to the high standards set by his predecessors, Darieck Scott and Brad Cohen.

Mr. Speaker, the compromise worked out on the technical and minor substantive amendments has been cast as an amendment to S. 1236. The compromise has bipartisan support, and is supported by the Justice Department and the others who were consulted in its drafting.

In addition to the compromise on the technical and minor substantive amendments, the amendment to S. 1236 also includes the provisions of H.R. 4745, the Sexual Abuse Act of 1986. The Justice Department strongly supports the bill, and this House passed it unanimously.

Mr. Speaker, S. 1236 as amended not only makes desirable technical and minor substantive changes in various criminal justice-related provisions of Federal law, it also modernizes and reforms Federal rape laws. I urge my colleagues to support the measure before us.

SECTION-BY-SECTION ANALYSIS OF AMENDMENT TO H.R. 5241

SECTION 1

Section 1 of the amendment is identical to Section 1 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 17 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 2

Section 2 of the amendment is identical to Section 2 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 17 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 3

Section 3 of the amendment is identical to Section 3 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 17 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 2.

SECTION 4

Section 4 of the amendment is identical to Section 4 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 17 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 3(1).

SECTION 5

Section 5 of the amendment is identical to Section 5 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 18 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 6

Section 6 of the amendment is identical to Section 6 of H.R. 5241 as reported. See H.R.

Rep. No. 797, 99th Cong., 2d Sess. 18-18 (1986). Section 3(2) of S. 1236 as passed by the Senate is comparable to Section 6(1) of the amendment. Section 4(4) and 4(5) of S. 1236 as passed by the Senate are comparable to section 6(b)(1) and (b)(3), respectively, of the amendment.

SECTION 7

Section 7 of the amendment is identical to Section 7 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 19 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 5.

SECTION 8

Section 8 of the amendment is derived from Section 4 of H.R. 2713 as passed by the House, see H.R. Rep. No. 334, 99th Cong., 1st Sess. 5-6 (1985), and Section 7 of S. 1236 as passed by the Senate. There is no comparable provision in S. 5241 as reported.

SECTION 9

Section 9 of the amendment is identical to Section 8 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 19 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 6(2).

SECTION 10

Section 10 of the amendment is identical to Section 9 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 19-20 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 8.

SECTION 11

Section 11 of the amendment is identical to Section 10 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 20 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 9.

SECTION 12

Section 12 of the amendment is derived from Section 10 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 13

Section 13 of the amendment is identical to Section 11 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 20 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 11.

SECTION 14

Section 14 of the amendment is identical to Section 12 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 20 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 15

Section 15 of the amendment is identical to Section 13 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 20 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 12.

SECTION 16

Section 16 of the amendment is identical to Section 14 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 21 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 13.

SECTION 17

Section 17 of the amendment is identical to Section 15 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 21 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 14.

SECTION 18

Section 18 of the amendment is derived from Section 16 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported. The amendment made by Section 18 takes effect on November 1, 1987 (the date the provision amended by Section 18 takes effect).

SECTION 19

Section 19 of the amendment is changes present law to conform to the change that Section 18 of the amendment makes effective November 1, 1987. There is no comparable provision in H.R. 5241 as reported. The amendment made by Section 19 takes effect immediately.

SECTION 20

Section 20 of the amendment is derived from Section 2 of H.R. 2713 as passed by the House. See H.R. Rep. No. 334, 99th Cong., 1st Sess. 4 (1985). The comparable provision in S. 1236 as passed by the Senate is Section 15(1).

Present federal law. (18 U.S.C. 3579(a)(1)) authorizes federal courts to order restitution "in addition to or in lieu of" any other criminal penalty. Section 15(1) of S. 1236 as passed would strike the "in lieu of" language, so that restitution could only be an additional criminal penalty. Section 20 of H.R. 5241 as reported permits restitution to be ordered in lieu of other criminal penalties if the offense is a misdemeanor or a felony punishable by imprisonment for no longer than 3 years. Section 20(a) of the amendment compromises the difference between the bills by authorizing restitution to be ordered in lieu of any other criminal penalty if the offense is a misdemeanor.

SECTION 21

Section 21 of the amendment is identical to Section 16 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 21 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 17.

SECTION 22

Section 22 of the amendment is derived from Section 22 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 23

Section 23 of the amendment is derived from to Section 24 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 24

Section 24 of the amendment is identical to Section 17 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 22 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 30.

SECTION 25

Section 25 of the amendment is derived from Section 18 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 26

Section 26 of the amendment is derived from Section 40 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 27

Section 27 of the amendment is derived from Section 29 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 28

Section 28 of the amendment is derived from Section 34 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 29

Section 29 of the amendment is identical to Section 18 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 22 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 44.

SECTION 30

Section 30 of the amendment is identical to Section 19 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 22 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 46.

SECTION 31

Section 31 of the amendment is identical to Section 20 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 22-23 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 47.

SECTION 32

Section 32 of the amendment is identical to Section 21 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 22 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 33

Section 33 of the amendment is derived from Section 22 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 23 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 34

Section 34 of the amendment is identical to Section 23 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 23 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 35

Section 35 of the amendment is identical to Section 24 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 23-24 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 36

Section 36 of the amendment is derived from Section 25 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 24 (1986). Section 25(4) is new and simply eliminates a personal pronoun. No change in meaning is intended. There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 37

Section 37 of the amendment is identical to Section 26 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 24 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 43.

SECTION 38

Section 38 of the amendment is identical to Section 27 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 24 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 64.

SECTION 39

Section 39 of the amendment is identical to Section 28 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 24-25 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 53.

SECTION 40

Section 40 of the amendment derived from Section 2 of H.R. 2998 as passed by the House, see H.R. Rep. No. 527, 99th Cong., 2d Sess. 2 (1985), and Section 55 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 41

Section 41 of the amendment is identical to Section 3 of H.R. 2998 as passed by the House. See H.R. Rep. No. 527, 99th Cong., 1st Sess. 2 (1985). The comparable provision in S. 1236 as passed by the Senate is Section 56. There is no comparable provision in H.R. 5241 as reported.

SECTION 42

Section 42 of the amendment is identical to Section 29 of H.R. 5241 as reported. See

H.R. Rep. No. 797, 99th Cong., 2d Sess. 25 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 61.

SECTION 43

Section 43 of the amendment is derived from Section 63 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 44

Section 44 of the amendment is derived from Section 30 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 25 (1986). The comparable provision in S. 1236 as passed by the Senate are Sections 49 and 50.

SECTION 45

Section 45 of the amendment is derived from Section 51 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 46

Section 46 of the amendment is identical to Section 31 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 25-26 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 65.

SECTION 47

Section 47 of the amendment is identical to Section 32 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 26 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 66.

SECTION 48

Section 48 of the amendment is identical to Section 4 of H.R. 2998 as passed by the House, see H.R. Rep. No. 527, 99th Cong., 2d Sess. 2-3 (1985). The comparable provision of S. 1236 as passed by the Senate is Section 59. There is no comparable provision in H.R. 5241 as reported.

SECTION 49

Section 49 of the amendment is identical to Section 5 of H.R. 2998 as passed by the House, see H.R. Rep. No. 527, 99th Cong., 2d Sess. 2-3 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 60. There is no comparable provision in H.R. 5241 as reported.

SECTION 50

Section 50 of the amendment is derived from Section 68 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

The Victim and Witness Protection Act of 1982, Pub. L. No. 97-291, § 3, 96 Stat. 1249-50, enacted 18 U.S.C. 1512 (tampering with a witness, victim, or an informant) and 1513 (retaliating against a witness, victim or an informant). They were enacted to address specifically the problem of witness tampering and retaliation, which had previously been addressed more generally though 18 U.S.C. 1503 and 1510 when court proceedings were involved. See 128 Cong. Rec. H8203, H8204 (daily ed. Sept 30, 1982) (remarks of Rep. Rodino).

Both 18 U.S.C. 1503 and 1510 are predicate acts for 18 U.S.C. ch. 96 proposes (i.e., are listed in 18 U.S.C. 1961(1)). Since 18 U.S.C. 1512 and 1513 are derived from 18 U.S.C. 1503 and 1510, there is no reason why they, too, should not be predicate acts. Section 50(1) of the amendment adds 18 U.S.C. 1512 and 1513 to the list of predicate acts in 18 U.S.C. 1961(1).

The Subcommittee on Criminal Justice has received complaints of prosecutor's harassing members of the defense bar. Vigorously and zealously representing a client, however, is not a basis for charging an offense under the obstruction of justice chapter. Section 50(2) therefore amends 18 U.S.C. 1515 to provide specifically that the lawful, bona fide provision of legal represen-

tation services does not constitute an offense under any of the obstruction of justice offenses in 18 U.S.C. ch. 73.

SECTION 51

Section 51 of the amendment is identical to Section 34 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 26-27 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 52

Section 52 of the amendment is identical to Section 35 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 27 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 48.

SECTION 53

Section 53 of the amendment is identical to Section 36 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 48.

SECTION 54

Section 54 of the amendment is identical to Section 37 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28 (1986). The comparable provision in S. 1236 as passed by the Senate.

SECTION 55

Section 55 of the amendment is identical to Section 38 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 56

Section 56 of the amendment is identical to Section 39 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 57

Section 57 of the amendment is derived from Section 40 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28-29 (1986). Section 57 of the amendment restores provisions that due to a clerical error were not included in H.R. 5241 as reported. Those provisions (subsection (a) and (b) of Section 40 of the amendment) were, however, discussed and explained in the Committee's Report. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 28-29 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 58

Section 58 of the amendment is derived from Section 41 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 29 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

Current law (18 U.S.C. 4203(c)(2)) requires that two hearing examiners concur in a parole recommendation. This recommendation must follow a hearing. Current law is silent about whether both examiners must be present at the hearing, but the United States Parole Commission's practice is to require, as a general rule, that both examiners attend the hearing. This is consistent with Congressional intent at the time current law was enacted. See H.R. Rep. No. 838, 94th Cong., 2d Sess. 23 (1976) ("Parole determination proceedings . . . are to be conducted . . . by panels of two examiners. However, other situations will from time to time arise . . . where it is appropriate for one examiner to conduct the examination . . ."). Current law (18 U.S.C. 4208(g)) is clear that both examiners involved in the recommendation must hold a "personal conference" with the prisoner if parole is denied.

Section 58 seeks to enable the Parole Commission to utilize its resources most efficiently. It is therefore intended that the

Parole Commission no longer adhere to the general rule that two hearing examiners conduct a hearing. Instead, one examiner should conduct the hearing, with the second examiner reviewing the case on the record. Further, Section 41(b) of the amendment, strikes from 18 U.S.C. 4208(g) the requirement that both examiners also hold the "personal conference" with the prisoner, and authorizes the Parole Commission to use one person to hold the "personal conference."

SECTION 59

Section 59 of the amendment is identical to Section 42 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 30 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 60

Section 60 of the amendment is identical to Section 43 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 30 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 61

Section 61 of the amendment is derived from Section 44 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 30 (1986). There is no comparable provision in S. 1236 as passed.

Section 44 of H.R. 5241 as reported sought to overturn a decision of the First Circuit that killing of a witness to prevent that witness from testifying did not constitute the use of physical force with intent to "influence" that witness' testimony within the meaning of 18 U.S.C. 1512(a)(1). *United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986). Section 44 of H.R. 5241 as reported added to 18 U.S.C. 1512 a specific provision making it an offense to kill a person with intent to prevent the attendance of that person at an official proceeding, to prevent that person from producing records at an official proceeding, or to prevent that person from communicating information about a federal crime to a federal law enforcement officer or judge. Section 44 of H.R. 5241 as reported, however, did not necessarily completely solve the problem raised by the *Dawlett* case. Conduct, other than killing a witness, that delays or prevents the witness from testifying would not be proscribed by 18 U.S.C. 1512(a)(1) in the First Circuit and in other circuits that decided to follow *Dawlett*. Section 61(1) of the amendment therefore amends 18 U.S.C. 1512(a)(1) to cover such a situation.

SECTION 62

Section 62 of the amendment is identical to Section 45 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 30 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 74.

SECTION 63

Section 63 of the amendment is identical to Section 46 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 30 (1986). The comparable provision in S. 1236 as passed by the Senate is Section 73.

SECTION 64

Section 64 of the amendment is identical to Section 47 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 31 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 65

Section 65 of the amendment is identical to Section 48 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 31 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 66

Section 66 of the amendment is identical to Section 49 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 31-32 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 67

Section 67 of the amendment is identical to Section 50 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 32 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 68

Section 68 of the amendment is identical to Section 51 of H.R. 5241 as reported. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 32-33 (1986). There is no comparable provision in S. 1236 as passed by the Senate.

SECTION 69

Section 69 of the amendment is new to the legislation. There is no comparable provision in H.R. 5241 as reported or in S. 1236 as passed by the Senate.

If there is a vacancy in the office of the United States Attorney, 28 U.S.C. 546 authorizes the district court for the district where the vacancy exists to appoint a person to serve as United States Attorney until a Presidentially-appointed United States Attorney has qualified. Section 69 amends 28 U.S.C. 546 to authorize the Attorney General to appoint an interim United States Attorney when there is a vacancy. The Attorney General's power to appoint is circumscribed, however. The Attorney General cannot appoint a person whose appointment as the United States Attorney by the President was not advised and consented to by the Senate. Moreover, a person appointed by the Attorney General serves only for 120 days, or until a person appointed to the office by the President has qualified, if that is earlier. Once the appointment of an interim United States Attorney expires, the district court appoints a United States Attorney to serve until a presidentially appointed United States Attorney is qualified.

SECTION 70

Section 70 of the amendment is new to the legislation.

There is no comparable provision in H.R. 5241 as reported or S. 1236 as passed by the Senate.

Section 70 amends 18 U.S.C. 209 which makes it an offense for a federal employee to receive, as compensation for services as an employee of the United States, any contribution to or supplementation of the employee's federal salary. This prohibition, however, does not apply to federal employees who participate in an executive exchange or fellowship program in an executive agency, if the program offers appointments for no more than one year, which can be extended for no more than 90 days. 18 U.S.C. 209(e). Section 70 enlarges from 90 to 365 days the period by which the appointment can be extended, if the federal employee is participating in an overseas assignment.

Section 70 stems from a request by the Office of Personnel Management and is intended to facilitate the participation of federal employees in exchange programs with foreign governments.

SECTION 71

Section 71 of the amendment is new to the legislation. There is no comparable provision in H.R. 5241 as reported or S. 1236 as passed by the Senate.

Congress, in the Children's Justice and Assistance Act of 1986, Pub. L. No. 99-401, § 102(a)(4), 100 Stat. 905, altered the formula for distributing money in the Crime Vic-

tims Fund established by the Victims of Crime Act of 1984, Pub. L. No. 98-473, § 1402, 98 Stat. 2170-71. The Children's Justice and Assistance Act provides that, of the money in the Fund allocated for the federal government to use to help victims of crimes, not less than half must be used for training and technical assistance, and not more than half may be used for services to victims of federal crimes.

Section 71 reverses the priority, and requires that at least half the money allocated for federal use be used to provide services to victims of federal crimes. It is hoped that the Attorney General will act expeditiously to use this money to provide services for persons victimized by crimes on federal enclaves, particularly on Indian reservations over which there is federal jurisdiction.

SECTION 72

Section 72 of the amendment is derived from Section 1 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 73

Section 73 of the amendment is derived from Section 16A(2) of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

Section 16A of S. 1236 as passed made 2 changes in 18 U.S.C. 3742, which deals with appellate review of sentences. Section 16A(1) changed the standard of review applicable to an appeal on the basis that the wrong guideline was used from "incorrect" to "clearly erroneous." Section 16A(2) removed the authority of the court of appeals directly to impose sentence if that court determined that the district court had erred.

Section 73 of the amendment does not address the standard of review. That part of Section 16A proved controversial in this body, and was therefore not included in Section 73 of the amendment. Section 73 of the amendment does, however, address the question whether the court of appeals should be able to impose sentence if the appeals court determines that the district court has erred. Section 73 provides that the court of appeals, if it reverses a sentencing decision, must remand the case for further sentencing proceedings. Section 73 is premised upon a belief that it is more appropriate for the district court to impose final sentence. If the court of appeals wants to give additional guidance to the district court, the appeals courts is authorized to remand the case with whatever instructions the appeals court considers appropriate.

SECTION 74

Section 74 of the amendment is identical to Section 28 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 75

Section 75 of the amendment is derived from Section 52(a) of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

SECTION 76

Section 76 of the amendment is derived from Section 69 of S. 1236 as passed by the Senate. There is no comparable provision in H.R. 5241 as reported.

Section 76 amends 18 U.S.C. 2315, which makes it a federal offense to receive stolen property if that property has moved in, is part of, or constitutes interstate or foreign commerce. Section 76(2) of the amendment changes the latter requirement to be that goods have crossed a state of United States boundary after having been stolen. This change does not, and is not intended to, alter

the prosecution's burden of proof concerning this requirement of the offense.

SECTION 77

Section 77 of the amendment is identical to Section 3 of H.R. 2713, which was passed by the House on October 29, 1985. See H.R. Rep. 334, 99th Cong., 1st Sess. 4 (1985). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

SECTION 78

Section 78 of the amendment is identical to Section 5 of H.R. 2713, which was passed by the House on October 29, 1985. See H.R. Rep. No. 334, 99th Cong., 1st Sess. 6 (1985). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

SECTION 79

Section 79 of the amendment is identical to Section 6 of H.R. 2713, which was passed by the House on October 29, 1985. See H.R. Rep. No. 334, 99th Cong., 1st Sess. 7 (1985). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

SECTION 80

Section 80 of the amendment is identical to Section 7 of H.R. 2713, which was passed by the House on October 29, 1985. See H.R. Rep. No. 334, 99th Cong., 1st Sess. 7 (1985). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

SECTION 81

Section 81 of the amendment is identical to Section 8 of H.R. 2713, which was passed by the House on October 29, 1985. See H.R. Rep. No. 334, 99th Cong., 1st Sess. 7 (1985). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

SECTION 82

Section 82 of the amendment is derived from Section 33 of H.R. 5241 as reported, see H.R. Rep. No. 797, 99th Cong., 2d Sess. 26 (1986), and Section 58 of S. 1236 as passed by the Senate. Sections 33 and 58 amend the Victims of Crime Act of 1984 to permit a recipient of a crime victim assistance grant under the Act to obligate the money it receives in the grant at any time within the fiscal year when the grant was received or the next 2 succeeding fiscal years. Current law (Section 1402(e) of the Victims of Crime Act of 1984) requires that the money be obligated in the fiscal year received or in the next succeeding fiscal year.

The purpose behind providing the States with additional time to determine how to expend its grant was to avoid States having to return unspent funds or making rash expenditures. See H.R. Rep. No. 797, 99th Cong., 2d Sess. 26 (1986). The Subcommittee on Criminal Justice has heard criticisms, however, that enlarging the time would only result in delaying the distribution of money to victim services programs. Section 82 of the amendment therefore modifies the approach taken in Section 33 of H.R. 5241 as reported and Section 58 of S. 1236 as passed. Section 82 of the amendment changes the Victims of Crime Act to allow the longer period of time (fiscal year of a grant plus 2 fiscal years) to apply to grants made from money deposited in the Crime Victims Fund during fiscal year 1985. The shorter period of current law (fiscal year of grant plus one fiscal year) will apply to all other grants from that fund.

SECTION 83

Section 83 of the amendment is derived from Section 31 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 84

Section 84 of the amendment is identical to Section 32 of S. 1236 as passed by the

Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 85

Section 85 of the amendment is derived from Section 35 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 86

Section 86 of the amendment is derived from Section 36 of S. 1236 as passed by the Senate. There is no comparable provision H.R. 5241 as reported.

SECTION 87

Section 87 of the amendment is identical to H.R. 4745 as passed by the House. See H.R. Rep. No. 594, 99th Cong., 2d Sess. (1986). There are no comparable provisions in H.R. 5241 as reported or S. 1236 as passed.

Mr. GEKAS. Mr. Speaker, further reserving the right to object, I repeat that we are satisfied that these amendments are technical only in nature and, therefore, we ask for speedy passage.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.
The Clerk read the Senate bill, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

BAIL (CHAPTER I)

SECTION 1. (a) Subparagraph (D) of section 3142(f)(1) of title 18 of the United States Code is amended by—

(1) striking out the words "any felony committed after the person had been convicted of two or more prior offenses" and inserting in lieu thereof "any felony if the U5 person has been convicted of two or more offenses"; and

(2) inserting before the semicolon ", or a combination of such offenses".

(b) Subparagraph (A) of section 3142(f)(2) of title 18 of the United States Code is amended by inserting the word "or" after the semicolon.

(c) Subsection (f) of section 3142 of title 18 of the United States Code is amended by adding at the end thereof the following: "The hearing may be reopened, before or after a determination by the judicial officer, at any time prior to trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on U5 the issue whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community."

OTHER SENTENCING AMENDMENTS

SEC. 2. (a) Section 4216 of title 18 of the United States Code is repealed.

(b) The item relating to section 4216 in the sectional analysis of chapter 311 of title 18 of the United States Code is amended to read as follows:

"4216. Repealed."

SEC. 3. Section 992 of title 28 of the United States Code is amended—

(1) in subsection (c) by striking out "section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983" and inserting in lieu thereof "section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984"; and

(2) by adding at the end thereof the following new subsection:

"(d) The provisions of sections 44(c) and 134(b) of this title, regarding the residence of judges, shall not apply to any judge holding a full-time position on the Commission pursuant to subsection (c) of this section."

SEC. 4. Section 994 of title 28 of the United States Code is amended—

(1) in subsection (a)(2) by—

(A) redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) amending subparagraph (C) to read as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, 3582(c), and 3583(e) of title 18"; and

(C) adding after subparagraph (C) the following new subparagraph:

"(D) the fine imposition provision set forth in section 3572 of title 18";

(2) in subsection (a)(3) by making it read as follows:

"(3) guidelines or general policy statements regarding the appropriate use of the provisions for revocation of probation and supervised release set forth in sections 3565 and 3583(e) of title 18, and the provisions for modification of the term or conditions of probation and supervised release set forth in sections 3563(c), 3564, and 3583(e) of title 18.";

(3) in subsection (b) by—

(A) inserting "(1)" after "(b)"; and

(B) designating the second sentence as paragraph (2) and inserting before the period in such paragraph (2) the following: "except that—

"(A) if the maximum term of the range is life imprisonment, the minimum shall not be less than 25-years imprisonment; or

"(B) if the maximum term of the range is one year or less, the maximum shall not exceed the minimum of that range by more than 50 per centum or 60 days, whichever is greater.";

(4) in subsection (h) by striking out "by section 3581(b) of title 18, United States Code,"; and

(5) in subsection (t) by inserting the words "in what circumstances and" after the word "specify" and by deleting the words "that are outside the applicable guideline ranges".

SEC. 5. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (b) of section 3552 of title 18 of the United States Code by striking out the word "take" in the third sentence and inserting in lieu thereof the word "be";

(2) in subsection (b) of section 3552 of title 18 of the United States Code by inserting the words ", if the defendant is in custody," after the words "the United States Marshal shall" in the eighth sentence; and

(3) in subsection (c) of section 3552 of title 18 of the United States Code by striking out "4247" and inserting in lieu thereof "4244".

SEC. 6. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) section 3553 of title 18 of the United States Code by striking out the words "of this subsection" in the first sentence; and

(2) in subsection (b) of section 3553 of title 18 of the United States Code by adding the following sentence at the end thereof: "In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for its relationship to sentences prescribed by guidelines applicable to similar offenses and offenders and the purposes of sentencing set forth in subsection (a)(2)."

Sec. 7. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3553 of title 18 of the United States Code by inserting "or if it includes an order of only partial restitution," after "If the sentence does not include an order of restitution."

Sec. 8. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (a) of section 3561 of title 18 of the United States Code by striking out the second sentence.

Sec. 9. Subsection (a) section 212 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (11) of section 3563(b) of title 18 of the United States Code by striking out "in section 3581(b)".

Sec. 10. (a) Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3563 of title 18 of the United States Code by—

(1) striking out the phrase ", after a hearing,"; and

(2) inserting the phrase "the provisions of Rule 32.1 of the Federal Rules of Criminal Procedure and" after the words "pursuant to".

(b) Subdivision (b) of Rule 32.1 of the Federal Rules of Criminal Procedure is amended by—

(1) inserting the words "to be" after the word "relief"; and

(2) striking out the period at the end and inserting in lieu thereof ", and the attorney for the government, after having been given notice of the proposed relief and a reasonable opportunity to object, has not objected."

Sec. 11. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3564 of title 18 of the United States Code by striking out the second sentence and inserting in lieu thereof the following: "A term of probation runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation. A term of probation does not run while the defendant is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days."

Sec. 12. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (f) of section 3603 of title 18 of the United States Code by striking out the word "supervise" and inserting in lieu thereof "assist in the supervision of," and by inserting a comma after the word "about".

Sec. 13. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3624 of title 18 of the United States Code by striking out "beginning after the first year of the term" in the first sentence and inserting in lieu thereof "beginning at the end of the first year of the term".

Sec. 14. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (e) of section 3624 of title 18 of the United States Code by striking out the third sentence and inserting in lieu thereof the following: "The term runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run while the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days."

Sec. 15. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3663 (formerly section 3579) of title 18 of the United States Code by—

(1) striking out "or in lieu of" in subsection (a)(1); and

(2) striking out "sections 3812 and 3813" in subsection (h) and inserting in lieu thereof "sections 3612 and 3613".

Sec. 16. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3672 (formerly section 3656) of title 18 of the United States Code by adding at the end thereof:

"He shall have the authority to contract, subject to appropriations, with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include, but not be limited to, providing equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under section 3552 (b) or (c) except for studies conducted by the Bureau of Prisons."

Sec. 16A. Section 213 of the Comprehensive Crime Control Act of 1984 is amended in section 3742 of title 18, United States Code—

(1) in subsections (a)(2), (b)(2), (d)(2), and (e)(1) by striking out "an incorrect" and inserting in lieu thereof "a clearly erroneous construction or"; and

(2) in subsection (e) by—

(A) striking out subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

"(B) designate the appropriate guideline category and remand the case for imposition of a sentence consistent with its decision"; and

(B) striking out subparagraphs (A) and (B) of paragraph (2) and inserting in lieu thereof the following:

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision; or"

Sec. 17. Section 214 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) of section 5037 of title 18 of the United States Code by striking out "(e)" and inserting in lieu thereof "(d)";

(2) in subparagraph (B) of section 5037(c)(1) of title 18 of the United States Code by striking out "by section 3581(b)";

(3) in subparagraph (B) of section 5037(c)(2) of title 18 of the United States Code by striking out "by section 3581(b)"; and

(4) in subsection (c) of section 5037 of title 18 of the United States Code by adding the following new paragraph at the end thereof:

"The provisions of section 3624 are applicable to an order placing a juvenile under detention."

Sec. 18. Section 215(a)(5) of the Comprehensive Crime Control Act of 1984 is amended in subdivision (c)(2)(B) of Rule 32 of the Federal Rules of Criminal Procedure by striking out the word "than" and inserting in lieu thereof the word "from".

Sec. 19. Section 215(f) of the Comprehensive Crime Control Act of 1984 is amended in Rule 6 of the Federal Rules of Criminal Procedure by—

(1) striking out the word "or" in subdivision (e)(3)(C)(ii); and

(2) striking out the period at the end of subdivision (e)(3)(C)(iii) and inserting in lieu thereof "; or".

Sec. 20. (a) Subsection (a) of section 224 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1)(A), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(2) in paragraph (2) to read, "in subsection (b)(1)(B), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(3) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(1)(C), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(4) by adding the word "and" at the end of paragraph (4);

(5) by deleting paragraph (5); and

(6) by redesignating paragraphs (3) and (4) as (4) and (5), respectively.

(b) Section 224 of the Comprehensive Crime Control Act of 1984 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) Section 405A (21 U.S.C. 845A) is amended—

"(1) in subsection (a) by deleting '(1)' after the word 'punishable', and by deleting the semicolon and all that follows and inserting in lieu thereof a period;

"(2) in subsection (b) by deleting '(1)' after the word 'punishable', and by deleting 'and (2) at least three times any special parole term' and all that follows and by inserting in lieu thereof a period; and

"(3) in subsection (c) by deleting the second sentence."

Sec. 21. Subsection (a) of section 225 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(2) in paragraph (2) to read, "in subsection (b)(2), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(3) by redesignating paragraph (3) as (4); and

(4) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(3), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment'; and"

Sec. 22. Subsection (a) of section 232 of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out the word "and" the second time it appears and inserting in lieu thereof a comma; and

(2) inserting before the period ", and who are not sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966'."

Sec. 23. (a) Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "eighteen" and inserting "thirty" in lieu thereof.

(b) TECHNICAL AMENDMENT.—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "to section" and inserting "under section" in lieu thereof.

(c) Section 994(q) of title 28, United States Code, is amended by striking out "within three years" and all that follows through "Act of 1983" and inserting in lieu thereof "not later than one year after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect."

(d) Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "twenty-four" and inserting "thirty-six" in lieu thereof.

FORFEITURE (CHAPTERS III AND XXIII)

Sec. 24. Section 1963 of title 18 of the United States Code is amended—

(1) in subsection (c) by striking out "(m)" and inserting in lieu thereof "(l)";

(2) in subsection (j) by striking out "(m)" and inserting in lieu thereof "(l)"; and

(3) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m), as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

Sec. 25. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the sentence beginning "Upon the filing", by striking out "\$2,500" and inserting in lieu thereof "\$5,000".

Sec. 26. (a) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616(c)) as enacted by Public Law 98-573 is amended by inserting "any other Federal agency or to" after "property forfeited under this Act to".

(b) Section 616 of the Tariff Act of 1930 (19 U.S.C. 1616) as enacted by Public Law 98-473 is repealed.

Sec. 27. Section 413 of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853) is amended—

(1) in subsection (c) by striking out "(o)" and inserting in lieu thereof "(n)";

(2) in subsection (f) by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)"; and

(3) in subsection (k) by striking out "(o)" and inserting in lieu thereof "(n)".

Sec. 28. (a) Subsection (b) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)) is amended—

(1) by striking out "or criminal" after "Any property subject to civil";

(2) in paragraph (4) by striking out "or criminal" after "is subject to civil"; and

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

"The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure."

(b) Subsection (i) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(i)) is amended by inserting ", or a violation of State or local law that could have been charged under this title or title III," after "title III".

Sec. 29. (a) Subparagraph (E) of section 524(c)(1) of title 28 of the United States Code is amended by inserting "the Federal Bureau of Investigation, the United States Marshals Service," after the words "for official use by", and by inserting a comma before the word "or".

(b) Paragraph (4) of section 524(c) of title 28 of the United States Code is amended by striking out "remaining after the payment

of expenses for forfeiture and sale authorized by law" and inserting in lieu thereof ", except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))".

OFFENDERS WITH MENTAL DISEASE OR DEFECT

(CHAPTER IV)

Sec. 30. Subdivision (c) of Rule 12.2 of the Federal Rules of Criminal Procedure is amended by inserting "4241 or" before "4242".

DRUG ENFORCEMENT AMENDMENTS (CHAPTER V)

Sec. 31. Paragraph (14) of section 102 of the Controlled Substances Act (21 U.S.C. 802(14)) is amended in the second and third sentences by striking out the word "the" after the words "the term 'isomer' means" and inserting in lieu thereof "any".

Sec. 32. Paragraph (4) of subsection (a) of schedule II of the Controlled Substances Act (21 U.S.C. 812) is amended to read as follows:

"(4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph."

Sec. 33. (a) Subparagraph (A) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) in clause (i) to read as follows:

"(i) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);"

(2) in clause (ii) by adding "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in clause (iii) by adding "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in clause (iv) by adding "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 8 years in addition to such term of imprisonment."

(b) Paragraph (5) of section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended by adding the words "the fines provided in" after the word "Notwithstanding".

Sec. 34. Subsection (b) of section 405A of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by inserting "parole" after "(2) at least three times any special".

Sec. 35. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act."

Sec. 36. Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) adding at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code."

Sec. 37. (a) Paragraph (1) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) is amended—

(1) in subparagraph (A) by striking out clauses (i), (ii), and (iii) and inserting in lieu thereof the following:

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);"

(2) in subparagraph (B) by inserting "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in subparagraph (C) by inserting "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in subparagraph (D) by inserting "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than four years in addition to such term of imprisonment."

(b) Paragraph (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking out ", except as provided in paragraph (4)".

LABOR RACKETEERING AMENDMENT (CHAPTER VIII)

Sec. 38. Paragraph (2) of section 411(a) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)(2)) is amended by striking out "entity" and inserting in lieu thereof "person".

CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS (CHAPTER IX)

Sec. 39. Paragraph (2) of section 5316(a) of title 31 of the United States Code is amended by striking out "\$5,000" and inserting in lieu thereof "\$10,000".

MISCELLANEOUS VIOLENT CRIME AMENDMENTS

(CHAPTER X)

SEC. 40. Subsection (a) of section 373 of title 18 of the United States Code is amended by—

- (1) inserting after the words "the person or property of another" the words ", or against such person's own property."; and
(2) inserting before the word "death" the words "life imprisonment or".

SEC. 41. Subsection (c) of section 924 of title 18 of the United States Code is amended by—

- (1) adding after the words "during and in relation to any" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a) or any";
(2) adding after the words "in addition to the punishment provided for such" the words "felony or"; and
(3) adding after the words "term of imprisonment including that imposed for the" the words "felony or".

SEC. 42. Subsection (a) of section 929 of title 18 of the United States Code is amended by—

- (1) adding after the words "during and in relation to the commission of a" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 855a), or a";
(2) adding after the words "in addition to the punishment provided for the commission of such" the words "felony or"; and
(3) adding after the words "term of imprisonment including that imposed for the felony" the words "or crime of violence".

SEC. 43. (a) Subsection (d) of section 1201 of title 18 of the United States Code is amended by adding the words "or (a)(5)" after the words "subsection (a)(4)".
(b) Paragraph (2) of section 115(b) of title 18 of the United States Code is amended to read as follows:

- "(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title for a person described in section 1201(a)(5) of this title."
SEC. 44. (a) Chapter 65 of title 18 of the United States Code is amended by redesignating section 1365 as enacted by Public Law 98-473 as section 1366.
(b) The analysis at the beginning of chapter 65 of title 18 of the United States Code is amended by striking out "1365" the second time it appears and inserting in lieu thereof "1366".

SERIOUS NONVIOLENT OFFENSES (CHAPTER XI)

SEC. 45. Section 215 of title 18 of the United States Code is amended—

- (1) in subsections (a) and (b) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" the second and third place in which they appear;
(2) in subsection (c)(1)(D) by striking out "Administrator of the"; and
(3) in subsection (d) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" each place in which they appear.

SEC. 46. Section 219 of title 18 of the United States Code is amended—

- (1) in the first paragraph to read:
"Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall

be fined not more than \$10,000 or imprisoned for not more than two years, or both."; and
(2) in the last paragraph by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate", and by striking out ", or a juror".

SEC. 47. (a) Chapter 25 of title 18 of the United States Code is amended by redesignating section 510 as enacted by Public Law 98-473 as section 513.
(b) The analysis at the beginning of chapter 25 of title 18 of the United States Code is amended by striking out

- "510. Securities of the State and private entities.", and by adding at the end thereof
"513. Securities of the States and private entities."
SEC. 48. (a) Sections 1791 and 1792 of title 18 of the United States Code are amended by striking out the phrase "Federal penal or correctional facility" each time it appears and inserting in lieu thereof "Federal penal, detention, or correctional facility".
(b) Section 1791 of title 18 of the United States Code is further amended—
(1) in subparagraph (a)(1)(B) by adding the words "ammunition or" before "any other weapon";
(2) in subparagraph (a)(1)(C) by adding before the semicolon the words ", lysergic acid diethylamide, or phencyclidine";
(3) in subparagraph (a)(1)(D) by striking out "other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)" and inserting in lieu thereof "other than a controlled substance described in subparagraph (C)"; and
(4) by making subsection (c) read as follows:

"(c) DEFINITIONS.—As used in this section, 'ammunition', 'firearm', and 'destructive device' have the meaning given those terms, respectively, in section 921 of title 18 of the United States Code."

PROCEDURAL AMENDMENTS (CHAPTER XII)

SEC. 49. Subsection (e) of section 1028 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 50. Subsection (f) of section 1029 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 51. Section 3076 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970" and inserting in lieu thereof "chapter 224 of this title".

SEC. 52. Section 3522 of title 18 of the United States Code is amended—

- (1) in subsection (a) by striking out the word "parolees" in the second sentence and inserting in lieu thereof "probationers or parolees, as the case may be";
(2) in subsection (b)—
(A) by striking out "subsection (a)" and inserting in lieu thereof "probation or parole"; and
(B) by striking out the word "shall" and inserting in lieu thereof "may";
(3) by striking out subsection (c); and
(4) by redesignating subsection (d) as subsection (c).

SEC. 53. Section 1921 of title 28 of the United States Code is amended by adding the following new paragraph at the end thereof:

"Notwithstanding the provisions of section 3302 of title 31, the United States Mar-

shals Service is authorized, to the extent provided in appropriations Acts, to credit to its appropriation account all fees, commissions, and expenses collected for—

- "(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and
(2) seizures, levies, and sales associated with judicial orders of execution.

by the United States Marshals Service and to use such credited amounts for the purpose of carrying out such activities."

VICTIM COMPENSATION AND ASSISTANCE

(CHAPTER XIV)

SEC. 54. Section 3013 of title 18 of the United States Code is amended by adding the following new subsection at the end thereof:

- "(c) No assessment shall be imposed on any person convicted of an offense for which local rules of the district court, or other Federal law, establishes that collateral may be posted in lieu of appearance in court."

SEC. 55. Subsection (a) of section 3671 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "chapter 227 or 231 of" after the words "an order of restitution under".

SEC. 56. (a) Sections 3671 and 3672 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, are redesignated as sections 3681 and 3682, respectively.
(b) The sectional analysis of chapter 232 of title 18 of the United States Code, as added by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

SEC. 57. (a) Chapter 232 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is redesignated as chapter 232A.
(b) The chapter analysis of part II of title 18 of the United States Code is amended by striking out the item relating to chapter 232, as added by section 1406(b) of the Comprehensive Crime Control Act of 1984, and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime..... 3681".

SEC. 58. Subsection (e) of section 1402 of the Comprehensive Crime Control Act of 1984 is amended by—
(1) striking out "the next succeeding fiscal year" and inserting in lieu thereof "the next two succeeding fiscal years"; and
(2) striking out "year" after "at the end of which".

SEC. 59. Section 1407 of the Comprehensive Crime Control Act of 1984 is amended—
(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and
(2) by redesignating subsection (h) as subsection (g).

SEC. 60. Chapter XIV of the Comprehensive Crime Control Act of 1984 is amended by striking out section 1410.

TRADEMARK COUNTERFEITING (CHAPTER XV)

SEC. 61. (a) Chapter 113 of the title 18 of the United States Code is amended by redesignating section 2320 as enacted by Public Law 98-473 as section 2321.
(b) The analysis at the beginning of chapter 113 of title 18 of the United States Code is amended by striking out

"2320. Trafficking in counterfeit goods or services." and by adding at the end thereof

2321. Trafficking in counterfeit goods or services."

ACCESS DEVICES AND COMPUTER (CHAPTER XXI)

SEC. 62. (a) Section 1030 of title 18 of the United States Code is amended by adding the following new paragraph at the end thereof:

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States."

(b) Delete paragraph (3) of subsection (a) of section 1030 of title 18 of the United States Code.

(c) Delete "or" after the semicolon at the end of paragraph (2) of subsection (a) of section 1030 of title 18 of the United States Code, and insert "or" after the semicolon at the end of paragraph (1) of subsection (a) of section 1030 of title 18 of the United States Code.

MISCELLANEOUS AMENDMENTS

SEC. 63. Section 3 of title 18 of the United States Code is amended by inserting before the word "death" the words "life imprisonment or".

SEC. 64. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 17 as follows:

"§ 17. Organization defined

"For purposes of this title, the term 'organization' means a person other than an individual."

(b) The sectional analysis for chapter 1 of title 18 of the United States Code is amended by adding after the item relating to section 16 the following:

"17. Organization defined."

SEC. 65. Subsection (a) of section 201 of title 18 of the United States Code is amended by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate".

SEC. 66. Paragraph (1) of section 203(a) of title 18 of the United States Code is amended by striking out "Delegate from the District of Columbia, Delegate Elect from the District of Columbia" and inserting in lieu thereof "Delegate, Delegate Elect".

SEC. 67. Subsection (h) of section 844 of title 18 of the United States Code is amended to read as follows:

"(h) Whoever uses fire or an explosive to commit, or carries an explosive during the commission of, any felony which may be prosecuted in a court of the United States, including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the fire or explosive was used or the explosive was carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."

SEC. 68. Section 1961(a) of title 18 of the United States Code is amended by adding, after the words "section 1511 (relating to the obstruction of State or local law enforcement)," the words "section 1512 (relating to tampering with a witness, victim, or

an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)."

SEC. 69. The first and second paragraphs of section 2315 of title 18 of the United States Code are amended by—

(1) inserting "possesses," after "receives,";

(2) striking out "moving as, or which are a part of, or which constitute interstate or foreign commerce," and inserting in lieu thereof "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken."

SEC. 70. Subsection (m) of section 223 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (3)(B) to read as follows:

"(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment that is longer than the maximum period of time specified in the applicable sentencing guideline promulgated pursuant to section 994(a)(1) of title 28, United States Code, as determined by the Bureau of Prisons, shall serve in an official detention facility the maximum period of time specified in the applicable sentencing guideline and shall serve the remainder of the term imposed as a term of supervised release. To the extent permitted by the applicable treaty, a determination by the Bureau of Prisons as to whether the transferred offender shall serve a term of supervised release and the length of such term to be served may be appealed to the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States, and the court of appeals shall decide and dispose of the appeal in accordance with section 3742 as though the determination appealed had been imposed by the United States district court. A determination by the Bureau of Prisons shall be made only after affording the transferred offender an opportunity (1) to submit evidence or information as the applicable sentencing guideline, and (2) for an appeal within the Bureau of Prisons of such determination by a reviewing authority established by the Director pursuant to regulations;" and".

SEC. 71. Section 3142(c)(2)(J) of title 18 of the United States Code is amended by inserting ", psychological," after "medical".

SEC. 72. Paragraphs (3) of subsections (d), (g), and (h) of section 922 of title 18 of the United States Code are amended by deleting the words "marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954)" and inserting in lieu thereof the words "marihuana or any depressant or stimulant substance or narcotic drug (as those terms are defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802)".

SEC. 73. Section 875 of title 18 of the United States Code is amended by striking the phrase "transmits in interstate commerce" each place where it appears and inserting in lieu thereof the words, "transmits in interstate or foreign commerce".

SEC. 74. Section 351 of title 18 of the United States Code is amended—

(a) in subsection (a) by adding after "Deputy Director of Central Intelligence," the words "a major candidate for the office of President or Vice-President, as defined in subsection (a)(7) of section 3056 of this title"; and

(b) in subsection (h) by deleting the words "an official" and inserting in lieu thereof "a person".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BERMAN:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law and Procedure Technical Amendments Act of 1986".

SEC. 2. STYLISTIC CORRECTION.

(a) IN GENERAL.—Section 3673 of title 18, United States Code, is amended—

(1) by redesignating paragraphs (a) through (c) as paragraphs (1) through (3), respectively; and

(2) by inserting "the term" before each open quotation mark.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the taking effect of section 3673 of title 18, United States Code.

SEC. 3. CONFORMING REPEAL.

(a) IN GENERAL.—Section 4216 of title 18, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 311 of title 18, United States Code, is amended by striking out the item related to section 4216.

SEC. 4. CROSS REFERENCE CORRECTION.

Section 992(c) of title 28, United States Code, is amended by striking out "section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983" and inserting in lieu thereof "section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984".

SEC. 5. REPEAL OF OBSOLETE PROVISION.

Section 993(b)(2) of title 28, United States Code, is amended by striking out the sentence beginning "Before the appointment".

SEC. 6. SENTENCING COMMISSION.

(a) RESIDENCE REQUIREMENT WAIVED FOR MEMBERS.—Section 992 of title 28, United States Code, is amended by adding at the end the following:

"(d) Sections 44(c) and 134(b) of this title (relating to the residence of judges) do not apply to any judge holding a full-time position on the Commission under subsection (c) of this section."

(b) DUTIES.—Section 994 of title 28, United States Code, is amended—

(1) in subsection (h), by striking out "by section 3581(b) of title 18, United States Code,";

(2) in each of subsections (h) and (i), by striking out "will"; and

(3) in subsection (i)—

(A) by inserting "in what circumstances and" after "specify"; and

(B) by striking out "that are outside the applicable guideline ranges".

SEC. 7. PRESENTENCE REPORTS.

(a) IN GENERAL.—Section 3552 of title 18, United States Code, is amended—

(1) in the third sentence of subsection (b), by striking out "take" and inserting "be" in lieu thereof;

(2) in the eighth sentence of subsection (b), by inserting ", if the defendant is in custody," after "the United States marshal shall"; and

(3) in subsection (c), by striking out "it may" and all that follows through "4247." and inserting in lieu thereof "the court may order the same psychiatric or psychological examination and report thereon as may be ordered under section 4244(b) of this title."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

date of the taking effect of section 3552 of title 18, United States Code.

SEC. 8. RESTITUTION ORDERS.

(a) **IN GENERAL.**—Section 3553(c) of title 18, United States Code, is amended by striking out "If the sentence does not include an order of restitution" and inserting in lieu thereof "If the court does not order restitution, or orders only partial restitution".

(b) **CONFORMING AMENDMENT.**—Section 3579(a) of title 18, United States Code, is amended—

(1) by striking out "(1)" where it appears after "(a)"; and

(2) by striking out paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 3553 of title 18, United States Code.

SEC. 9. SENTENCING IN ABSENCE OF APPLICABLE GUIDELINE.

(a) **IN GENERAL.**—Section 3553(b) of title 18, United States Code, is amended by adding at the end thereof "In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, the applicable policy statements of the Sentencing Commission, and the purposes of sentencing set forth in subsection (a)(2)".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 3553 of title 18, United States Code.

SEC. 10. ELIMINATION OF DISCHARGE OF LIABILITY FOR UNEXECUTED FINE OR OTHER PUNISHMENT IMPOSED BY FULFILLMENT OF PROBATION TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Section 3561(a) of title 18, United States Code, as added by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out the second sentence.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the taking effect of such section 3561(a).

SEC. 11. ELIMINATION OF SECTION CROSS REFERENCE RELATING TO AUTHORIZED IMPRISONMENT AS A CONDITION OF PROBATION.

(a) **IN GENERAL.**—Section 3563(b)(11) of title 18, United States Code, as added by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "in section 3581(b)".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the taking effect of such section 3563(b)(11).

SEC. 12. MODIFICATION OF CONDITIONS OF PROBATION.

(a) **TITLE 18 AMENDMENT.**—Section 3563(c) of title 18, United States Code, is amended—

(1) by striking out ", after a hearing";

(2) by inserting "the provisions of the Federal Rules of Criminal Procedure relating to revocation or modification of probation" after "pursuant to".

(b) **RULES AMENDMENT.**—Rule 32.1(b) of the Federal Rules of Criminal Procedure is amended—

(1) by inserting "to be" after "relief";

(2) by striking out the period at the end and inserting in lieu thereof ", and the attorney for the government, after having been given notice of the proposed relief and a reasonable opportunity to object, has not objected. An extension of the term of probation is not favorable to the probationer for the purposes of this rule."

(c) **EFFECTIVE DATES.**—(1) The amendments made by subsection (a) shall take effect on the date of the taking effect of such section 3563(c).

(2) The amendments made by subsection (b) shall take effect 30 days after the date of enactment of this Act.

SEC. 13. CONCURRENCE OF SENTENCE OF PROBATION.

(a) **IN GENERAL.**—Section 3564(b) of title 18, United States Code, as added by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out the second sentence and inserting in lieu thereof the following: "A term of probation runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation. A term of probation does not run while the defendant is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of such section 3564.

SEC. 14. AMENDMENTS RELATING TO SUPERVISED RELEASE.

(a) **IN GENERAL.**—Section 3583(e) of title 18, United States Code, is amended—

(1) by striking out "Modification of term or conditions." and inserting "Modification of conditions or revocation." in lieu thereof; and

(2) in paragraph (1), by striking out "previously ordered".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 3583 of title 18, United States Code.

SEC. 15. DUTIES OF PROBATION OFFICER.

(a) **IN GENERAL.**—Section 3603 of title 18, United States Code, is amended—

(1) by redesignating paragraphs (a) through (h) as paragraphs (1) through (8), respectively;

(2) in paragraph (6) as so redesignated—

(A) by striking out "supervise" and inserting "assist in the supervision of" in lieu thereof; and

(B) by inserting a comma after "about".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 3603 of title 18, United States Code.

SEC. 16. CREDIT TOWARD SERVICE OF TERM OF IMPRISONMENT.

(a) **IN GENERAL.**—Subsection (b) of the section 3624 of title 18, United States Code, as added by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "after" the first place it appears and inserting "at the end of" in lieu thereof.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the taking effect of such section 3624.

SEC. 17. CONCURRENCE OF RUNNING OF TERM OF SUPERVISED RELEASE.

(a) **IN GENERAL.**—Subsection (e) of section 3624 of title 18, United States Code, as added by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended—

(1) by striking out "The term" the second place it appears and inserting "and" in lieu thereof;

(2) by striking out ", except that it" and inserting "A term of supervised release" in lieu thereof;

(3) by striking out ", other than during limited intervals as a condition of probation or supervised release," and

(4) by inserting before the period at the end of the third sentence the following: "unless the imprisonment is for a period of less than 30 consecutive days".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the taking effect of such section 3624.

SEC. 18. PERMANENT AMENDMENT RELATING TO DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE.

(a) **IN GENERAL.**—The section of title 18, United States Code, that is redesignated section 3672 by section 212(a) of the Comprehensive Crime Control Act of 1984 is amended by adding at the end thereof:

"He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol dependent person, addict, or drug dependent person by eliminating his dependence on alcohol or addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under subsection (b) or (c) of section 3552, except for studies conducted by the Bureau of Prisons."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the taking effect of such redesignation.

SEC. 19. INTERIM AMENDMENT RELATING TO DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE.

The second paragraph of section 4255 of title 18, United States Code, is amended to read as follows:

"The Director of the Administrative Office of the United States Courts shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). Such authority includes the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol dependent person, addict, or drug dependent person by eliminating that person's or addict's dependence on alcohol or addicting drugs, or by controlling that person's or addict's dependence and susceptibility to addiction. Such Director may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)."

SEC. 20. POWER TO ORDER RESTITUTION IN LIEU OF OTHER SENTENCES.

(a) **SECTION 3579 AMENDMENT.**—Section 3579(a)(1) of title 18, United States Code, is amended by inserting ", in the case of a misdemeanor," after "in addition to or"

(b) **SECTION 3556 AMENDMENT.**—Section 3556 of title 18, United States Code, as amended by the Sentencing Reform Act of 1984, is amended by striking out "under this title" and all that follows through the end of such section and inserting in lieu thereof "may order restitution in accordance with sections 3663 and 3664."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the

date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

SEC. 21. JUVENILE DISPOSITIONAL HEARING.

(a) **IN GENERAL.**—Section 5037 of title 18, United States Code, as amended by section 214 of the Comprehensive Crime Control Act of 1984, is amended—

(1) in subsection (a), by striking out “(e)” and inserting “(d)” in lieu thereof;

(2) in subsection (c)(1)(B), by striking out “by section 3581(b)”;

(3) in subsection (c)(2)(B), by striking out “by section 3581(b)”;

(4) in subsection (c), by adding the following at the end thereof: “Section 3624 is applicable to an order placing a juvenile under detention.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date the amendments made by such section 214 take effect.

SEC. 22. ELIMINATION OF CROSS REFERENCE.

(a) **IN GENERAL.**—Section 341 of the Public Health Service Act (42 U.S.C. 257(a)) is amended by striking out “and who are not sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date the amendments made by section 232(a) of the Comprehensive Crime Control Act of 1984 take effect.

SEC. 23. REDESIGNATION OF SUBSECTIONS.

Section 1963 of title 18, United States Code, is amended—

(1) in subsection (c) by striking out “(m)” and inserting in lieu thereof “(1)”;

(2) in subsection (j) by striking out “(m)” and inserting in lieu thereof “(1)”;

(3) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m), as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

SEC. 24. OFFENDERS WITH MENTAL DISEASE OR DEFECT.

Subdivision (c) of Rule 12.2 of the Federal Rules of Criminal Procedure is amended by inserting “4241 or” before “4242”.

SEC. 25. CORRECTION OF WRONG WORD USE.

(a) **IN GENERAL.**—Rule 32(c)(2)(B) of the Federal Rules of Criminal Procedure is amended by striking out “than” and inserting “from” in lieu thereof.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the taking effect of the amendment made by section 215(a)(5) of the Comprehensive Crime Control Act of 1984.

SEC. 26. SOLICITATION OFFENSE.

Section 373 of title 18, United States Code, is amended—

(1) by striking out “the person or property of another” and inserting in lieu thereof “property or against the person of another”;

(2) by inserting “life imprisonment or” before “death”.

SEC. 27. FORFEITURE FUND

(a) Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting “the Federal Bureau of Investigation, the United States Marshals Service,” after “for official use by”;

(2) by inserting a comma before “or”.

(b) Paragraph (4) of section 524(c) of title 28 of the United States Code is amended by striking out “remaining after the payment of expenses for forfeiture and sale authorized by law” and inserting in lieu thereof “, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))”.

SEC. 28. INSERTION OF MISSING WORD.

Section 405A(b) of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by inserting “parole” after “(2) at least three times any special”.

SEC. 29. RENUMBERING OF SECTION IN CHAPTER 65.

(a) **IN GENERAL.**—Chapter 65 of title 18 of the United States Code is amended by redesignating the section 1365 relating to destruction of an energy facility as section 1366.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by striking out “1365” the second place it appears and inserting in lieu thereof “1366”.

SEC. 30. REGISTRATION OF FOREIGN AGENTS.

Section 219 of title 18, United States Code, is amended—

(1) so that the first paragraph reads as follows:

“(a) Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined under this title or imprisoned for not more than two years, or both.”;

(2) by redesignating the second and third paragraphs as subsection (b) and (c), respectively; and

(3) in the last paragraph by striking out “the Delegate from the District of Columbia” and inserting in lieu thereof “Delegate”, and by striking out “, or a juror”.

SEC. 31. RENUMBERING OF SECTION IN CHAPTER 25.

(a) **IN GENERAL.**—Chapter 25 of title 18 of the United States Code is amended—

(1) by redesignating the section 511 relating to securities of States and private entities as section 513; and

(2) transferring the section so redesignated so that such section appears after section 512 (relating to forfeiture of certain motor vehicles and motor vehicle parts).

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 25 of title 18 of the United States Code is amended—

(1) by striking out “510. Securities of the State private entities.”; and

(2) by adding at the end the following:

“513. Securities of the States and private entities.”.

SEC. 32. ELIMINATION OF SUPERFLUOUS CROSS-REFERENCE.

Section 3731 of title 18, United States Code, is amended by striking out the fifth paragraph.

SEC. 33. CORRECTION OF CLERICAL ERROR AND DESIGNATION OF SUBSECTIONS.

(a) **CORRECTION OF CLERICAL ERROR.**—The first paragraph of section 2232 of title 18, United States Code, is amended by inserting “not” after “imprisoned”.

(b) **DESIGNATION OF SUBSECTIONS.**—Section 2232 of title 18, United States Code, is amended—

(1) by designating the first paragraph as subsection (a); and

(2) by designating the second paragraph as subsection (b).

SEC. 34. RENUMBERING OF SECTION IN CHAPTER 1.

(a) **IN GENERAL.**—Section 20 of title 18, United States Code, is redesignated as section 17.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by striking out “20” and inserting “17” in lieu thereof.

SEC. 35. COORDINATING EFFECTIVE DATES FOR INITIAL SET OF SENTENCING GUIDELINES AND THE NEW SENTENCING CHAPTERS OF TITLE 18.

Section 235(a)(1)(B) of the Comprehensive Crime Control Act of 1984 is amended—

(1) in clause (i), by striking out “the chapter” and inserting “such chapter 58” in lieu thereof; and

(2) in clause (ii)—

(A) by striking out “, and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code,”;

(B) by striking out “the day after”;

(C) in subclause (III), by inserting “the day after” before “the Congress”; and

(D) so that subclause (IV) reads as follows: “(IV) section 212(a)(2) takes effect, in the case of the initial sentencing guidelines so promulgated.”.

SEC. 36. CLERICAL CORRECTIONS TO SECTION 1201 OF TITLE 18.

Section 1201(a) of title 18, United States Code, is amended—

(1) by striking out “when.” and inserting “when—” in lieu thereof;

(2) so that the margin of paragraph (5) is aligned with the margin of paragraphs (1) through (4);

(3) by striking out “The” in paragraph (5) and inserting “the” in lieu thereof; and

(4) by striking out “his official duties,” and inserting “official duties,” in lieu thereof.

SEC. 37. CROSS REFERENCE DETAIL.

(a) **PENALTY CROSS REFERENCE.**—Paragraph (2) of section 115(b) of title 18, United States Code, is amended by inserting “for the kidnapping or attempted kidnapping of a person described in section 1201(a)(5) of this title” after “section 1201 of this title”.

(b) **INCLUSION OF CERTAIN ATTEMPTS IN 1201 CROSS REFERENCE.**—Section 1201(d) of title 18, United States Code, is amended by inserting “or (a)(5)” after “subsection (a)(4)”.

SEC. 38. GENERAL DEFINITION OF ORGANIZATION.

(a) **IN GENERAL.**—Chapter 1 of title 18, United States Code, is amended by adding after the section redesignated by section 23 the following:

“§ 18. Organization defined

“As used in this title, the term ‘organization’ means a person other than an individual.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“18. Organization defined.”.

SEC. 39. CREDITING OF MARSHAL'S FEES.

(a) **IN GENERAL.**—Section 1921 of title 28, United States Code, is amended—

(1) by striking out “Only” and inserting in lieu thereof “(a) Except as otherwise provided by law, only”;

(2) by striking out “, except as otherwise provided”;

(3) by inserting “(1)” before “For” the first place it appears;

(4) by inserting “(2)” before “For” the second place it appears;

(5) by inserting “(3)” before “For” the third place it appears;

(6) by inserting “(4)” before “For” the fourth place it appears;

(7) by inserting “(5)” before “For” the fifth place it appears;

(8) by inserting “(6)” before “For” the sixth place it appears;

(9) by inserting “(7)” before “For” the seventh place it appears;

(10) by inserting “(8)” before “For” the eighth place it appears;

(11) by inserting “(9)” before “For” the ninth place it appears;

(12) by inserting “(b)(1)” before “No mileage fees”;

(13) by inserting “(2)” before “The marshal may require a deposit to cover”;

(14) by striking out each semicolon that appears at the end of a paragraph and inserting in lieu thereof a period; and

(15) by adding at the end the following:

"(c) Notwithstanding section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in advance in appropriations Acts—

"(1) to credit to such Service's appropriation all fees, commissions, and expenses collected by such Service for—

"(A) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(B) seizures, levies, and sales associated with judicial orders of execution; and

"(2) to use such credited amounts for the purpose of carrying out such activities."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 40. CROSS REFERENCE ELIMINATION.

Section 3671(a) in the chapter 232 of title 18, United States Code, that relates to special forfeiture of collateral profits of crime is amended by striking out "chapter 227 or 231 of".

SEC. 41. REDESIGNATION OF DUPLICATE SECTIONS AND CHAPTER.

(a) SECTION REDESIGNATION.—Sections 3671 and 3672 in the chapter 232 of title 18, United States Code, that relates to special forfeiture of collateral profits of crime are redesignated as sections 3681 and 3682, respectively.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 232 of title 18, United States Code, that relates to special forfeiture of collateral profits of crime is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

(c) CHAPTER DESIGNATION.—The chapter 232 of title 18, United States Code, that relates to special forfeiture of collateral profits of crime is redesignated as chapter 232A.

(d) TABLE OF CHAPTERS.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by striking out the item relating to the chapter 232 which relates to special forfeiture of collateral profits of crime and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime..... 3681".

SEC. 42. REDESIGNATION OF SECTION.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by redesignating the section 2320 that was enacted by Public Law 98-547 as section 2321.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by striking out "2320" the second place it appears and inserting in lieu thereof "2321".

SEC. 43. ACCESSORY AFTER THE FACT.

Section 3 of title 18, United States Code, is amended by inserting "life imprisonment or" after "or if the principal is punishable by".

SEC. 44. CORRECTION OF ERRONEOUS CROSS REFERENCES.

(a) SECTION 1028 AMENDMENT.—Section 1028(e) of title 18, United States Code, is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

(b) SECTION 1029 AMENDMENT.—Section 1029(f) of title 18, United States Code, is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 45. CROSS REFERENCE CORRECTION.

Section 3076 of title 18, United States Code, is amended by striking out "title V of the Organized Crime Control Act of 1970" and inserting in lieu thereof "chapter 224 of this title".

SEC. 46. INCLUSION OF CERTAIN DELEGATES TO CONGRESS IN BRIBERY PROHIBITION.

(a) SUBSECTION (a) AMENDMENTS.—Section 201(a) of title 18, United States Code, is amended—

(1) by striking out "section:" and inserting "section—" in lieu thereof;

(2) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "public official";

(B) by striking out "the Delegate from the District of Columbia," and inserting "Delegate," in lieu thereof;

(C) by striking out "after he has qualified," and inserting "after such official has qualified," in lieu thereof; and

(D) by striking out "juror; and" and inserting "juror;" in lieu thereof;

(3) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "person"; and

(B) by striking out "he will be" and inserting "such person will be" in lieu thereof; and

(4) in the third undesignated paragraph—

(A) by inserting "(3) the term" before "official act"; and

(B) by striking out "in his official capacity, or in his" and inserting "in such official's official capacity, or in such official's" in lieu thereof;

(b) SUBSECTION (b) AMENDMENTS.—Section 201(b) of title 18, United States Code, is amended—

(1) by striking out

"(b) Whoever directly" and inserting in lieu thereof the following:

"(b) Whoever—

"(1) directly";

(2) in paragraph (3), by striking out "his lawful duty; or" and inserting "the lawful duty of such official or person;" in lieu thereof; and

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins so that such subparagraphs are indented 6 ems.

(c) SUBSECTION (c) AMENDMENTS.—Section 201(c) of title 18, United States Code, is amended—

(1) by striking out "(c) Whoever, being" and inserting "(2) being" in lieu thereof;

(2) by striking out "corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself" and inserting in lieu thereof "corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally";

(3) in paragraph (1), by striking out "his performance of any official act; or" and inserting in lieu thereof "the performance of any official act;"

(4) in paragraph (3), by striking out "his official duty; or" and inserting in lieu thereof "the official duty of such official or person;" and

(5) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins so that such subparagraphs are indented 4 ems.

(d) SUBSECTION (d) AMENDMENTS.—Section 201(d) of title 18, United States Code, is amended—

(1) by striking out "(d) Whoever, directly" and inserting "(3) directly" in lieu thereof; and

(2) by striking out "therefrom; or" and inserting "therefrom;" in lieu thereof;

(e) SUBSECTION (e) AMENDMENTS.—Section 201(e) of title 18, United States Code, is amended—

(1) by striking out "(e) Whoever, directly" and inserting "(4) directly";

(2) by striking out "asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself" and inserting in lieu thereof "demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally";

(3) by striking out "in his testimony" and inserting "in testimony" in lieu thereof;

(4) by striking out "therefrom;" and inserting "therefrom;" in lieu thereof; and

(5) in the undesignated paragraph—

(A) by striking out "Shall" and inserting "shall" in lieu thereof;

(B) by striking out "\$20,000 or";

(C) by striking out "whichever is greater.;"

(f) SUBSECTION (f) AMENDMENTS.—Section 201(f) of title 18, United States Code, is amended—

(1) by striking out

"(f) Whoever, otherwise" and inserting in lieu thereof the following:

"(c) Whoever—

"(1) otherwise";

(2) by striking out "official duty, directly" and inserting in lieu thereof the following:

"official duty—

"(A) directly";

(g) SUBSECTION (g) AMENDMENTS.—Section 201(g) of title 18, United States Code, is amended—

(1) by striking out

"(g) Whoever, being" and inserting in lieu thereof

"(B) being";

(2) by striking out "indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself" and inserting in lieu thereof "indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally"; and

(3) by striking out "by him; or" and inserting in lieu thereof "by such official or person;";

(h) SUBSECTION (h) AMENDMENTS.—Section 201(h) of title 18, United States Code, is amended—

(1) by striking out

"(h) Whoever, directly" and inserting in lieu thereof the following:

"(2) directly"; and

(2) by striking out "because of his absence therefrom; or" and inserting in lieu thereof "because of such person's absence therefrom;";

(i) SUBSECTION (i) AMENDMENTS.—Section 201(i) of title 18, United States Code, is amended—

(1) by striking out

"(i) Whoever, directly" and inserting in lieu thereof the following:

"(3) directly";

(2) by striking out "asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive" and inserting in lieu thereof "demands, seeks, receives, accepts, or agrees to receive or accept";

(3) by striking out "for himself" and inserting "personally" in lieu thereof;

(4) by striking out "given by him" and inserting "given by such person" in lieu thereof;

(5) by striking out "his absence therefrom—" and inserting "such person's absence therefrom;" in lieu thereof; and

(6) in the undesignated paragraph—

(A) by striking out "Shall" and inserting "shall"; and

(B) by striking out "not more than \$10,000" and inserting "under this title" in lieu thereof.

(j) SUBSECTION (j) AMENDMENTS.—Section 201(j) of title 18, United States Code, is amended—

(1) by striking out

"(j) Subsections (d), (e), (h), and (i)" and inserting in lieu thereof the following:

"(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c)"; and

(2) by striking out "involving a technical or professional opinion,".

(k) SUBSECTION (k) AMENDMENT.—Section 201(k) of title 18, United States Code, is amended by striking out

"(k) The"

and inserting in lieu thereof the following:

"(e) The".

(l) REALIGNMENT AMENDMENT.—Section 201 of title 18, United States Code, as amended by this section is further amended so that the margins of each subsection, and of the paragraphs and subparagraphs of each subsection, are flush, indented 2 ems, and indented 4 ems, respectively.

(m) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 47. INCLUSION OF CERTAIN DELEGATES TO CONGRESS IN PROHIBITION AGAINST RECEIVING COMPENSATION FOR SERVICES RENDERED IN CONNECTION WITH A PROCEEDING IN WHICH THE UNITED STATES IS A PARTY.

(a) IN GENERAL.—Section 203 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any" and inserting in lieu thereof the following:

"indirectly—

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any";

(B) by striking out "by himself or another—" and inserting in lieu thereof "personally or by another—";

(C) by striking out

"(1) at a time when he"

and inserting in lieu thereof the following:

"(A) at a time when such person";

(D) by striking out "Delegate Elect from the District of Columbia, Delegate Elect from the District of Columbia," and inserting in lieu thereof "Delegate, Delegate Elect,";

(E) by striking out

"(2) at a time when he"

and inserting in lieu thereof the following:

"(B) at a time when such person"; and

(F) by striking out "commission, or" and inserting "commission; or" in lieu thereof;

(2) in subsection (b)—

(A) by striking out

"(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives,"

and inserting in lieu thereof the following:

"(2) knowingly gives,"; and

(B) by striking out "employee—" and inserting "employee;" in lieu thereof; and

(C) in the undesignated paragraph, by striking out "Shall be fined not more than \$10,000" and inserting in lieu thereof "shall be fined under this title";

(3) in subsection (c)—

(A) by striking out "parties (1) in which he" and inserting in lieu thereof the following:

"parties—

"(1) in which such employee";

(B) by striking out "otherwise, or (2) which is pending" and inserting in lieu thereof the following:

"otherwise; or

"(2) which is pending";

(C) by striking out "in which he is serving: Provided, That clause (2)" and inserting "in which such employee is serving except that paragraph (2) of this subsection"; and

(D) section 203 of title 18, United States Code, as amended by this section is further amended so that the margins of each subsec-

tion, and of the paragraphs and subparagraphs of each subsection, are flush, indented 2 ems, and indented 4 ems, respectively; and

(4) by redesignating subsection (c) as subsection (b).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 48. CROSS REFERENCE AND INTERNAL SUBSECTION REDESIGNATION.

Section 1407 of the Victims of Crime Act of 1984 is amended—

(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and

(2) by redesignating subsection (h) as subsection (g).

SEC. 49. REPEAL OF SECTION 1410 OF THE VICTIMS OF CRIME ACT OF 1984.

The Victims of Crime Act of 1984 is amended by striking out section 1410.

SEC. 50. VICTIM AND WITNESS RELATED AMENDMENTS.

(a) NEW PREDICATE OFFENSES.—Section 1961(a) of title 18, United States Code, is amended by inserting "section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)," after "section 1511 (relating to the obstruction of State or local law enforcement)."

(b) RULE OF CONSTRUCTION AS TO LEGAL REPRESENTATION.—Section 1515 of title 18, United States Code, is amended—

(1) in the heading of such section, by inserting "; general provision" after "provisions";

(2) by inserting "(a)" before "As"; and

(3) by adding at the end the following:

"(b) This chapter does not prohibit or punish the providing of lawful, bona fide, legal representation services in connection with or anticipation of an official proceeding."

SEC. 51. RELEASE PENDING SENTENCE.

(a) IN GENERAL.—Section 3143 of title 18 of the United States Code is amended—

(1) in subsection (b)(2)—

(A) by striking out "reversal or" and inserting in lieu thereof, "reversal,"; and

(B) by inserting after "trial" the following: "or a sentence that does not include a term of imprisonment"; and

(2) by adding at the end of subsection (c) the following:

"Except as provided in subsection (b) of this section, the judicial officer, in a case in which an appeal has been taken by the United States under section 3742, shall—

"(1) if the person has been sentenced to a term of imprisonment, order that person detained; and

"(2) in any other circumstance, release or detain the person under section 3142."

(b) CONFORMING REPEAL.—The amendment made by section 223(f)(2) of the Comprehensive Crime Control Act of 1984 shall not take effect.

(c) EFFECTIVE DATE FOR SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect on the date of the taking of effect of section 3742 of title 18, United States Code.

SEC. 52. REVISION OF PRISON CONTRABAND PROHIBITION.

(a) IN GENERAL.—Section 1791 of title 18 of the United States Code is amended to read as follows:

"§ 1791. Providing or possessing contraband in prison

"(a) OFFENSE.—Whoever—

"(1) in violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison a prohibited object, or attempts to do so; or

"(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

"(b) PUNISHMENT.—The punishment for an offense under this section is a fine under this title or—

"(1) imprisonment for not more than 10 years, or both, if the object is specified in subsection (c)(1)(A) of this section;

"(2) imprisonment for not more than 5 years, or both, if the object is specified in subsection (c)(1)(B) or (c)(1)(C) of this section;

"(3) imprisonment for not more than one year, or both, if the object is specified in subsection (c)(1)(D) or (c)(1)(E) of this section; and

"(4) imprisonment for not more than 6 months, or both, if the object is specified in subsection (c)(1)(F) of this section.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'prohibited object' means—

"(A) a firearm or destructive device;

"(B) ammunition, a weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

"(C) a narcotic drug, lysergic acid diethylamide, or phencyclidine;

"(D) a controlled substance (other than a controlled substance referred to in subparagraph (C) of this subsection) or an alcoholic beverage;

"(E) any United States or foreign currency; and

"(F) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual;

"(2) the terms 'ammunition', 'firearm', and 'destructive device' have, respectively, the meanings given those terms in section 921 of this title;

"(3) the terms 'controlled substance' and 'narcotic drug' have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(4) the term 'prison' means a Federal correctional, detention, or penal facility."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 53. ADDITIONAL CLASS OF INSTITUTIONS ADDED TO MUTINY AND RIOT PROHIBITION.

(a) IN GENERAL.—Section 1792 of title 18 of the United States Code is amended by inserting "detention," after "penal".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the enactment of this Act.

SEC. 54. AMENDMENTS TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RELATING TO CONDITIONAL RULING ON MOTION FOR NEW TRIAL AND SENTENCING.

(a) CONDITIONAL RULING.—Rule 29 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

"(d) SAME: CONDITIONAL RULING ON GRANT OF MOTION. If a motion for judgment of acquittal after verdict of guilty under this Rule is granted, the court shall also determine whether any motion for a new trial should be granted if the judgment of acquittal is thereafter vacated or reversed, specifying the grounds for such determination. If the motion for a new trial is granted conditionally, the order thereon does not affect the finality of the judgment. If the motion for a new trial has been granted conditionally and the judgment is reversed on appeal, the new trial shall proceed unless the appellate court has otherwise ordered. If such motion has been denied conditionally, the appellee on appeal may assert error in that denial, and if the judgment is reversed on appeal, subsequent proceedings shall be in

accordance with the order of the appellate court."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 55. STYLE CORRECTIONS TO CHAPTER 207 OF TITLE 18 AND ADDITION OF PSYCHOLOGICAL TREATMENT TO LIST OF TREATMENTS WHICH MAY BE REQUIRED AS CONDITION OF RELEASE UNDER THAT CHAPTER.

(a) **CHAPTER AMENDMENT.**—Chapter 207 of title 18, United States Code, is amended by striking out "pursuant to the provisions of" each place it appears and inserting "under" in lieu thereof.

(b) **SECTION 3141 AMENDMENTS.**—Section 3141(a) of title 18, United States Code, is amended—

(1) by striking out "who is";
(2) by striking out "pursuant to section" and inserting "under section" in lieu thereof;

(3) by inserting "before whom an arrested person is brought" after "of this title";

(4) by striking out "an arrested" and inserting "such" in lieu thereof; and

(5) by striking out "who is brought before him".

(c) **SECTION 3142 AMENDMENTS.**—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (a)—
(A) in paragraph (1)—
(i) by striking out "his"; and
(ii) by inserting "of this section" after "subsection (b)";

(B) in paragraph (2), by inserting "of this section" after "subsection (c)";

(C) in paragraph (3), by inserting "of this section" after "subsection (d)";

(D) in paragraph (4), by inserting "of this section" after "subsection (e)";

(2) in subsection (b), by striking out "his" each place it appears;

(3) in subsection (c)—
(A) by inserting "(1)" before "If the judicial officer";

(B) by inserting "of this section" after "subsection (b)";

(C) by striking out "he" each place it appears and inserting "such judicial officer" in lieu thereof;

(D) by striking out "his" each place it appears;

(E) in paragraph (2)(A), by striking out "supervise him" and insert in lieu thereof "assume supervision";

(F) in paragraph (2)(J), by inserting "psychological," after "medical";

(G) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively;

(H) by redesignating subparagraphs (A) through (N) as clauses (i) through (xiv) respectively;

(I) by designating the next to last sentence as paragraph (2); and

(J) by designating the last sentence as paragraph (3);

(4) in subsection (d)—

(A) by striking out "he" the first place it appears and inserting "such judicial officer" in lieu thereof; and

(B) by striking out "the person" and inserting "such person" in lieu thereof;

(C) by inserting "of this subsection" after "paragraph (1)(B); and

(D) by striking out "that he is" and all that follows through "lawfully admitted" and inserting "such person's United States citizenship or lawful admission";

(5) in subsection (e)—

(A) by inserting "of this section" after "subsection (f)";

(B) by striking out "described in (f)(1)" and inserting "described in subsection (f)(1) of this section" in lieu thereof;

(C) by inserting "of this section" after "subsection (f)(1)" each place it appears;

(D) by inserting "of this subsection" after "paragraph (1)" each place it appears;

(E) by striking out "prior to" and inserting "before" in lieu thereof;

(F) by striking out "he" and inserting "such judicial officer" in lieu thereof; and

(G) by striking out "the judge" and inserting "such judicial officer" in lieu thereof;

(6) in subsection (f)—

(A) by inserting "of this section" after "subsection (c)";

(B) by striking out "in a case";

(C) in paragraph (1), by inserting "in a case" after "Government";

(D) in paragraph (1)(D), by inserting "of this paragraph" after "(C)" each place it appears;

(E) in paragraph (2)—

(i) by striking out "Upon" and inserting "upon" in lieu thereof; and

(ii) by inserting "in a case" after "own motion";

(F) by striking out "on his own motion" and inserting "sua sponte" in lieu thereof;

(G) by striking out "whether he is an addict" and inserting "whether such person is an addict" in lieu thereof;

(H) by striking out "the person" and inserting "such person" in lieu thereof;

(I) by striking out "he is financially" and inserting "financially" in lieu thereof;

(J) by striking out "for him"; and

(K) by striking out "on his own behalf";

(7) in subsection (g)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking out "his" and inserting "the person's" in lieu thereof; and

(ii) in subparagraph (B), by striking out "he" and inserting "the person" in lieu thereof; and

(B) in paragraph (4), by inserting "of this section" after "(c)(2)(L)";

(8) in subsection (h)—

(A) by inserting "of this section" after "(c)"; and

(B) in paragraph (2)(C), by striking out "the provisions of"; and

(9) in subsection (i)—

(A) by inserting "of this section" after "(e)"; and

(B) by striking out "his".

(d) **SECTION 3143 AMENDMENTS.**—Section 3143 of title 18, United States Code, is amended—

(1) in subsections (a) and (b)(1), by striking out "pursuant to" each place it appears and inserting "under" in lieu thereof;

(2) in subsections (a), (b), and (c), by striking out "the provisions of" each place it appears;

(3) in subsection (b), by inserting "of this title" after "(c)" each place it appears;

(4) by striking out "he" each place it appears and inserting "such judicial officer" in lieu thereof; and

(5) in subsection (c), by inserting "of this title" after "3142".

(e) **SECTION 3144 AMENDMENTS.**—Section 3144 of title 18, United States Code, is amended—

(1) by striking out "subpena" and inserting "subpoena" in lieu thereof; and

(2) by inserting "of this title" after "3142".

(f) **SECTION 3146 AMENDMENTS.**—Section 3146 of title 18, United States Code, is amended—

(1) by striking out subsection (a) and all that follows through subsection (b) and inserting in lieu thereof the following:

"(a) **OFFENSE.**—Whoever, having been released under this chapter knowingly—

"(1) fails to appear before a court as required by the conditions of release; or

"(2) fails to surrender for service of sentence pursuant to a court order;

shall be punished as provided in subsection (b) of this section.

"(b) **PUNISHMENT.**—(1) The punishment for an offense under this section is—

"(A) if the person was released in connection with a charge of, or while awaiting sentence, surrender for service of sentence, appeal or certiorari after conviction for—

"(i) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, a fine under this title or imprisonment for not more than ten years or both;

"(ii) an offense punishable by imprisonment for a term of five years or more, a fine under this title or imprisonment for not more than five years, or both;

"(iii) any other felony, a fine under this title or imprisonment for not more than two years, or both; or

"(iv) a misdemeanor, a fine under this chapter or imprisonment for not more than one year, or both; and

"(B) if the person was released for appearance as a material witness, a fine under this chapter or imprisonment for not more than one year, or both.

"(2) A term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense."

(2) in subsection (c)—

(A) by striking out "that he" the first place it appears and inserting in lieu thereof "to"; and

(B) by striking out "he appeared" and inserting in lieu thereof "the person appeared"; and

(3) in subsection (d)—

(A) by inserting "of this title" after "3142(b)";

(B) by striking out "section 3142 (c)(2)(K) or (c)(2)(L)" and inserting "clause (xi) or (xii) of section 3142(c)(1)(B) of this title" in lieu thereof.

(g) **SECTION 3147 AMENDMENTS.**—Section 3147 of title 18, United States Code, is amended—

(1) by striking out "pursuant to" each place it appears and inserting "under" in lieu thereof; and

(2) by inserting a comma after "for the offense".

(h) **SECTION 3148 AMENDMENTS.**—Section 3148 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "of this title" after "3142";

(2) in subsection (b)—

(A) by striking out "his" the first place it appears and inserting "such person's" in lieu thereof;

(B) by striking out "his" each other place it appears;

(C) by striking out "he" the first place it appears and inserting "such person" in lieu thereof;

(D) by inserting a comma after "period of release";

(E) by inserting "of this title" after "3142(g)";

(F) by striking out "he" the second place it appears and inserting "the judicial officer" in lieu thereof; and

(G) by inserting "of this title" after "3142"; and

(3) in subsection (c)—

(A) by striking out "judge" and inserting "judicial officer" in lieu thereof;

(B) by inserting "of this title" after "401"; and

(C) by striking out "his".

(i) **SECTION 3156 AMENDMENTS.**—Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "The term" each place it appears and inserting "the term" in lieu thereof; and

(2) by striking out "and" at the end of paragraph (2).

(j) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 56. CORRECTION OF PRINTING ERROR IN SENTENCING GUIDELINES ACT OF 1986.

Section 994(b)(2) of title 28, United States Code, is amended by striking out "that, if the maximum" and inserting "that, if the minimum" in lieu thereof.

SEC. 57. DISCLOSURES WITH RESPECT TO CERTAIN CONVICTS AND AMENDMENT RELATING TO PAROLE REGIONS.

(a) **DISCLOSURE BY ATTORNEY GENERAL.**—Section 4082 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) The Attorney General shall, upon the request of the head of any law enforcement agency of a State or of a unit of local government in a State, make available as expeditiously as possible to such agency, with respect to prisoners who have been convicted of felony offenses against the United States and who are confined at a facility which is a residential community treatment center located in the geographical area in which such agency has jurisdiction, the following information maintained by the Bureau of Prisons (to the extent that the Bureau of Prisons maintains such information)—

"(A) the names of such prisoners;

"(B) the community treatment center addresses of such prisoners;

"(C) the dates of birth of such prisoners;

"(D) the Federal Bureau of Investigation numbers assigned to such prisoners;

"(E) photographs and fingerprints of such prisoners; and

"(F) the nature of the offenses against the United States of which each such prisoner has been convicted and the factual circumstances relating to such offenses.

"(2) Any law enforcement agency which receives information under this subsection shall not disseminate such information outside of such agency."

(b) **DISCLOSURE BY COMMISSION.**—Section 4203 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Commission shall, upon the request of the head of any law enforcement agency of a State or of a unit of local government in a State, make available as expeditiously as possible to such agency, with respect to individuals who are under the jurisdiction of the Commission, who have been convicted of felony offenses against the United States, and who reside, are employed, or are supervised in the geographical area in which such agency has jurisdiction, the following information maintained by the Commission (to the extent that the Commission maintains such information)—

"(A) the names of such individuals;

"(B) the addresses of such individuals;

"(C) the dates of birth of such individuals;

"(D) the Federal Bureau of Investigation numbers assigned to such individuals;

"(E) photographs and fingerprints of such individuals; and

"(F) the nature of the offenses against the United States of which each such individual has been convicted and the factual circumstances relating to such offense.

"(2) Any law enforcement agency which receives information under this subsection shall not disseminate such information outside of such agency."

(c) **PAROLE REGIONS.**—Section 4203(a)(2) of title 18, United States Code, is amended by striking out "; but in no event less than five".

SEC. 58. PAROLE-RELATED CORRECTIONS.

(a) **NATIONAL APPEALS BOARD.**—Section 4204(a)(5) of title 18, United States Code, is amended by striking out "three" and inserting in lieu thereof "not fewer than three".

(b) **PERSONAL CONFERENCE WITH REPRESENTATIVE OF COMMISSION.**—Section 4208(g) of title 18, United States Code, is amended by striking out "the Commissioners or examiners conducting the proceeding" and inserting "a representative of the Commission" in lieu thereof.

(c) **CONDITIONS OF PAROLE.**—Section 4209(d)(1) of title 18, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the Commission may modify conditions of parole, without regard to such ten-day period, on any such motion if the Commission determines that the immediate modification of conditions of parole is required to prevent harm to the parolee or to the public."

(d) **RUNNING OF TERMS.**—Section 4210(b)(2) of title 18, United States Code, is amended—

(1) by striking out "a Federal, State, or local crime" and inserting "any criminal offense" in lieu thereof; and

(2) by striking out "crime" the second place it appears and inserting "offense" in lieu thereof.

(e) **ELIMINATION OF OBSOLETE PROVISION.**—Section 4210 of title 18, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) **REVOCATION OF PAROLE.**—Section 4214(b)(1) of title 18, United States Code, is amended—

(1) by striking out "a Federal, State, or local crime" and inserting in lieu thereof "any criminal offense"; and

(2) by striking out "a crime" and inserting "an offense" in lieu thereof.

(g) **ELIMINATION OF OBSOLETE SECTION.**—(1) Title 18, United States Code, is amended by striking out section 4217.

(2) The table of sections at the beginning of chapter 311 of title 18, United States Code, is amended by striking out the item relating to section 4217.

SEC. 59. PROGRAM THEFT AND BRIBERY.

(a) **IN GENERAL.**—Section 666 of title 18, United States Code, is amended to read as follows:

"§ 666. Theft or bribery concerning programs receiving Federal funds

"(a) Whoever, if the circumstance described in subsection (b) of this section exists—

"(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

"(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

"(i) is valued at \$5,000 or more, and

"(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or

"(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or

"(2) corruptly gives, offers, or agrees to give anything of value to any person, with

intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

"(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

"(d) As used in this section—

"(1) the term 'agent' means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

"(2) the term 'government agency' means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program; and

"(3) the term 'local' means of or pertaining to a political subdivision within a State."

SEC. 60. EXTENSION OF CERTAIN PROTECTIONS FOR FAMILY MEMBERS OF CERTAIN OFFICIALS TO THOSE OFFICIALS.

Section 115(a) of title 18, United States Code, is amended—

(1) by striking out "18 U.S.C. 1114, as amended," and inserting "section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section" in lieu thereof;

(2) by striking out "he is"; and

(3) by striking out "his".

SEC. 61. KILLING WITNESSES.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", delay, or prevent" after "influence";

(2) by inserting after the catchline the following:

"(a)(1) Whoever kills or attempts to kill another person, with intent to—

"(A) prevent the attendance or testimony of any person in an official proceeding;

"(B) prevent the production of a record, document, or other object, in an official proceeding; or

"(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years."; and

(3) by redesignating subsections (a) through (f) as subsections (b) through (g) respectively.

SEC. 62. PROTECTION FOR MAJOR PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES.

Section 351 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)" after "Central Intelligence,"; and

(2) in subsection (h), by striking out "official" and inserting "individual" in lieu thereof.

SEC. 63. ADDITION OF FOREIGN COMMERCE TO COMMUNICATION OF THREAT OFFENSES.

Section 875 of title 18, United States Code, is amended by inserting "or foreign" after "interstate" each place it appears.

SEC. 64. TRESPASS ON BUREAU OF PRISONS RESERVATIONS AND LAND.

(a) **IN GENERAL.**—Chapter 87 of title 18, United States Code, is amended by inserting after section 1792 the following new section:

"§ 1793. **Trespass on Bureau of Prisons reservations and land**

"Whoever, without lawful authority or permission, goes upon a reservation, land, or a facility of the Bureau of Prisons shall be fined not more than \$500 or imprisoned not more than six months, or both."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 87 of title 18, United States Code, is amended by adding at the end the following new item:

"1793. **Trespass on Bureau of Prisons reservations and land.**"

SEC. 65. ARREST AUTHORITY.

(a) **IN GENERAL.**—The first sentence of section 3050 of title 18, United States Code, is amended to read as follows:

"An officer or employee of the Bureau of Prisons may—

(1) make arrests on or off of Bureau of Prisons property without warrant for violations of the following provisions regardless of where the violation may occur: sections 111 (assaulting officers), 751 (escape), and 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;

(2) make arrests on Bureau of Prisons premises or reservation land of a penal, detention, or correctional facility without warrant for violations occurring thereon of the following provisions: sections 661 (theft), 1361 (degradation of property), 1363 (destruction of property), 1791 (contraband), 1792 (mutiny and riot), and 1793 (trespass) of title 18, United States Code; and

(3) arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the Bureau of Prisons if necessary to safeguard security, good order, or government property;

if such officer or employee has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of such person's escaping before an arrest warrant can be obtained."

(b) **STYLE CORRECTION.**—The second sentence of section 3050 of title 18, United States Code, is amended by striking out "he" and inserting "such prisoner".

SEC. 66. AUTHORITY TO EXCHANGE INMATES WITH STATES.

Subsection (a) of section 5003 of title 18, United States Code, is amended to read as follows:

"(a)(1) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available may contract with

proper officials of a State or territory, for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or territory.

"(2) Any such contract shall provide—

"(A) for reimbursing the United States in full for all costs or expenses involved;

"(B) for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or territory by designation as provided in section 4082(b) of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract; or

"(C) for compensating the United States by means of a combination of monetary payment and of receipt of persons convicted of criminal offenses in the courts of the United States, according to formulas or conditions which may be negotiated in the contract.

"(3) No such contract shall provide for the receipt of more State or territory prisoners by the United States than are transferred to that State or territory by such contract."

SEC. 67. AUTHORITY TO ACCEPT DONATIONS AND CONDUCT AUTOPSIES.

(a) **IN GENERAL.**—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4044. **Donations on behalf of the Bureau of Prisons**

"The Attorney General may, in accordance with rules prescribed by the Attorney General, accept in the name of the Department of Justice any form of devise, bequest, gift or donation of money or property for use by the Bureau of Prisons or Federal Prison Industries. The Attorney General may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey such property other than money.

"§ 4045. **Authority to conduct autopsies**

"A chief executive officer of a Federal penal or correctional facility may, pursuant to rules prescribed by the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death, when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of State and local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 303 of title 18, United States Code, is amended by adding after the item relating to 4043 the following new items:

"4044. **Donations on behalf of the Bureau of Prisons.**"

"4045. **Authority to conduct autopsies.**"

SEC. 68. ADDITION OF EXTORTION TO BANK ROBBERY OFFENSE.

Section 2113(a) of title 18, United States Code, is amended by inserting ", or obtains

or attempts to obtain by extortion" after "from the person or presence of another".

SEC. 69. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended to read as follows:

"§ 546. **Vacancies**

"(a) Except as provided in subsection (b), the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant.

"(b) The Attorney General shall not appoint as United States attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent.

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

SEC. 70. RELOCATION EXPENSES FOR EXCHANGE PARTICIPANTS.

Section 209(e) of title 18, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days."

SEC. 71. VICTIMS OF CRIME ACT.

Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subparagraph (A), by striking out "not less than" and inserting in lieu thereof "not more than"; and

(2) in subparagraph (B), by striking out "not more than" and inserting in lieu thereof "not less than".

SEC. 72. BAIL.

(a) **SUBPARAGRAPH (D) AMENDMENTS.**—Subparagraph (D) of section 3142(f)(1) of title 18, United States Code, is amended—

(1) by striking out "any felony committed after the person had been convicted of two or more prior offenses" and inserting in lieu thereof "any felony if the person has been convicted of two or more offenses"; and

(2) by inserting before the semicolon ", or a combination of such offenses".

(b) **SUBPARAGRAPH (A) AMENDMENTS.**—Subparagraph (A) of section 3142(f)(2) of title 18, United States Code, is amended by inserting "or" after the semicolon.

(c) **SUBSECTION (F) AMENDMENT.**—Subsection (f) of section 3142 of title 18, United States Code, is amended by adding at the end thereof the following: "The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community."

SEC. 73. APPELLATE REVIEW.

(a) **IN GENERAL.**—Section 3742(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking out "it shall" and all that follows through the end of such paragraph, and inserting in lieu thereof "the court shall remand the case for further sentencing proceedings with such in-

structions as the court considers appropriate," and

(2) in each of subparagraphs (A) and (B) of paragraph (2), by striking out "and—" and all that follows through the end of the subparagraph and inserting in lieu thereof "the court shall remand the case for further sentencing proceedings with such instructions as the court considers appropriate."

SEC. 74. WARRANTS RELATING TO SEIZURE.

Subsection (b) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)) is amended—

(1) by striking out "or criminal" after "Any property subject to civil";

(2) in paragraph (4), by striking out "or criminal" after "is subject to civil"; and

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

"The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure."

(b) Subsection (i) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(i)) is amended by inserting ", or a violation of State or local law that could have been charged under this title or title III," after "title III".

SEC. 75. PROBATIONERS AND PAROLEES.

Section 3522(a) of title 18, United States Code, is amended by striking out "parolees" in the second sentence and inserting in lieu thereof "probationers or parolees, as the case may be".

SEC. 76. STOLEN GOODS.

The first and second paragraphs of section 2315 of title 18 of the United States Code are each amended—

(1) by inserting "possesses," after "receives,"; and

(2) by striking out "moving as, or which are a part of, or which constitute interstate or foreign commerce," and inserting in lieu thereof "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken,".

SEC. 77. STANDARDS FOR IMPOSITION OF RESTITUTION.

(a) IN GENERAL.—Subsection (d) of section 3579 of title 18, United States Code, is amended to read as follows:

"(d) To the extent that the court determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution under this section outweighs the need to provide restitution to any victims, the court may decline to make such an order."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the 30th day after the date of the enactment of this Act.

SEC. 78. ENFORCEMENT OF RESTITUTION ORDER.

(a) IN GENERAL.—Subsection (h) of section 3579 of title 18, United States Code, is amended by striking out "or" and inserting in lieu thereof "in the manner provided for the collection of fines and penalties by section 3565 or by".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the 30th day after the date of the enactment of this Act.

SEC. 79. CLARIFYING AMENDMENT.

(a) IN GENERAL.—Section 3579(a)(1) of title 18, United States Code, is amended by striking out "the offense" and inserting in lieu thereof "such offense".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 80. PRESENTENCE PROCEDURE RELATING TO RESTITUTION.

(a) IN GENERAL.—Section 3553(d) of title 18, United States Code, is amended—

(1) by striking out "OR RESTITUTION" in the subsection heading; and

(2) by striking out "or an order of restitution pursuant to section 3556,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

SEC. 81. NEED FOR RESTITUTION TO BE CONSIDERED AS FACTOR IN SENTENCING.

(a) IN GENERAL.—Section 3553(a) of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following new paragraph:

"(7) the need to provide restitution to any victims of the offense."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

SEC. 82. AVAILABILITY OF SECTION 1402 AMOUNTS.

Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) by inserting "(1)" after "(e)";

(2) by striking out "Any" and inserting "Except as provided in paragraph (2), any"; and

(3) by adding at the end the following:

"(2) For the purposes of the application of paragraph (1) to any grant under this chapter with respect to fiscal year 1985, there shall be substituted in such paragraph 'two succeeding fiscal years' for 'succeeding fiscal year' and 'which period' for 'which year'."

SEC. 83. DEFINITION OF ISOMER

Section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)) is amended in the second and third sentences by striking out "the optical" and inserting in lieu thereof "any optical".

SEC. 84. AMENDMENT TO SCHEDULE

Paragraph (4) of subsection (a) of schedule II of the Controlled Substances Act (21 U.S.C. 812) is amended to read as follows:

"(4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph."

SEC. 85. ENFORCEMENT COOPERATION.

Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

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

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act."

SEC. 86. POWERS OF ENFORCEMENT PERSONNEL.

Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended—

(1) by inserting "(a)" before "Any officer or employee";

(2) by inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) by adding at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code."

SEC. 87. AMENDMENTS RELATING TO SEXUAL ABUSE.

(a) SHORT TITLE.—This section may be cited as the "Sexual Abuse Act of 1986".

(b) DEFINITION OF SEXUAL ABUSE OFFENSES.—Title 18, United States Code, is amended by inserting after chapter 109 the following new chapter:

"CHAPTER 109A—SEXUAL ABUSE

"Sec.

"2241. Aggravated sexual abuse.

"2242. Sexual abuse.

"2243. Sexual abuse of a minor or ward.

"2244. Abusive sexual contact.

"2245. Definitions for chapter.

"§ 2241. Aggravated sexual abuse

"(a) BY FORCE OR THREAT.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly causes another person to engage in a sexual act—

"(1) by using force against that other person; or

"(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

"(b) BY OTHER MEANS.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

"(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

"(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

"(A) substantially impairs the ability of that other person to appraise or control conduct; and

"(B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

"(c) WITH CHILDREN.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

"(d) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

"§ 2242. Sexual abuse

"Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

"(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping); or

"(2) engages in a sexual act with another person if that other person is—

"(A) incapable of appraising the nature of the conduct; or

"(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 2243. Sexual abuse of a minor or ward

"(a) OF A MINOR.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who—

"(1) has attained the age of 12 years but has not attained the age of 16 years; and

"(2) is at least four years younger than the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than five years, or both.

"(b) OF A WARD.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who is—

"(1) in official detention; and

"(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than one year, or both.

"(c) DEFENSES.—(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

"(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

"(d) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

"(1) the age of the other person engaging in the sexual act; or

"(2) that the requisite age difference existed between the persons so engaging.

"§ 2244. Abusive sexual contact

"(a) SEXUAL CONDUCT IN CIRCUMSTANCES WHERE SEXUAL ACTS ARE PUNISHED BY THIS CHAPTER.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

"(1) section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than five years, or both;

"(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

"(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than one year, or both; or

"(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined not more than \$5,000, imprisoned not more than six months, or both.

"(b) IN OTHER CIRCUMSTANCES.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission shall be fined not more than \$5,000, imprisoned not more than six months, or both.

"§ 2245. Definitions for chapter

"As used in this chapter—

"(1) the term 'prison' means a correctional, detention, or penal facility;

"(2) the term 'sexual act' means—

"(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

"(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

"(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; and

"(3) the term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

"(4) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(5) the term 'official detention' means—

"(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

"(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency."

(c) OTHER TITLE 18 AMENDMENTS.—Title 18, United States Code, is amended—

(1) by striking out chapter 99;

(2) in subsection (a) of section 113 by striking out "or rape";

(3) in subsection (b) of section 113 by striking out "rape" and inserting in lieu thereof "a felony under chapter 109A";

(4) in subsection (a) of section 1111 by striking out "rape" and inserting in lieu thereof "aggravated sexual abuse or sexual abuse";

(5) in section 1153—

(A) in the first paragraph, by striking out "rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape," and inserting in lieu thereof "a felony under chapter 109A"; and

(B) in each of the second and third paragraphs, by striking out "involuntary sodomy";

(6) in paragraph (12) of section 3185 by striking out "Rape;" and inserting in lieu thereof "A felony under chapter 109A of this title"; and

(7) in the table of chapters at the beginning of part I—

(A) by striking out the item relating to chapter 99; and

(B) by inserting after the item relating to chapter 109 the following new item:

"109A. Sexual Abuse..... 2241".

(d) NON-TITLE 18 PROVISIONS.—(1) The Public Health Service Act is amended—

(A) in section 1904(a)(1)(G) (42 U.S.C. 300w-3(a)(1)(G)) by striking out "rape victims and for rape prevention" and inserting in lieu thereof "victims of sex offenses and for prevention of sex offenses"; and

(B) in section 1905(c)(6) (42 U.S.C. 300w-4(c)(6)) by striking out "rape" and inserting "sex offense" in lieu thereof.

(2) The heading of title VI of the Mental Health Systems Act is amended by striking out "RAPE" and inserting "SEX OFFENSE" in lieu thereof.

(3) The heading for section 601 of the Mental Health Systems Act (42 U.S.C. 9511) is amended by striking out "RAPE" and inserting "SEX OFFENSE" in lieu thereof.

(4) Section 601(a) of the Mental Health Systems Act (42 U.S.C. 9511(a)) is amended by striking out "Rape" and inserting "Sex Offenses" in lieu thereof.

(5) Section 601(a)(1) of the Mental Health Systems Act (42 U.S.C. 9511(a)(1)) is amended—

(A) in subparagraph (B), by striking out "the act of rape" and inserting "sex offenses" in lieu thereof;

(B) in subparagraph (E), by striking out "rape" and inserting "a sex offense" in lieu thereof; and

(C) by striking out "rape" each place it appears other than in subparagraphs (B) and (E) and inserting "sex offenses" in lieu thereof.

(6) Section 601(a)(3) of the Mental Health Systems Act (42 U.S.C. 9511(a)(3)) is amended by striking out "rape" each place it appears and inserting "sex offenses" in lieu thereof.

(7) Section 601(e) of the Mental Health Systems Act (42 U.S.C. 9511(e)) is amended by striking out "rape" the first place it appears and inserting "sex offense" in lieu thereof.

(8) Section 902(k)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472(k)(1)), is amended by striking out "2031, 2032" and inserting in lieu thereof "chapter 109A".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

Mr. BERMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BERMAN].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

McCaughey - S. 1236

unethical. Old feminist rape...

Abolishes concept of rape as sex crim.

* Eliminates / abolishes legal distinctions b/w st w/in marq +
extra-marital sex whi old feminist agenda.

- RR veto

- 1983 Laxalt asked + co-sponsor, Based on Weis,
recom., Lax. kill it.

- tech. amends. + needed - rettely minor, non-obj,
means + clear-up bill

Deikas may nt be known wht WS in this.

- Thurmond called JH @ party + asked him to left
he hold on S. 1236. JH didnt kn wht WS,
bt agreed.

Xn Acta Cocl

11/7

- devastating effect on pro-fam agenda.
- Vets

Bartleson - United Fams. of Am
Manag - neutral + gender neutral, Gus
supt + homoxity.

Roy Jones
Vets. Real apprehenso.