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1 **TITLE V—DRUG COURTS**

2 **SEC. 50001. DRUG COURTS.**

3 (a) **IN GENERAL.**—Title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
5 et seq.), as amended by section 40231(a), is amended—

6 (1) by redesignating part V as part W;

7 (2) by redesignating section 2201 as section
8 2301; and

9 (3) by inserting after part U the following new
10 part:

11 **“PART V—DRUG COURTS**

12 **“SEC. 2201. GRANT AUTHORITY.**

13 “The Attorney General may make grants to States,
14 State courts, local courts, units of local government, and
15 Indian tribal governments, acting directly or through
16 agreements with other public or private entities, for pro-
17 grams that involve—

18 “(1) continuing judicial supervision over offend-
19 ers with substance abuse problems who are not vio-
20 lent offenders; and

21 “(2) the integrated administration of other
22 sanctions and services, which shall include—

23 “(A) mandatory periodic testing for the
24 use of controlled substances or other addictive

1 substances during any period of supervised re-
2 lease or probation for each participant;

3 “(B) substance abuse treatment for each
4 participant;

5 “(C) diversion, probation, or other super-
6 vised release involving the possibility of prosecu-
7 tion, confinement, or incarceration based on
8 noncompliance with program requirements or
9 failure to show satisfactory progress; and

10 “(D) programmatic, offender management,
11 and aftercare services such as relapse preven-
12 tion, health care, education, vocational training,
13 job placement, housing placement, and child
14 care or other family support services for each
15 participant who requires such services.

16 **“SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT**
17 **OFFENDERS.**

18 “The Attorney General shall—

19 “(1) issue regulations and guidelines to ensure
20 that the programs authorized in this part do not
21 permit participation by violent offenders; and

22 “(2) immediately suspend funding for any grant
23 under this part, pending compliance, if the Attorney
24 General finds that violent offenders are participating
25 in any program funded under this part.

1 "SEC. 2203. DEFINITION.

2 "In this part, 'violent offender' means a person
3 who—

4 "(1) is charged with or convicted of an offense,
5 during the course of which offense or conduct—

6 "(A) the person carried, possessed, or used
7 a firearm or dangerous weapon;

8 "(B) there occurred the death of or serious
9 bodily injury to any person; or

10 "(C) there occurred the use of force
11 against the person of another,

12 without regard to whether any of the circumstances
13 described in subparagraph (A), (B), or (C) is an ele-
14 ment of the offense or conduct of which or for which
15 the person is charged or convicted; or

16 "(2) has one or more prior convictions for a fel-
17 ony crime of violence involving the use or attempted
18 use of force against a person with the intent to
19 cause death or serious bodily harm.

20 "SEC. 2204. ADMINISTRATION.

21 "(a) CONSULTATION.—The Attorney General shall
22 consult with the Secretary of Health and Human Services
23 and any other appropriate officials in carrying out this
24 part.

1 “(b) USE OF COMPONENTS.—The Attorney General
2 may utilize any component or components of the Depart-
3 ment of Justice in carrying out this part.

4 “(c) REGULATORY AUTHORITY.—The Attorney Gen-
5 eral may issue regulations and guidelines necessary to
6 carry out this part.

7 “(d) APPLICATIONS.—In addition to any other re-
8 quirements that may be specified by the Attorney General,
9 an application for a grant under this part shall—

10 “(1) include a long-term strategy and detailed
11 implementation plan;

12 “(2) explain the applicant’s inability to fund the
13 program adequately without Federal assistance;

14 “(3) certify that the Federal support provided
15 will be used to supplement, and not supplant, State,
16 Indian tribal, and local sources of funding that
17 would otherwise be available;

18 “(4) identify related governmental or commu-
19 nity initiatives which complement or will be coordi-
20 nated with the proposal;

21 “(5) certify that there has been appropriate
22 consultation with all affected agencies and that there
23 will be appropriate coordination with all affected
24 agencies in the implementation of the program;

1 “(6) certify that participating offenders will be
2 supervised by one or more designated judges with re-
3 sponsibility for the drug court program;

4 “(7) specify plans for obtaining necessary sup-
5 port and continuing the proposed program following
6 the conclusion of Federal support; and

7 “(8) describe the methodology that will be used
8 in evaluating the program.

9 **“SEC. 2205. APPLICATIONS.**

10 “To request funds under this part, the chief executive
11 or the chief justice of a State or the chief executive or
12 chief judge of a unit of local government or Indian tribal
13 government shall submit an application to the Attorney
14 General in such form and containing such information as
15 the Attorney General may reasonably require.

16 **“SEC. 2206. FEDERAL SHARE.**

17 “The Federal share of a grant made under this part
18 may not exceed 75 percent of the total costs of the pro-
19 gram described in the application submitted under section
20 2205 for the fiscal year for which the program receives
21 assistance under this part, unless the Attorney General
22 waives, wholly or in part, the requirement of a matching
23 contribution under this section. In-kind contributions may
24 constitute a portion of the non-Federal share of a grant.

1 **"SEC. 2207. GEOGRAPHIC DISTRIBUTION.**

2 "The Attorney General shall ensure that, to the ex-
3 tent practicable, an equitable geographic distribution of
4 grant awards is made.

5 **"SEC. 2208. REPORT.**

6 "A State, Indian tribal government, or unit of local
7 government that receives funds under this part during a
8 fiscal year shall submit to the Attorney General a report
9 in March of the following year regarding the effectiveness
10 of this part.

11 **"SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
12 **UATION.**

13 "(a) TECHNICAL ASSISTANCE AND TRAINING.—The
14 Attorney General may provide technical assistance and
15 training in furtherance of the purposes of this part.

16 "(b) EVALUATIONS.—In addition to any evaluation
17 requirements that may be prescribed for grantees, the At-
18 torney General may carry out or make arrangements for
19 evaluations of programs that receive support under this
20 part.

21 "(c) ADMINISTRATION.—The technical assistance,
22 training, and evaluations authorized by this section may
23 be carried out directly by the Attorney General, in collabo-
24 ration with the Secretary of Health and Human Services,
25 or through grants, contracts, or other cooperative arrange-
26 ments with other entities."

1 (b) TECHNICAL AMENDMENT.—The table of contents
2 of title I of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
4 tion 40231(b), is amended by striking the matter relating
5 to part V and inserting the following:

“PART V—DRUG COURTS

- “Sec. 2201. Grant authority.
- “Sec. 2202. Prohibition of participation by violent offenders.
- “Sec. 2203. Definition.
- “Sec. 2204. Administration.
- “Sec. 2205. Applications.
- “Sec. 2206. Federal share.
- “Sec. 2207. Geographic distribution.
- “Sec. 2208. Report.
- “Sec. 2209. Technical assistance, training, and evaluation.

“PART W—TRANSITION-EFFECTIVE DATE-REPEALER

- “Sec. 2301. Continuation of rules, authorities, and proceedings.”

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
7 1001(a) of title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
9 tion 40231(c), is amended—

10 (1) in paragraph (3) by striking “and U” and
11 inserting “U, and V”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(20) There are authorized to be appropriated to
15 carry out part V—

16 “(1) \$ _____ for fiscal
17 year 1995;

1 “(2) \$ _____ for fiscal
2 year 1996;
3 “(3) \$ _____ for fiscal
4 year 1997;
5 “(4) \$ _____ for fiscal
6 year 1998;
7 “(5) \$ _____ for fiscal
8 year 1999; and
9 “(6) \$ _____ for fiscal
10 year 2000.”.

11 **SEC. 50002. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

12 (a) **IN GENERAL.**—The Comptroller General of the
13 United States shall study and assess the effectiveness and
14 impact of grants authorized by part _____ of title I of the
15 Omnibus Crime Control and Safe Streets Act of 1968 as
16 added by section 1041, and report to Congress the results
17 of the study on or before January 1, 1997.

18 (b) **DOCUMENTS AND INFORMATION.**—The Attorney
19 General and grant recipients shall provide the Comptroller
20 General with all relevant documents and information that
21 the Comptroller General deems necessary to conduct the
22 study under subsection (a), including the identities and
23 criminal records of program participants.

24 (c) **CRITERIA.**—In assessing the effectiveness of the
25 grants made under programs authorized by part V of the

- 1 Omnibus Crime Control and Safe Streets Act of 1968, the
 2 Comptroller General shall consider, among other things—
 3 (1) recidivism rates of program participants;
 4 (2) completion rates among program partici-
 5 pants;
 6 (3) drug use by program participants; and
 7 (4) the costs of the program to the criminal jus-
 8 tice system.

9 TITLE VI—DEATH PENALTY

10 **SEC. 60001. SHORT TITLE.**

11 This title may be cited as the “Federal Death Penalty
 12 Act of 1994”.

13 **SEC. 60002. CONSTITUTIONAL PROCEDURES FOR THE IM-
 14 POSITION OF THE SENTENCE OF DEATH.**

15 (a) **IN GENERAL.**—Part II of title 18, United States
 16 Code, is amended by inserting after chapter 227 the fol-
 17 lowing new chapter:

18 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

“3592. Mitigating and aggravating factors to be considered in determining
 whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

19 **“§ 3591. Sentence of death**

20 “(a) A defendant who has been found guilty of—

1 “(1) an offense described in section 794 or sec-
2 tion 2381; or

3 “(2) any other offense for which a sentence of
4 death is provided, if the defendant, as determined
5 beyond a reasonable doubt at the hearing under sec-
6 tion 3593—

7 “(A) intentionally killed the victim;

8 “(B) intentionally inflicted serious bodily
9 injury that resulted in the death of the victim;

10 “(C) intentionally participated in an act,
11 contemplating that the life of a person would be
12 taken or intending that lethal force would be
13 used in connection with a person, other than
14 one of the participants in the offense, and the
15 victim died as a direct result of the act; or

16 “(D) intentionally and specifically engaged
17 in an act of violence, knowing that the act cre-
18 ated a grave risk of death to a person, other
19 than one of the participants in the offense, such
20 that participation in the act constituted a reck-
21 less disregard for human life and the victim
22 died as a direct result of the act,

23 shall be sentenced to death if, after consideration of the
24 factors set forth in section 3592 in the course of a hearing
25 held pursuant to section 3593, it is determined that impo-

1 sition of a sentence of death is justified, except that no
2 person may be sentenced to death who was less than 18
3 years of age at the time of the offense.

4 “(b) A defendant who has been found guilty of—

5 “(1) an offense referred to in section 408(c)(1)
6 of the Controlled Substances Act (21 U.S.C.
7 848(c)(1)), committed as part of a continuing crimi-
8 nal enterprise offense under the conditions described
9 in subsection (b) of that section which involved not
10 less than twice the quantity of controlled substance
11 described in subsection (b)(2)(A) or twice the gross
12 receipts described in subsection (b)(2)(B); or

13 “(2) an offense referred to in section 408(c)(1)
14 of the Controlled Substances Act (21 U.S.C.
15 848(c)(1)), committed as part of a continuing crimi-
16 nal enterprise offense under that section, where the
17 defendant is a principal administrator, organizer, or
18 leader of such an enterprise, and the defendant, in
19 order to obstruct the investigation or prosecution of
20 the enterprise or an offense involved in the enter-
21 prise, attempts to kill or knowingly directs, advises,
22 authorizes, or assists another to attempt to kill any
23 public officer, juror, witness, or members of the fam-
24 ily or household of such a person,

1 shall be sentenced to death if, after consideration of the
2 factors set forth in section 3592 in the course of a hearing
3 held pursuant to section 3593, it is determined that im-
4 position of a sentence of death is justified, except that no
5 person may be sentenced to death who was less than 18
6 years of age at the time of the offense.

7 **“§ 3592. Mitigating and aggravating factors to be con-**
8 **sidered in determining whether a sen-**
9 **tence of death is justified**

10 “(a) MITIGATING FACTORS.—In determining wheth-
11 er a sentence of death is to be imposed on a defendant,
12 the finder of fact shall consider any mitigating factor, in-
13 cluding the following:

14 “(1) IMPAIRED CAPACITY.—The defendant’s ca-
15 pacity to appreciate the wrongfulness of the defend-
16 ant’s conduct or to conform conduct to the require-
17 ments of law was significantly impaired, regardless
18 of whether the capacity was so impaired as to con-
19 stitute a defense to the charge.

20 “(2) DURESS.—The defendant was under un-
21 usual and substantial duress, regardless of whether
22 the duress was of such a degree as to constitute a
23 defense to the charge.

24 “(3) MINOR PARTICIPATION.—The defendant is
25 punishable as a principal in the offense, which was

1 committed by another, but the defendant's participa-
2 tion was relatively minor, regardless of whether the
3 participation was so minor as to constitute a defense
4 to the charge.

5 “(4) EQUALLY CULPABLE DEFENDANTS.—An-
6 other defendant or defendants, equally culpable in
7 the crime, will not be punished by death.

8 “(5) NO PRIOR CRIMINAL RECORD.—The de-
9 fendant did not have a significant prior history of
10 other criminal conduct.

11 “(6) DISTURBANCE.—The defendant committed
12 the offense under severe mental or emotional dis-
13 turbance.

14 “(7) VICTIM'S CONSENT.—The victim consented
15 to the criminal conduct that resulted in the victim's
16 death.

17 “(8) OTHER FACTORS.—Other factors in the
18 defendant's background, record, or character or any
19 other circumstance of the offense that mitigate
20 against imposition of the death sentence.

21 “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND
22 TREASON.—In determining whether a sentence of death
23 is justified for an offense described in section 3591(a)(1),
24 the jury, or if there is no jury, the court, shall consider

1 each of the following aggravating factors for which notice
2 has been given and determine which, if any, exist:

3 “(1) PRIOR ESPIONAGE OR TREASON OF-
4 FENSE.—The defendant has previously been con-
5 victed of another offense involving espionage or trea-
6 son for which a sentence of either life imprisonment
7 or death was authorized by law.

8 “(2) GRAVE RISK TO NATIONAL SECURITY.—In
9 the commission of the offense the defendant know-
10 ingly created a grave risk of substantial danger to
11 the national security.

12 “(3) GRAVE RISK OF DEATH.—In the commis-
13 sion of the offense the defendant knowingly created
14 a grave risk of death to another person.

15 The jury, or if there is no jury, the court, may consider
16 whether any other aggravating factor for which notice has
17 been given exists.

18 “(c) AGGRAVATING FACTORS FOR HOMICIDE.—In
19 determining whether a sentence of death is justified for
20 an offense described in section 3591(a)(2), the jury, or
21 if there is no jury, the court, shall consider each of the
22 following aggravating factors for which notice has been
23 given and determine which, if any, exist:

24 “(1) DEATH DURING COMMISSION OF ANOTHER
25 CRIME.—The death, or injury resulting in death, oc-

1 curred during the commission or attempted commis-
2 sion of, or during the immediate flight from the
3 commission of, an offense under section 32 (destruc-
4 tion of aircraft or aircraft facilities), section 33 (de-
5 struction of motor vehicles or motor vehicle facili-
6 ties), section 36 (violence at international airports),
7 section 351 (violence against Members of Congress,
8 Cabinet officers, or Supreme Court Justices), an of-
9 fense under section 751 (prisoners in custody of in-
10 stitution or officer), section 794 (gathering or deliv-
11 ering defense information to aid foreign govern-
12 ment), section 844(d) (transportation of explosives
13 in interstate commerce for certain purposes), section
14 844(f) (destruction of Government property by ex-
15 plosives), section 1118 (prisoners serving life term),
16 section 1201 (kidnaping), section 844(i) (destruction
17 of property affecting interstate commerce by explo-
18 sives), section 1116 (killing or attempted killing of
19 diplomats), section 1203 (hostage taking), section
20 1992 (wrecking trains), section 2280 (maritime vio-
21 lence), section 2281 (maritime platform violence),
22 section 2332 (terrorist acts abroad against United
23 States nationals), section 2339 (use of weapons of
24 mass destruction), or section 2381 (treason) of this

1 title, or section 46502 of title 49, United States
2 Code (aircraft piracy).

3 “(2) PREVIOUS CONVICTION OF VIOLENT FEL-
4 ONY INVOLVING FIREARM.—For any offense, other
5 than an offense for which a sentence of death is
6 sought on the basis of section 924(c), the defendant
7 has previously been convicted of a Federal or State
8 offense punishable by a term of imprisonment of
9 more than 1 year, involving the use or attempted or
10 threatened use of a firearm (as defined in section
11 921) against another person.

12 “(3) PREVIOUS CONVICTION OF OFFENSE FOR
13 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
14 MENT WAS AUTHORIZED.—The defendant has pre-
15 viously been convicted of another Federal or State
16 offense resulting in the death of a person, for which
17 a sentence of life imprisonment or a sentence of
18 death was authorized by statute.

19 “(4) PREVIOUS CONVICTION OF OTHER SERI-
20 OUS OFFENSES.—The defendant has previously been
21 convicted of 2 or more Federal or State offenses,
22 punishable by a term of imprisonment of more than
23 1 year, committed on different occasions, involving
24 the infliction of, or attempted infliction of, serious
25 bodily injury or death upon another person.

1 “(5) GRAVE RISK OF DEATH TO ADDITIONAL
2 PERSONS.—The defendant, in the commission of the
3 offense, or in escaping apprehension for the violation
4 of the offense, knowingly created a grave risk of
5 death to 1 or more persons in addition to the victim
6 of the offense.

7 “(6) HEINOUS, CRUEL, OR DEPRAVED MANNER
8 OF COMMITTING OFFENSE.—The defendant commit-
9 ted the offense in an especially heinous, cruel, or de-
10 praved manner in that it involved torture or serious
11 physical abuse to the victim.

12 “(7) PROCUREMENT OF OFFENSE BY PAY-
13 MENT.—The defendant procured the commission of
14 the offense by payment, or promise of payment, of
15 anything of pecuniary value.

16 “(8) PECUNIARY GAIN.—The defendant com-
17 mitted the offense as consideration for the receipt,
18 or in the expectation of the receipt, of anything of
19 pecuniary value.

20 “(9) SUBSTANTIAL PLANNING AND
21 PREMEDITATION.—The defendant committed the of-
22 fense after substantial planning and premeditation
23 to cause the death of a person or commit an act of
24 terrorism.

1 “(10) CONVICTION FOR TWO FELONY DRUG OF-
2 FENSES.—The defendant has previously been con-
3 victed of 2 or more State or Federal offenses pun-
4 ishable by a term of imprisonment of more than one
5 year, committed on different occasions, involving the
6 distribution of a controlled substance.

7 “(11) VULNERABILITY OF VICTIM.—The victim
8 was particularly vulnerable due to old age, youth, or
9 infirmity.

10 “(12) CONVICTION FOR SERIOUS FEDERAL
11 DRUG OFFENSES.—The defendant had previously
12 been convicted of violating title II or III of the Con-
13 trolled Substances Act for which a sentence of 5 or
14 more years may be imposed or had previously been
15 convicted of engaging in a continuing criminal enter-
16 prise.

17 “(13) CONTINUING CRIMINAL ENTERPRISE IN-
18 VOLVING DRUG SALES TO MINORS.—The defendant
19 committed the offense in the course of engaging in
20 a continuing criminal enterprise in violation of sec-
21 tion 408(c) of the Controlled Substances Act (21
22 U.S.C. 848(c)), and that violation involved the dis-
23 tribution of drugs to persons under the age of 21 in
24 violation of section 418 of that Act (21 U.S.C. 859).

1 “(14) HIGH PUBLIC OFFICIALS.—The defend-
2 ant committed the offense against—

3 “(A) the President of the United States,
4 the President-elect, the Vice President, the Vice
5 President-elect, the Vice President-designate,
6 or, if there is no Vice President, the officer next
7 in order of succession to the office of the Presi-
8 dent of the United States, or any person who
9 is acting as President under the Constitution
10 and laws of the United States;

11 “(B) a chief of state, head of government,
12 or the political equivalent, of a foreign nation;

13 “(C) a foreign official listed in section
14 1116(b)(3)(A), if the official is in the United
15 States on official business; or

16 “(D) a Federal public servant who is a
17 judge, a law enforcement officer, or an em-
18 ployee of a United States penal or correctional
19 institution—

20 “(i) while he or she is engaged in the
21 performance of his or her official duties;

22 “(ii) because of the performance of his
23 or her official duties; or

24 “(iii) because of his or her status as
25 a public servant.

1 For purposes of this subparagraph, a 'law en-
2 forcement officer' is a public servant authorized
3 by law or by a Government agency or Congress
4 to conduct or engage in the prevention, inves-
5 tigation, or prosecution or adjudication of an
6 offense, and includes those engaged in correc-
7 tions, parole, or probation functions.

8 "(15) PRIOR CONVICTION OF SEXUAL ASSAULT
9 OR CHILD MOLESTATION.—In the case of an offense
10 under chapter 109A (sexual abuse) or chapter 110
11 (sexual abuse of children); the defendant has pre-
12 viously been convicted of a crime of sexual assault
13 or crime of child molestation.

14 The jury, or if there is no jury, the court, may consider
15 whether any other aggravating factor for which notice has
16 been given exists.

17 "(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
18 DEATH PENALTY.—In determining whether a sentence of
19 death is justified for an offense described in section
20 3591(b), the jury, or if there is no jury, the court, shall
21 consider each of the following aggravating factors for
22 which notice has been given and determine which, if any,
23 exist:

24 "(1) PREVIOUS CONVICTION OF OFFENSE FOR
25 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-

1 MENT WAS AUTHORIZED.—The defendant has pre-
2 viously been convicted of another Federal or State
3 offense resulting in the death of a person, for which
4 a sentence of life imprisonment or death was author-
5 ized by statute.

6 “(2) PREVIOUS CONVICTION OF OTHER SERI-
7 OUS OFFENSES.—The defendant has previously been
8 convicted of two or more Federal or State offenses,
9 each punishable by a term of imprisonment of more
10 than one year, committed on different occasions, in-
11 volving the importation, manufacture, or distribution
12 of a controlled substance (as defined in section 102
13 of the Controlled Substances Act (21 U.S.C. 802))
14 or the infliction of, or attempted infliction of, serious
15 bodily injury or death upon another person.

16 “(3) PREVIOUS SERIOUS DRUG FELONY CONVICT-
17 TION.—The defendant has previously been convicted
18 of another Federal or State offense involving the
19 manufacture, distribution, importation, or possession
20 of a controlled substance (as defined in section 102
21 of the Controlled Substances Act (21 U.S.C. 802))
22 for which a sentence of five or more years of impris-
23 onment was authorized by statute.

24 “(4) USE OF FIREARM.—In committing the of-
25 fense, or in furtherance of a continuing criminal en-

1 terprise of which the offense was a part, the defend-
2 ant used a firearm or knowingly directed, advised,
3 authorized, or assisted another to use a firearm to
4 threaten, intimidate, assault, or injure a person.

5 “(5) DISTRIBUTION TO PERSONS UNDER 21.—
6 The offense, or a continuing criminal enterprise of
7 which the offense was a part, involved conduct pro-
8 scribed by section 418 of the Controlled Substances
9 Act (21 U.S.C. 859) which was committed directly
10 by the defendant.

11 “(6) DISTRIBUTION NEAR SCHOOLS.—The of-
12 fense, or a continuing criminal enterprise of which
13 the offense was a part, involved conduct proscribed
14 by section 419 of the Controlled Substances Act (21
15 U.S.C. 860) which was committed directly by the de-
16 fendant.

17 “(7) USING MINORS IN TRAFFICKING.—The of-
18 fense, or a continuing criminal enterprise of which
19 the offense was a part, involved conduct proscribed
20 by section 420 of the Controlled Substances Act (21
21 U.S.C. 861) which was committed directly by the de-
22 fendant.

23 “(8) LETHAL ADULTERANT.—The offense in-
24 volved the importation, manufacture, or distribution
25 of a controlled substance (as defined in section 102

1 of the Controlled Substances Act (21 U.S.C. 802)),
2 mixed with a potentially lethal adulterant, and the
3 defendant was aware of the presence of the
4 adulterant.

5 The jury, or if there is no jury, the court, may consider
6 whether any other aggravating factor for which notice has
7 been given exists.

8 **“§ 3593. Special hearing to determine whether a sen-**
9 **tence of death is justified**

10 “(a) NOTICE BY THE GOVERNMENT.—If, in a case
11 involving an offense described in section 3591, the attor-
12 ney for the government believes that the circumstances of
13 the offense are such that a sentence of death is justified
14 under this chapter, the attorney shall, a reasonable time
15 before the trial or before acceptance by the court of a plea
16 of guilty, sign and file with the court, and serve on the
17 defendant, a notice—

18 “(1) stating that the government believes that
19 the circumstances of the offense are such that, if the
20 defendant is convicted, a sentence of death is justi-
21 fied under this chapter and that the government will
22 seek the sentence of death; and

23 “(2) setting forth the aggravating factor or fac-
24 tors that the government, if the defendant is con-

1 victed, proposes to prove as justifying a sentence of
2 death.

3 The factors for which notice is provided under this sub-
4 section may include factors concerning the effect of the
5 offense on the victim and the victim's family, and may
6 include oral testimony, a victim impact statement that
7 identifies the victim of the offense and the extent and
8 scope of the injury and loss suffered by the victim and
9 the victim's family, and any other relevant information.
10 The court may permit the attorney for the government
11 to amend the notice upon a showing of good cause.

12 “(b) HEARING BEFORE A COURT OR JURY.—If the
13 attorney for the government has filed a notice as required
14 under subsection (a) and the defendant is found guilty of
15 or pleads guilty to an offense described in section 3591,
16 the judge who presided at the trial or before whom the
17 guilty plea was entered, or another judge if that judge is
18 unavailable, shall conduct a separate sentencing hearing
19 to determine the punishment to be imposed. The hearing
20 shall be conducted—

21 “(1) before the jury that determined the de-
22 fendant's guilt;

23 “(2) before a jury impaneled for the purpose of
24 the hearing if—

1 “(A) the defendant was convicted upon a
2 plea of guilty;

3 “(B) the defendant was convicted after a
4 trial before the court sitting without a jury;

5 “(C) the jury that determined the defend-
6 ant’s guilt was discharged for good cause; or

7 “(D) after initial imposition of a sentence
8 under this section, reconsideration of the sen-
9 tence under this section is necessary; or

10 “(3) before the court alone, upon the motion of
11 the defendant and with the approval of the attorney
12 for the government.

13 A jury impaneled pursuant to paragraph (2) shall consist
14 of 12 members, unless, at any time before the conclusion
15 of the hearing, the parties stipulate, with the approval of
16 the court, that it shall consist of a lesser number.

17 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
18 TORS.—Notwithstanding rule 32(c) of the Federal Rules
19 of Criminal Procedure, when a defendant is found guilty
20 or pleads guilty to an offense under section 3591, no
21 presentence report shall be prepared. At the sentencing
22 hearing, information may be presented as to any matter
23 relevant to the sentence, including any mitigating or ag-
24 gravating factor permitted or required to be considered
25 under section 3592. Information presented may include

1 the trial transcript and exhibits if the hearing is held be-
2 fore a jury or judge not present during the trial, or at
3 the trial judge's discretion. The defendant may present
4 any information relevant to a mitigating factor. The gov-
5 ernment may present any information relevant to an ag-
6 gravating factor for which notice has been provided under
7 subsection (a). Information is admissible regardless of its
8 admissibility under the rules governing admission of evi-
9 dence at criminal trials except that information may be
10 excluded if its probative value is outweighed by the danger
11 of creating unfair prejudice, confusing the issues, or mis-
12 leading the jury. The government and the defendant shall
13 be permitted to rebut any information received at the
14 hearing, and shall be given fair opportunity to present ar-
15 gument as to the adequacy of the information to establish
16 the existence of any aggravating or mitigating factor, and
17 as to the appropriateness in the case of imposing a sen-
18 tence of death. The government shall open the argument.
19 The defendant shall be permitted to reply. The govern-
20 ment shall then be permitted to reply in rebuttal. The bur-
21 den of establishing the existence of any aggravating factor
22 is on the government, and is not satisfied unless the exist-
23 ence of such a factor is established beyond a reasonable
24 doubt. The burden of establishing the existence of any
25 mitigating factor is on the defendant, and is not satisfied

1 unless the existence of such a factor is established by a
2 preponderance of the information.

3 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or
4 if there is no jury, the court, shall consider all the informa-
5 tion received during the hearing. It shall return special
6 findings identifying any aggravating factor or factors set
7 forth in section 3592 found to exist and any other aggra-
8 vating factor for which notice has been provided under
9 subsection (a) found to exist. A finding with respect to
10 a mitigating factor may be made by 1 or more members
11 of the jury, and any member of the jury who finds the
12 existence of a mitigating factor may consider such factor
13 established for purposes of this section regardless of the
14 number of jurors who concur that the factor has been es-
15 tablished. A finding with respect to any aggravating factor
16 must be unanimous. If no aggravating factor set forth in
17 section 3592 is found to exist, the court shall impose a
18 sentence other than death authorized by law.

19 “(e) RETURN OF A FINDING CONCERNING A SEN-
20 TENCE OF DEATH.—If, in the case of—

21 “(1) an offense described in section 3591(a)(1),
22 an aggravating factor required to be considered
23 under section 3592(b) is found to exist;

1 “(2) an offense described in section 3591(a)(2),
2 an aggravating factor required to be considered
3 under section 3592(c) is found to exist; or

4 “(3) an offense described in section 3591(b), an
5 aggravating factor required to be considered under
6 section 3592(d) is found to exist,

7 the jury, or if there is no jury, the court, shall consider
8 whether all the aggravating factor or factors found to exist
9 sufficiently outweigh all the mitigating factor or factors
10 found to exist to justify a sentence of death, or, in the
11 absence of a mitigating factor, whether the aggravating
12 factor or factors alone are sufficient to justify a sentence
13 of death. Based upon this consideration, the jury by unan-
14 imous vote, or if there is no jury, the court, shall rec-
15 ommend whether the defendant should be sentenced to
16 death, to life imprisonment without possibility of release
17 or some other lesser sentence.

18 “(f) SPECIAL PRECAUTION TO ENSURE AGAINST
19 DISCRIMINATION.—In a hearing held before a jury, the
20 court, prior to the return of a finding under subsection
21 (e), shall instruct the jury that, in considering whether
22 a sentence of death is justified, it shall not consider the
23 race, color, religious beliefs, national origin, or sex of the
24 defendant or of any victim and that the jury is not to rec-
25 ommend a sentence of death unless it has concluded that

1 it would recommend a sentence of death for the crime in
2 question no matter what the race, color, religious beliefs,
3 national origin, or sex of the defendant or of any victim
4 may be. The jury, upon return of a finding under sub-
5 section (e), shall also return to the court a certificate,
6 signed by each juror, that consideration of the race, color,
7 religious beliefs, national origin, or sex of the defendant
8 or any victim was not involved in reaching his or her indi-
9 vidual decision and that the individual juror would have
10 made the same recommendation regarding a sentence for
11 the crime in question no matter what the race, color, reli-
12 gious beliefs, national origin, or sex of the defendant or
13 any victim may be.

14 **“§ 3594. Imposition of a sentence of death**

15 “Upon a recommendation under section 3593(e) that
16 the defendant should be sentenced to death or life impris-
17 onment without possibility of release, the court shall sen-
18 tence the defendant accordingly. Otherwise, the court shall
19 impose any lesser sentence that is authorized by law. Not-
20 withstanding any other law, if the maximum term of im-
21 prisonment for the offense is life imprisonment, the court
22 may impose a sentence of life imprisonment without possi-
23 bility of release.

1 **“§ 3595. Review of a sentence of death**

2 “(a) APPEAL.—In a case in which a sentence of death
3 is imposed, the sentence shall be subject to review by the
4 court of appeals upon appeal by the defendant. Notice of
5 appeal must be filed within the time specified for the filing
6 of a notice of appeal. An appeal under this section may
7 be consolidated with an appeal of the judgment of convic-
8 tion and shall have priority over all other cases.

9 “(b) REVIEW.—The court of appeals shall review the
10 entire record in the case, including—

11 “(1) the evidence submitted during the trial;

12 “(2) the information submitted during the sen-
13 tencing hearing;

14 “(3) the procedures employed in the sentencing
15 hearing; and

16 “(4) the special findings returned under section
17 3593(d).

18 “(c) DECISION AND DISPOSITION.—

19 “(1) The court of appeals shall address all sub-
20 stantive and procedural issues raised on the appeal
21 of a sentence of death, and shall consider whether
22 the sentence of death was imposed under the influ-
23 ence of passion, prejudice, or any other arbitrary
24 factor and whether the evidence supports the special
25 finding of the existence of an aggravating factor re-
26 quired to be considered under section 3592.

1 “(2) Whenever the court of appeals finds
2 that—

3 “(A) the sentence of death was imposed
4 under the influence of passion, prejudice, or any
5 other arbitrary factor;

6 “(B) the admissible evidence and informa-
7 tion adduced does not support the special find-
8 ing of the existence of the required aggravating
9 factor; or

10 “(C) the proceedings involved any other
11 legal error requiring reversal of the sentence
12 that was properly preserved for appeal under
13 the rules of criminal procedure,

14 the court shall remand the case for reconsideration
15 under section 3593 or imposition of a sentence other
16 than death. The court of appeals shall not reverse or
17 vacate a sentence of death on account of any error
18 which can be harmless, including any erroneous spe-
19 cial finding of an aggravating factor, where the Gov-
20 ernment establishes beyond a reasonable doubt that
21 the error was harmless.

22 “(3) The court of appeals shall state in writing
23 the reasons for its disposition of an appeal of a sen-
24 tence of death under this section.

1 **“§ 3596. Implementation of a sentence of death.**

2 “(a) IN GENERAL.—A person who has been sen-
3 tenced to death pursuant to this chapter shall be commit-
4 ted to the custody of the Attorney General until exhaus-
5 tion of the procedures for appeal of the judgment of con-
6 viction and for review of the sentence. When the sentence
7 is to be implemented, the Attorney General shall release
8 the person sentenced to death to the custody of a United
9 States marshal, who shall supervise implementation of the
10 sentence in the manner prescribed by the law of the State
11 in which the sentence is imposed. If the law of the State
12 does not provide for implementation of a sentence of
13 death, the court shall designate another State, the law of
14 which does provide for the implementation of a sentence
15 of death, and the sentence shall be implemented in the
16 latter State in the manner prescribed by such law.

17 “(b) PREGNANT WOMAN.—A sentence of death shall
18 not be carried out upon a woman while she is pregnant.

19 “(c) MENTAL CAPACITY.—A sentence of death shall
20 not be carried out upon a person who is mentally retarded.

21 A sentence of death shall not be carried out upon a person
22 who, as a result of mental disability, lacks the mental ca-
23 pacity to understand the death penalty and why it was
24 imposed on that person.

1 **“§ 3597. Use of State facilities**

2 “(a) IN GENERAL.—A United States marshal
3 charged with supervising the implementation of a sentence
4 of death may use appropriate State or local facilities for
5 the purpose, may use the services of an appropriate State
6 or local official or of a person such an official employs
7 for the purpose, and shall pay the costs thereof in an
8 amount approved by the Attorney General.

9 “(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-
10 GIOUS GROUNDS.—No employee of any State department
11 of corrections, the United States Department of Justice,
12 the Federal Bureau of Prisons, or the United States Mar-
13 shals Service, and no employee providing services to that
14 department, bureau, or service under contract shall be re-
15 quired, as a condition of that employment or contractual
16 obligation, to be in attendance at or to participate in any
17 prosecution or execution under this section if such partici-
18 pation is contrary to the moral or religious convictions of
19 the employee. In this subsection, ‘participation in execu-
20 tions’ includes personal preparation of the condemned in-
21 dividual and the apparatus used for execution and super-
22 vision of the activities of other personnel in carrying out
23 such activities.

24 **“§ 3598. Special provisions for Indian country**

25 “Notwithstanding sections 1152 and 1153, no person
26 subject to the criminal jurisdiction of an Indian tribal gov-

1 ernment shall be subject to a capital sentence under this
 2 chapter for any offense the Federal jurisdiction for which
 3 is predicated solely on Indian country (as defined in sec-
 4 tion 1151 of this title) and which has occurred within the
 5 boundaries of Indian country, unless the governing body
 6 of the tribe has elected that this chapter have effect over
 7 land and persons subject to its criminal jurisdiction.”.

8 (b) TECHNICAL AMENDMENT.—The part analysis for
 9 part II of title 18, United States Code, is amended by
 10 inserting after the item relating to chapter 227 the follow-
 11 ing new item:

“228. Death sentence 3591”.

12 **SEC. 60003. SPECIFIC OFFENSES FOR WHICH DEATH PEN-**
 13 **ALTY IS AUTHORIZED.**

14 (a) CONFORMING CHANGES IN TITLE 18.—Title 18,
 15 United States Code, is amended as follows:

16 (1) AIRCRAFT AND MOTOR VEHICLES.—Section
 17 34 of title 18, United States Code, is amended by
 18 striking the comma after “imprisonment for life”,
 19 inserting a period, and striking the remainder of the
 20 section.

21 (2) ESPIONAGE.—Section 794(a) of title 18,
 22 United States Code, is amended by striking the pe-
 23 riod at the end of the section and inserting “, except
 24 that the sentence of death shall not be imposed un-
 25 less the jury or, if there is no jury, the court, further

1 finds that the offense resulted in the identification
2 by a foreign power (as defined in section 101(a) of
3 the Foreign Intelligence Surveillance Act of 1978) of
4 an individual acting as an agent of the United
5 States and consequently in the death of that individ-
6 ual, or directly concerned nuclear weaponry, military
7 spacecraft or satellites, early warning systems, or
8 other means of defense or retaliation against large-
9 scale attack; war plans; communications intelligence
10 or cryptographic information; or any other major
11 weapons system or major element of defense strat-
12 egy.”

13 (3) EXPLOSIVE MATERIALS.—(A) Section
14 844(d) of title 18, United States Code, is amended
15 by striking “as provided in section 34 of this title”.

16 (B) Section 844(f) of title 18, United States
17 Code, is amended by striking “as provided in section
18 34 of this title”.

19 (C) Section 844(i) of title 18, United States
20 Code, is amended by striking “as provided in section
21 34 of this title”.

22 (4) MURDER.—The second undesignated para-
23 graph of section 1111(b) of title 18, United States
24 Code, is amended to read as follows:

1 “Whoever is guilty of murder in the first degree
2 shall be punished by death or by imprisonment for
3 life;”

4 (5) KILLING OF FOREIGN OFFICIAL.—Section
5 1116(a) of title 18, United States Code, is amended
6 by striking “any such person who is found guilty of
7 murder in the first degree shall be sentenced to im-
8 prisonment for life, and”.

9 (6) KIDNAPPING.—Section 1201(a) of title 18,
10 United States Code, is amended by inserting after
11 “or for life” the following: “and, if the death of any
12 person results, shall be punished by death or life im-
13 prisonment”.

14 (7) NONMAILABLE INJURIOUS ARTICLES.—The
15 last paragraph of section 1716 of title 18, United
16 States Code, is amended by striking the comma
17 after “imprisonment for life” and inserting a period
18 and striking the remainder of the paragraph.

19 (8) WRECKING TRAINS.—The second to the last
20 undesignated paragraph of section 1992 of title 18,
21 United States Code, is amended by striking the
22 comma after “imprisonment for life”, inserting a pe-
23 riod, and striking the remainder of the section.

24 (9) BANK ROBBERY.—Section 2113(e) of title
25 18, United States Code, is amended by striking “or

1 punished by death if the verdict of the jury shall so
2 direct” and inserting “or if death results shall be
3 punished by death or life imprisonment”.

4 (10) HOSTAGE TAKING.—Section 1203(a) of
5 title 18, United States Code, is amended by insert-
6 ing after “or for life” the following: “and, if the
7 death of any person results, shall be punished by
8 death or life imprisonment”.

9 (11) MURDER FOR HIRE.—Section 1958 of title
10 18, United States Code, is amended by striking
11 “and if death results, shall be subject to imprison-
12 ment for any term of years or for life, or shall be
13 fined not more than \$50,000, or both” and inserting
14 “and if death results, shall be punished by death or
15 life imprisonment, or shall be fined not more than
16 \$250,000, or both”.

17 (12) RACKETEERING.—Section 1959(a)(1) of
18 title 18, United States Code, is amended to read as
19 follows:

20 “(1) for murder, by death or life imprisonment,
21 or a fine of not more than \$250,000, or both; and
22 for kidnapping, by imprisonment for any term of
23 years or for life, or a fine of not more than
24 \$250,000, or both;”

1 (13) GENOCIDE.—Section 1091(b)(1) of title
2 18, United States Code, is amended by striking “a
3 fine of not more than \$1,000,000 or imprisonment
4 for life,” and inserting “, where death results, by
5 death or imprisonment for life and a fine of not
6 more than \$1,000,000, or both;”.

7 (14) CARJACKING.—Section 2119(3) of title 18,
8 United States Code, is amended by striking the pe-
9 riod after “both” and inserting “, or sentenced to
✓ 10 death.”; and by striking “, possessing a firearm as
11 defined in section 921 of this title,” and inserting “,
12 with the intent to cause death or serious bodily
13 harm”.

14 (b) CONFORMING AMENDMENT TO FEDERAL AVIA-
15 TION ACT OF 1954.—Chapter 465 of title 49, United
16 States Code, is amended—

17 (1) in the chapter analysis by striking “Death
18 penalty sentencing procedure for aircraft piracy”
19 and inserting “Repealed”; and

20 (2) by striking section 46503.

21 **SEC. 60004. APPLICABILITY TO UNIFORM CODE OF MILI-**
22 **TARY JUSTICE.**

23 Chapter 228 of title 18, United States Code, as added
24 by this title, shall not apply to prosecutions under the Uni-
25 form Code of Military Justice (10 U.S.C. 801).

1 **SEC. 60005. DEATH PENALTY FOR MURDER BY A FEDERAL**
2 **PRISONER.**

3 (a) **IN GENERAL.**—Chapter 51 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 1118. Murder by a Federal prisoner**

7 “(a) **OFFENSE.**—A person who, while confined in a
8 Federal correctional institution under a sentence for a
9 term of life imprisonment, commits the murder of another
10 shall be punished by death or by life imprisonment.

11 “(b) **DEFINITIONS.**—In this section—

12 “‘Federal correctional institution’ means any
13 Federal prison, Federal correctional facility, Federal
14 community program center, or Federal halfway
15 house.

16 “‘murder’ means a first degree or second de-
17 gree murder (as defined in section 1111).

18 “‘term of life imprisonment’ means a sentence
19 for the term of natural life, a sentence commuted to
20 natural life, an indeterminate term of a minimum of
21 at least fifteen years and a maximum of life, or an
22 unexecuted sentence of death.”

23 (b) **TECHNICAL AMENDMENT.**—The chapter analysis
24 for chapter 51 of title 18, United States Code, is amended
25 by adding at the end the following new item:

“1118. Murder by a Federal prisoner.”

1 **SEC. 60006. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

2 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
3 title 18, United States Code, is amended by striking the
4 period at the end of the last sentence and inserting “, or
5 may be sentenced to death.”.

6 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF
7 LAW.—Section 242 of title 18, United States Code, is
8 amended by striking the period at the end of the last sen-
9 tence and inserting “, or may be sentenced to death.”.

10 (c) FEDERALLY PROTECTED ACTIVITIES.—Section
11 245(b) of title 18, United States Code, is amended in the
12 matter following paragraph (5) by inserting “, or may be
13 sentenced to death” after “or for life”.

14 (d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUC-
15 TION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—
16 Section 247(c)(1) of title 18, United States Code, is
17 amended by inserting “, or may be sentenced to death”
18 after “or both”.

19 **SEC. 60007. DEATH PENALTY FOR THE MURDER OF FED-**
20 **ERAL LAW ENFORCEMENT OFFICIALS.**

21 Section 1114 of title 18, United States Code, is
22 amended by striking “punished as provided under sections
23 1111 and 1112 of this title,” and inserting “punished, in
24 the case of murder, as provided under section 1111, or,
25 in the case of manslaughter, as provided under section
26 1112.”.

1 **SEC. 60008. NEW OFFENSE FOR THE INDISCRIMINATE USE**
2 **OF WEAPONS TO FURTHER DRUG CONSPIR-**
3 **ACIES.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Drive-By Shooting Prevention Act of 1994”.

6 (b) **IN GENERAL.**—Chapter 2 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing new section:

9 **“§ 36. Drive-by shooting**

10 **“(a) DEFINITION.**—In this section, ‘major drug of-
11 fense’ means—

12 **“(1) a continuing criminal enterprise punish-**
13 **able under section 403(c) of the Controlled Sub-**
14 **stances Act (21 U.S.C. 848(c));**

15 **“(2) a conspiracy to distribute controlled sub-**
16 **stances punishable under section 406 of the Con-**
17 **trolled Substances Act (21 U.S.C. 846) section 1013**
18 **of the Controlled Substances Import and Export**
19 **Control Act (21 U.S.C. 963); or**

20 **“(3) an offense involving major quantities of**
21 **drugs and punishable under section 401(b)(1)(A) of**
22 **the Controlled Substances Act (21 U.S.C.**
23 **841(b)(1)(A)) or section 1010(b)(1) of the Con-**
24 **trolled Substances Import and Export Act (21**
25 **U.S.C. 960(b)(1)).**

1 “(b) OFFENSE AND PENALTIES.—(1) A person who,
2 in furtherance or to escape detection of a major drug of-
3 fense and with the intent to intimidate, harass, injure, or
4 maim, fires a weapon into a group of two or more persons
5 and who, in the course of such conduct, causes grave risk
6 to any human life shall be punished by a term of no more
7 than 25 years, by fine under this title, or both.

8 “(2) A person who, in furtherance or to escape detec-
9 tion of a major drug offense and with the intent to intimi-
10 date, harass, injure, or maim, fires a weapon into a group
11 of 2 or more persons and who, in the course of such con-
12 duct, kills any person shall, if the killing—

13 “(A) is a first degree murder (as defined in sec-
14 tion 1111(a)), be punished by death or imprison-
15 ment for any term of years or for life, fined under
16 this title, or both; or

17 “(B) is a murder other than a first degree mur-
18 der (as defined in section 1111(a)), be fined under
19 this title, imprisoned for any term of years or for
20 life, or both.”

21 (c) TECHNICAL AMENDMENT.—The chapter analysis
22 for chapter 2 of title 18, United States Code, is amended
23 by adding at the end the following new item:

“36. Drive-by shooting.”

1 **SEC. 60009. FOREIGN MURDER OF UNITED STATES NATION-**
2 **ALS.**

3 (a) **IN GENERAL.**—Chapter 51 of title 18, United
4 States Code, as amended by section 60005(a), is amended
5 by adding at the end the following new section:

6 **“§ 1119. Foreign murder of United States nationals**

7 “(a) **DEFINITION.**—In this section, ‘national of the
8 United States’ has the meaning stated in section
9 101(a)(22) of the Immigration and Nationality Act (8
10 U.S.C. 1101(a)(22)).

11 “(b) **OFFENSE.**—A person who, being a national of
12 the United States, kills or attempts to kill a national of
13 the United States while such national is outside the
14 United States but within the jurisdiction of another coun-
15 try shall be punished as provided under sections 1111,
16 1112, and 1113.

17 “(c) **LIMITATIONS ON PROSECUTION.**—(1) No pros-
18 ecution may be instituted against any person under this
19 section except upon the written approval of the Attorney
20 General, the Deputy Attorney General, or an Assistant At-
21 torney General, which function of approving prosecutions
22 may not be delegated. No prosecution shall be approved
23 if prosecution has been previously undertaken by a foreign
24 country for the same conduct.

25 “(2) No prosecution shall be approved under this sec-
26 tion unless the Attorney General, in consultation with the

1 Secretary of State, determines that the conduct took place
2 in a country in which the person is no longer present, and
3 the country lacks the ability to lawfully secure the person's
4 return. A determination by the Attorney General under
5 this paragraph is not subject to judicial review."

6 (b) TECHNICAL AMENDMENTS.—(1) Section 1117 of
7 title 18, United States Code, is amended by striking "or
8 1116" and inserting "1116, or 1119".

9 (2) The chapter analysis for chapter 51 of title 18,
10 United States Code, as amended by section 60005(a), is
11 amended by adding at the end the following new item:

"1119. Foreign murder of United States nationals."

12 **SEC. 60010. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
13 **TATION MURDERS.**

14 (a) OFFENSE.—Chapter 109A of title 18, United
15 States Code, is amended—

16 (1) by redesignating section 2245 as section
17 2246; and

18 (2) by inserting after section 2244 the following
19 new section:

20 **"§ 2245. Sexual abuse resulting in death**

21 "A person who, in the course of an offense under this
22 chapter, engages in conduct that results in the death of
23 a person, shall be punished by death or imprisoned for
24 any term of years or for life."

1 (b) TECHNICAL AMENDMENTS.—The chapter analy-
2 sis for chapter 109A of title 18, United States Code, is
3 amended by striking the item for section 2245 and insert-
4 ing the following:

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”

5 **SEC. 60011. DEATH PENALTY FOR SEXUAL EXPLOITATION**
6 **OF CHILDREN.**

7 Section 2251(d) of title 18, United States Code, is
8 amended by adding at the end the following: “Whoever,
9 in the course of an offense under this section, engages in
10 conduct that results in the death of a person, shall be pun-
11 ished by death or imprisoned for any term of years or for
12 life.”

13 **SEC. 60012. MURDER BY ESCAPED PRISONERS.**

14 (a) IN GENERAL.—Chapter 51 of title 18, United
15 States Code, as amended by section 60009(a), is amended
16 by adding at the end the following new section:

17 **“§ 1120. Murder by escaped prisoners**

18 “(a) DEFINITION.—In this section, ‘Federal prison’
19 and ‘term of life imprisonment’ have the meanings stated
20 in section 1118.

21 “(b) OFFENSE AND PENALTY.—A person, having es-
22 caped from a Federal prison where the person was con-
23 fined under a sentence for a term of life imprisonment,

1 kills another shall be punished as provided in sections
2 1111 and 1112.”

3 (b) TECHNICAL AMENDMENT.—The chapter analysis
4 for chapter 51 of title 18, United States Code, as amended
5 by section 60009(b)(2), is amended by adding at the end
6 the following new item:

“1120. Murder by escaped prisoners.”

7 **SEC. 60013. DEATH PENALTY FOR GUN MURDERS DURING**
8 **FEDERAL CRIMES OF VIOLENCE AND DRUG**
9 **TRAFFICKING CRIMES.**

10 Section 924 of title 18, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(i) A person who, in the course of a violation of sub-
14 section (c), causes the death of a person through the use
15 of a firearm, shall—

16 “(1) if the killing is a murder (as defined in
17 section 1111), be punished by death or by imprison-
18 ment for any term of years or for life; and

19 “(2) if the killing is manslaughter (as defined
20 in section 1112), be punished as provided in that
21 section.”

22 **SEC. 60014. HOMICIDES AND ATTEMPTED HOMICIDES IN-**
23 **VOLVING FIREARMS IN FEDERAL FACILITIES.**

24 Section 930 of title 18, United States Code, is
25 amended—

1 (1) by redesignating subsections (c), (d), (e),
2 and (f) as subsections (d), (e), (f), and (g), respec-
3 tively;

4 (2) in subsection (a) by striking "(c)" and in-
5 serting "(d)"; and

6 (3) by inserting after subsection (b) the follow-
7 ing new subsection:

8 "(c) A person who kills or attempts to kill any person
9 in the course of a violation of subsection (a) or (b), or
10 in the course of an attack on a Federal facility involving
11 the use of a firearm or other dangerous weapon, shall be
12 punished as provided in sections 1111, 1112, and 1113."

13 **SEC. 60015. DEATH PENALTY FOR THE MURDER OF STATE**
14 **OR LOCAL OFFICIALS ASSISTING FEDERAL**
15 **LAW ENFORCEMENT OFFICIALS AND STATE**
16 **CORRECTIONAL OFFICERS.**

17 (a) **IN GENERAL.**—Chapter 51 of title 18, United
18 States Code, as amended by section 60012(a), is amended
19 by adding at the end the following new section:

20 **"§ 1121. Killing persons aiding Federal investigations**
21 **or State correctional officers**

22 "(a) Whoever intentionally kills—

23 "(1) a State or local official, law enforcement
24 officer, or other officer or employee while working

1 with Federal law enforcement officials in furtherance
2 of a Federal criminal investigation—

3 “(A) while the victim is engaged in the
4 performance of official duties;

5 “(B) because of the performance of the
6 victim’s official duties; or

7 “(C) because of the victim’s status as a
8 public servant; or

9 “(2) any person assisting a Federal criminal in-
10 vestigation, while that assistance is being rendered
11 and because of it,

12 shall be sentenced according to the terms of section 1111,
13 including by sentence of death or by imprisonment for life.

14 “(b)(1) Whoever, in a circumstance described in
15 paragraph (3) of this subsection, while incarcerated, inten-
16 tionally kills any State correctional officer engaged in, or
17 on account of the performance of such officer’s official du-
18 ties, shall be sentenced to a term of imprisonment which
19 shall not be less than 20 years, and may be sentenced to
20 life imprisonment or death.

21 “(2) As used in this section, the term, ‘State correc-
22 tional officer’ includes any officer or employee of any pris-
23 on, jail, or other detention facility, operated by, or under
24 contract to, either a State or local governmental agency,

1 whose job responsibilities include providing for the custody
2 of incarcerated individuals.

3 “(3) The circumstance referred to in paragraph (1)
4 is that—

5 “(A) the correctional officer is engaged in
6 transporting the incarcerated person interstate; or

7 “(B) the incarcerated person is incarcerated
8 pursuant to a conviction for an offense against the
9 United States.”.

10 (b) TECHNICAL AMENDMENT.—The chapter analysis
11 for chapter 51 of title 18, United States Code, as amended
12 by section 60012(b), is amended by adding at the end the
13 following new item:

“1121. Killing persons aiding Federal investigations or State correctional officers.”.

14 **SEC. 60016. PROTECTION OF COURT OFFICERS AND JU-**
15 **RORS.**

16 Section 1503 of title 18, United States Code, is
17 amended—

18 (1) by inserting “(a)” before “Whoever”;

19 (2) by striking “fined not more than \$5,000 or
20 imprisoned not more than five years, or both.” and
21 inserting “punished as provided in subsection (b).”;

22 (3) by adding at the end the following new sub-
23 section:

1 “(b) The punishment for an offense under this sec-
2 tion is—

3 “(1) in the case of a killing, the punishment
4 provided in sections 1111 and 1112;

5 “(2) in the case of an attempted killing, or a
6 case in which the offense was committed against a
7 petit juror and in which a class A or B felony was
8 charged, imprisonment for not more than 20 years,
9 a fine under this title, or both; and

10 “(3) in any other case, imprisonment for not
11 more than 10 years, a fine under this title, or
12 both.”; and

13 (4) in subsection (a), as designated by para-
14 graph (1), by striking “commissioner” each place it
15 appears and inserting “magistrate judge”.

16 **SEC. 60017. PROHIBITION OF RETALIATORY KILLINGS OF**
17 **WITNESSES, VICTIMS, AND INFORMANTS.**

18 Section 1513 of title 18, United States Code, is
19 amended—

20 (1) by redesignating subsections (a) and (b) as
21 subsections (b) and (c), respectively; and

22 (2) by inserting after the section heading the
23 following new subsection:

24 “(a)(1) Whoever kills or attempts to kill another per-
25 son with intent to retaliate against any person for—

1 “(A) the attendance of a witness or party at an
2 official proceeding, or any testimony given or any
3 record, document, or other object produced by a wit-
4 ness in an official proceeding; or

5 “(B) providing to a law enforcement officer any
6 information relating to the commission or possible
7 commission of a Federal offense or a violation of
8 conditions of probation, parole, or release pending
9 judicial proceedings,
10 shall be punished as provided in paragraph (2).

11 “(2) The punishment for an offense under this sub-
12 section is—

13 “(A) in the case of a killing, the punishment
14 provided in sections 1111 and 1112; and

15 “(B) in the case of an attempt, imprisonment
16 for not more than 20 years.”

17 **SEC. 60018. DEATH PENALTY FOR MURDER OF FEDERAL**
18 **WITNESSES.**

19 Section 1512(a)(2)(A) of title 18, United States
20 Code, is amended to read as follows:

21 “(A) in the case of murder (as defined in
22 section 1111), the death penalty or imprison-
23 ment for life, and in the case of any other kill-
24 ing, the punishment provided in section 1112;”

1 SEC. 60019. OFFENSES OF VIOLENCE AGAINST MARITIME
2 NAVIGATION OR FIXED PLATFORMS.

3 (a) IN GENERAL.—Chapter 111 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new sections:

6 **“§ 2280. Violence against maritime navigation**

7 “(a) OFFENSES.—

8 “(1) IN GENERAL.—A person who unlawfully
9 and intentionally—

10 “(A) seizes or exercises control over a ship
11 by force or threat thereof or any other form of
12 intimidation;

13 “(B) performs an act of violence against a
14 person on board a ship if that act is likely to
15 endanger the safe navigation of that ship;

16 “(C) destroys a ship or causes damage to
17 a ship or to its cargo which is likely to endan-
18 ger the safe navigation of that ship;

19 “(D) places or causes to be placed on a
20 ship, by any means whatsoever, a device or sub-
21 stance which is likely to destroy that ship, or
22 cause damage to that ship or its cargo which
23 endangers or is likely to endanger the safe navi-
24 gation of that ship;

25 “(E) destroys or seriously damages mari-
26 time navigational facilities or seriously inter-

1 feres with their operation, if such act is likely
2 to endanger the safe navigation of a ship;

3 “(F) communicates information, knowing
4 the information to be false and under cir-
5 cumstances in which such information may rea-
6 sonably be believed, thereby endangering the
7 safe navigation of a ship;

8 “(G) injures or kills any person in connec-
9 tion with the commission or the attempted com-
10 mission of any of the offenses set forth in sub-
11 paragraphs (A) through (F); or

12 “(H) attempts to do any act prohibited
13 under subparagraphs (A) through (G),

14 shall be fined under this title, imprisoned not more
15 than 20 years, or both; and if the death of any per-
16 son results from conduct prohibited by this para-
17 graph, shall be punished by death or imprisoned for
18 any term of years or for life.

19 “(2) THREAT TO NAVIGATION.—A person who
20 threatens to do any act prohibited under paragraph
21 (1) (B), (C) or (E), with apparent determination
22 and will to carry the threat into execution, if the
23 threatened act is likely to endanger the safe naviga-
24 tion of the ship in question, shall be fined under this
25 title, imprisoned not more than 5 years, or both.

1 “(b) JURISDICTION.—There is jurisdiction over the
2 activity prohibited in subsection (a)—

3 “(1) in the case of a covered ship, if—

4 “(A) such activity is committed—

5 “(i) against or on board a ship flying
6 the flag of the United States at the time
7 the prohibited activity is committed;

8 “(ii) in the United States and the ac-
9 tivity is not prohibited as a crime by the
10 State in which the activity takes place; or

11 “(iii) the activity takes place on a ship
12 flying the flag of a foreign country or out-
13 side the United States, by a national of the
14 United States or by a stateless person
15 whose habitual residence is in the United
16 States;

17 “(B) during the commission of such activ-
18 ity, a national of the United States is seized,
19 threatened, injured or killed; or

20 “(C) the offender is later found in the
21 United States after such activity is committed;

22 “(2) in the case of a ship navigating or sched-
23 uled to navigate solely within the territorial sea or
24 internal waters of a country other than the United

1 States, if the offender is later found in the United
2 States after such activity is committed; and

3 “(3) in the case of any vessel, if such activity
4 is committed in an attempt to compel the United
5 States to do or abstain from doing any act.

6 “(c) BAR TO PROSECUTION.—It is a bar to Federal
7 prosecution under subsection (a) for conduct that occurred
8 within the United States that the conduct involved was
9 during or in relation to a labor dispute, and such conduct
10 is prohibited as a felony under the law of the State in
11 which it was committed. For purposes of this section, the
12 term ‘labor dispute’ has the meaning set forth in section
13 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C.
14 113(c)).

15 “(d) DELIVERY OF SUSPECTED OFFENDER.—The
16 master of a covered ship flying the flag of the United
17 States who has reasonable grounds to believe that there
18 is on board that ship any person who has committed an
19 offense under Article 3 of the Convention for the Suppres-
20 sion of Unlawful Acts Against the Safety of Maritime
21 Navigation may deliver such person to the authorities of
22 a State Party to that Convention. Before delivering such
23 person to the authorities of another country, the master
24 shall notify in an appropriate manner the Attorney Gen-
25 eral of the United States of the alleged offense and await

1 instructions from the Attorney General as to what action
2 to take. When delivering the person to a country which
3 is a State Party to the Convention, the master shall, when-
4 ever practicable, and if possible before entering the terri-
5 torial sea of such country, notify the authorities of such
6 country of the master's intention to deliver such person
7 and the reasons therefor. If the master delivers such per-
8 son, the master shall furnish to the authorities of such
9 country the evidence in the master's possession that per-
10 tains to the alleged offense.

11 “(e) DEFINITIONS.—In this section—

12 “‘covered ship’ means a ship that is navigating
13 or is scheduled to navigate into, through or from wa-
14 ters beyond the outer limit of the territorial sea of
15 a single country or a lateral limit of that country's
16 territorial sea with an adjacent country.

17 “‘national of the United States’ has the mean-
18 ing stated in section 101(a)(22) of the Immigration
19 and Nationality Act (8 U.S.C. 1101(a)(22)).

20 “‘territorial sea of the United States’ means all
21 waters extending seaward to 12 nautical miles from
22 the baselines of the United States determined in ac-
23 cordance with international law.

24 “‘ship’ means a vessel of any type whatsoever
25 not permanently attached to the sea-bed, including

1 dynamically supported craft, submersibles or any
2 other floating craft, but does not include a warship,
3 a ship owned or operated by a government when
4 being used as a naval auxiliary or for customs or po-
5 lice purposes, or a ship which has been withdrawn
6 from navigation or laid up.

7 “‘United States’, when used in a geographical
8 sense, includes the Commonwealth of Puerto Rico,
9 the Commonwealth of the Northern Mariana Islands
10 and all territories and possessions of the United
11 States.

12 **“§ 2281. Violence against maritime fixed platforms**

13 “(a) OFFENSES.—

14 “(1) IN GENERAL.—A person who unlawfully
15 and intentionally—

16 “(A) seizes or exercises control over a fixed
17 platform by force or threat thereof or any other
18 form of intimidation;

19 “(B) performs an act of violence against a
20 person on board a fixed platform if that act is
21 likely to endanger its safety;

22 “(C) destroys a fixed platform or causes
23 damage to it which is likely to endanger its
24 safety;

1 “(D) places or causes to be placed on a
2 fixed platform, by any means whatsoever, a de-
3 vice or substance which is likely to destroy that
4 fixed platform or likely to endanger its safety;

5 “(E) injures or kills any person in connec-
6 tion with the commission or the attempted com-
7 mission of any of the offenses set forth in sub-
8 paragraphs (A) through (D); or

9 “(F) attempts to do anything prohibited
10 under subparagraphs (A) through (E),

11 shall be fined under this title, imprisoned not more
12 than 20 years, or both; and if death results to any
13 person from conduct prohibited by this paragraph,
14 shall be punished by death or imprisoned for any
15 term of years or for life.

16 “(2) THREAT TO SAFETY.—A person who
17 threatens to do anything prohibited under paragraph
18 (1) (B) or (C), with apparent determination and will
19 to carry the threat into execution, if the threatened
20 act is likely to endanger the safety of the fixed plat-
21 form, shall be fined under this title, imprisoned not
22 more than 5 years, or both.

23 “(b) JURISDICTION.—There is jurisdiction over the
24 activity prohibited in subsection (a) if—

1 “(1) such activity is committed against or on
2 board a fixed platform—

3 “(A) that is located on the continental
4 shelf of the United States;

5 “(B) that is located on the continental
6 shelf of another country, by a national of the
7 United States or by a stateless person whose
8 habitual residence is in the United States; or

9 “(C) in an attempt to compel the United
10 States to do or abstain from doing any act;

11 “(2) during the commission of such activity
12 against or on board a fixed platform located on a
13 continental shelf, a national of the United States is
14 seized, threatened, injured or killed; or

15 “(3) such activity is committed against or on
16 board a fixed platform located outside the United
17 States and beyond the continental shelf of the Unit-
18 ed States and the offender is later found in the
19 United States.

20 “(c) BAR TO PROSECUTION.—It is a bar to Federal
21 prosecution under subsection (a) for conduct that occurred
22 within the United States that the conduct involved was
23 during or in relation to a labor dispute, and such conduct
24 is prohibited as a felony under the law of the State in
25 which it was committed. For purposes of this section, the

1 term 'labor dispute' has the meaning set forth in section
2 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C.
3 113(c)).

4 “(d) DEFINITIONS.—In this section—

5 “‘continental shelf’ means the sea-bed and sub-
6 soil of the submarine areas that extend beyond a
7 country’s territorial sea to the limits provided by
8 customary international law as reflected in Article
9 76 of the 1982 Convention on the Law of the Sea.

10 “‘fixed platform’ means an artificial island, in-
11 stallation or structure permanently attached to the
12 sea-bed for the purpose of exploration or exploitation
13 of resources or for other economic purposes.

14 “‘national of the United States’ has the mean-
15 ing stated in section 101(a)(22) of the Immigration
16 and Nationality Act (8 U.S.C. 1101(a)(22)).

17 “‘territorial sea of the United States’ means all
18 waters extending seaward to 12 nautical miles from
19 the baselines of the United States determined in ac-
20 cordance with international law.

21 “‘United States’, when used in a geographical
22 sense, includes the Commonwealth of Puerto Rico,
23 the Commonwealth of the Northern Mariana Islands
24 and all territories and possessions of the United
25 States.”

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 111 of title 18, United States Code, is amend-
3 ed by adding at the end the following new items:

“2280. Violence against maritime navigation.

“2281. Violence against maritime fixed platforms.”

4 (c) EFFECTIVE DATES.—This section and the
5 amendments made by this section shall take effect on the
6 later of—

7 (1) the date of the enactment of this Act; or

8 (2)(A) in the case of section 2280 of title 18,
9 United States Code, the date the Convention for the
10 Suppression of Unlawful Acts Against the Safety of
11 Maritime Navigation has come into force and the
12 United States has become a party to that Conven-
13 tion; and

14 (B) in the case of section 2281 of title 18,
15 United States Code, the date the Protocol for the
16 Suppression of Unlawful Acts Against the Safety of
17 Fixed Platforms Located on the Continental Shelf
18 has come into force and the United States has be-
19 come a party to that Protocol.

20 **SEC. 60020. TORTURE.**

21 Section 2340A(a) of title 18, United States Code, is
22 amended by inserting “punished by death or” before “im-
23 prisoned for any term of years or for life.”

1 SEC. 60021. VIOLENCE AT AIRPORTS SERVING INTER-
2 NATIONAL CIVIL AVIATION:

3 (a) OFFENSE.—Chapter 2 of title 18, United States
4 Code, as amended by section 60008(b), is amended by
5 adding at the end the following new section:

6 “§ 37. Violence at international airports

7 “(a) OFFENSE.—A person who unlawfully and inten-
8 tionally, using any device, substance, or weapon—

9 “(1) performs an act of violence against a per-
10 son at an airport serving international civil aviation
11 that causes or is likely to cause serious bodily injury
12 (as defined in section 1365 of this title) or death; or

13 “(2) destroys or seriously damages the facilities
14 of an airport serving international civil aviation or a
15 civil aircraft not in service located thereon or dis-
16 rupts the services of the airport,

17 if such an act endangers or is likely to endanger safety
18 at that airport, or attempts to do such an act, shall be
19 fined under this title, imprisoned not more than 20 years,
20 or both; and if the death of any person results from con-
21 duct prohibited by this subsection, shall be punished by
22 death or imprisoned for any term of years or for life.

23 “(b) JURISDICTION.—There is jurisdiction over the
24 prohibited activity in subsection (a) if—

25 “(1) the prohibited activity takes place in the
26 United States; or

1 “(2) the prohibited activity takes place outside
2 the United States and the offender is later found in
3 the United States.

4 “(c) It is a bar to Federal persecution under sub-
5 section (a) for conduct that occurred within the United
6 States that the conduct involved was during or in relation
7 to a labor dispute, and such conduct is prohibited as a
8 felony under the law of the State in which it was commit-
9 ted. For purposes of this section, the term ‘labor dispute’
10 has the meaning set forth in section 2(c) of the Norris-
11 LaGuardia Act, as amended (29 U.S.C. 113(c)).

12 (b) TECHNICAL AMENDMENT.—The chapter analysis
13 for chapter 2 of title 18, United States Code, as amended
14 by section 60008(c), is amended by adding at the end the
15 following new item:

 “37. Violence at international airports.”

16 (c) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the later of—

18 (1) the date of enactment of this Act; or

19 (2) the date on which the Protocol for the Sup-
20 pression of Unlawful Acts of Violence at Airports
21 Serving International Civil Aviation, Supplementary
22 to the Convention for the Suppression of Unlawful
23 Acts Against the Safety of Civil Aviation, done at
24 Montreal on 23 September 1971, has come into

1 force and the United States has become a party to
2 the Protocol.

3 **SEC. 60022. TERRORIST DEATH PENALTY ACT.**

4 Section 2332(a)(1) of title 18, United States Code
5 is amended to read as follows:

6 “(1) if the killing is murder (as defined in sec-
7 tion 1111(a)), be fined under this title, punished by
8 death or imprisonment for any term of years or for
9 life, or both;”

10 **SEC. 60023. WEAPONS OF MASS DESTRUCTION.**

11 (a) OFFENSE.—Chapter 113A of title 18, United
12 States Code, is amended by inserting after section 2332
13 the following new section:

14 **“§ 2332a. Use of weapons of mass destruction**

15 “(a) OFFENSE.—A person who uses, or attempts or
16 conspires to use, a weapon of mass destruction—

17 “(1) against a national of the United States
18 while such national is outside of the United States;

19 “(2) against any person within the United
20 States; or

21 “(3) against any property that is owned, leased
22 or used by the United States or by any department
23 or agency of the United States, whether the property
24 is within or outside of the United States,

1 shall be imprisoned for any term of years or for life, and
2 if death results, shall be punished by death or imprisoned
3 for any term of years or for life.

4 “(b) DEFINITIONS.—For purposes of this section—

5 “(1) the term ‘national of the United States’
6 has the meaning given in section 101(a)(22) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1101(a)(22)); and

9 “(2) the term ‘weapon of mass destruction’
10 means—

11 “(A) any destructive device as defined in
12 section 921 of this title;

13 “(B) poison gas;

14 “(C) any weapon involving a disease orga-
15 nism; or

16 “(D) any weapon that is designed to re-
17 lease radiation or radioactivity at a level dan-
18 gerous to human life.”.

19 (b) TECHNICAL AMENDMENT.—The chapter analysis
20 for chapter 113A of title 18, United States Code, is
21 amended by inserting after the item relating to section
22 2332 the following:

“2332a. Use of weapons of mass destruction.”.

23 **SEC. 60024. ENHANCED PENALTIES FOR ALIEN SMUGGLING.**

24 Section 274(a) of the Immigration and Nationality
25 Act (8 U.S.C. 1324(a)) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “(1) Any person” and in-
3 serting “(1)(A) Any person”;

4 (B) by striking “(A) knowing” and insert-
5 ing “(i) knowing”;

6 (C) by striking “(B) knowing” and insert-
7 ing “(ii) knowing”;

8 (D) by striking “(C) knowing” and insert-
9 ing “(iii) knowing”;

10 (E) by striking “(D) encourages” and in-
11 serting “(iv) encourages”;

12 (F) by striking “shall be fined in accord-
13 ance with title 18, or imprisoned not more than
14 five years, or both, for each alien in respect to
15 whom any violation of this paragraph occurs”
16 and inserting “shall be punished as provided in
17 subparagraph (B)”;

18 (G) by adding at the end the following new
19 subparagraph:

20 “(B) A person who violates subparagraph (A) shall,
21 for each alien in respect to whom such a violation occurs—

22 “(i) in the case of a violation of subparagraph
23 (A)(i), be fined under title 18, United States Code,
24 imprisoned not more than 10 years, or both;

1 “(ii) in the case of a violation of subparagraph
2 (A) (ii), (iii), or (iv), be fined under title 18, United
3 States Code, imprisoned not more than 5 years, or
4 both;

5 “(iii) in the case of a violation of subparagraph
6 (A) (i), (ii), (iii), or (iv) during and in relation to
7 which the person causes serious bodily injury (as de-
8 fined in section 1365 of title 18, United States
9 Code) to, or places in jeopardy the life of, any per-
10 son, be fined under title 18, United States Code, im-
11 prisoned not more than 20 years, or both; and

12 “(iv) in the case of a violation of subparagraph
13 (A) (i), (ii), (iii), or (iv) resulting in the death of any
14 person, be punished by death or imprisoned for any
15 term of years or for life, fined under title 18, United
16 States Code, or both.”; and

17 (2) in paragraph (2) by striking “or imprisoned
18 not more than five years, or both” and inserting “or
19 in the case of a violation of subparagraph (B)(ii),
20 imprisoned not more than 10 years, or both; or in
21 the case of a violation of subparagraph (B)(i) or
22 (B)(iii), imprisoned not more than 5 years, or
23 both.”.

1 **SEC. 60025. PROTECTION OF JURORS AND WITNESSES IN**
2 **CAPITAL CASES.**

3 Section 3432 of title 18, United States Code, is
4 amended by inserting before the period the following: “,
5 except that such list of the veniremen and witnesses need
6 not be furnished if the court finds by a preponderance of
7 the evidence that providing the list may jeopardize the life
8 or safety of any person”.

9 **SEC. 60026. APPOINTMENT OF COUNSEL.**

10 Section 3005 of title 18, United States Code, is
11 amended by striking “learned in the law” and all that fol-
12 lows through “He shall” and inserting “; and the court
13 before which the defendant is to be tried, or a judge there-
14 of, shall promptly, upon the defendant’s request, assign
15 2 such counsel, of whom at least 1 shall be learned in
16 the law applicable to capital cases, and who shall have free
17 access to the accused at all reasonable hours. In assigning
18 counsel under this section, the court shall consider the rec-
19 ommendation of the Federal Public Defender organiza-
20 tion, or, if no such organization exists in the district, of
21 the Administrative Office of the United States Courts.
22 The defendant shall”.

1 **TITLE VII—MANDATORY LIFE IM-**
2 **PRISONMENT FOR PERSONS**
3 **CONVICTED OF CERTAIN**
4 **FELONIES**

5 **SEC. 70001. MANDATORY LIFE IMPRISONMENT FOR PER-**
6 **SONS CONVICTED OF CERTAIN FELONIES.**

7 Section 3559. of title 18, United States Code, is
8 amended—

9 (1) in subsection (b), by striking “An” and in-
10 serting “Except as provided in subsection (c), an” in
11 lieu thereof; and

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

14 “(c) IMPRISONMENT OF CERTAIN VIOLENT FEL-
15 ONS.—

16 “(1) MANDATORY LIFE IMPRISONMENT.—Not-
17 withstanding any other provision of law, a person
18 who is convicted in a court of the United States of
19 a serious violent felony shall be sentenced to life im-
20 prisonment if—

21 “(A) the person has been convicted (and
22 those convictions have become final) on 2 or
23 more prior occasions, in a court of the United
24 States or of a State of—

25 “(i) a serious violent felony; or

1 “(ii) one or more serious violent felo-
2 nies and one or more serious drug offenses;
3 and

4 “(B) each serious violent felony or serious
5 drug offense used as a basis for sentencing
6 under this subsection, other than the first, was
7 committed after the defendant’s conviction of
8 the preceding serious violent felony or serious
9 drug offense.

10 “(2) DEFINITIONS.—For purposes of this
11 subsection—

12 “(A) the term ‘assault with intent to com-
13 mit rape’ means an offense that has as its ele-
14 ments engaging in physical contact by which a
15 person intentionally places another person in
16 fear of aggravated sexual abuse or sexual abuse
17 (as described in sections 2241 and 2242);

18 “(B) the term ‘arson’ means an offense
19 that has as its elements maliciously damaging
20 or destroying any building, inhabited structure,
21 vehicle, vessel, or real property by means of fire
22 or an explosive;

23 “(C) the term ‘extortion’ means an offense
24 that has as its elements the extraction of any-
25 thing of value from another person by threaten-

1 ing or placing that person in fear of injury to
2 any person or kidnapping of any person;

3 “(D) the term ‘firearms use’ means an of-
4 fense that has as its elements those described
5 in section 924(c) or 929(a), if the firearm was
6 brandished, discharged, or otherwise used as a
7 weapon and the crime of violence or drug traf-
8 ficking crime during and relation to which the
9 firearm was used was subject to prosecution in
10 a court of the United States or a court of a
11 State, or both;

12 “(E) the term ‘kidnapping’ means an of-
13 fense that has as its elements the abduction, re-
14 straining, confining, or carrying away of an-
15 other person by force or threat of force;

16 “(F) the term ‘serious violent felony’
17 means—

18 “(i) a Federal or State offense, by
19 whatever designation and wherever com-
20 mitted, consisting of murder (as described
21 in section 1111); manslaughter other than
22 involuntary manslaughter (as described in
23 section 1112); assault with intent to com-
24 mit murder (as described in section
25 113(a)); assault with intent to commit

1 rape; aggravated sexual abuse and sexual
2 abuse (as described in sections 2241 and
3 2242); abusive sexual contact (as described
4 in sections 2244 (a)(1) and (a)(2)); kid-
5 napping; aircraft piracy (as described in
6 section 902 (i)(2) or (n)(2) of the Federal
7 Aviation Act of 1958 (49 App. U.S.C.
8 1472 (i)(2), (n)(2))); robbery (as described
9 in section 2111, 2113, or 2118);
10 carjacking (as described in section 2119);
11 extortion; arson; firearms use; or attempt,
12 conspiracy, or solicitation to commit any of
13 the above offenses; and

14 “(ii) any other offense punishable by
15 a maximum term of imprisonment of 10
16 years or more that has as an element the
17 use, attempted use, or threatened use of
18 physical force against the person of an-
19 other or that, by its nature, involves a sub-
20 stantial risk that physical force against the
21 person of another may be used in the
22 course of committing the offense;

23 “(G) the term ‘State’ means a State of the
24 United States, the District of Columbia, and a

1 commonwealth, territory, or possession of the
2 United States; and

3 “(H) the term ‘serious drug offense’
4 means—

5 “(i) an offense that is punishable
6 under section 401(b)(1)(A) or 408 of the
7 Controlled Substances Act (21 U.S.C.
8 841(b)(1)(A), 848) or section
9 1010(b)(1)(A) of the Controlled Sub-
10 stances Import and Export Act (21 U.S.C.
11 960(b)(1)(A)); or

12 “(ii) an offense under State law that,
13 had the offense been prosecuted in a court
14 of the United States, would have been pun-
15 ishable under ~~6~~ section 401(b)(1)(A) or
16 408 of the Controlled Substances Act (21
17 U.S.C. 841(b)(1)(A), 848) or section
18 1010(b)(1)(A) of the Controlled Sub-
19 stances Import and Export Act (21 U.S.C.
20 960(b)(1)(A)).

21 “(3) NONQUALIFYING FELONIES.—

22 “(A) ROBBERY IN CERTAIN CASES.—Rob-
23 bery, an attempt, conspiracy, or solicitation to
24 commit robbery; or an offense described in
25 paragraph (2)(F)(ii) shall not serve as a basis

1 for sentencing under this subsection if the de-
2 fendant establishes by clear and convincing evi-
3 dence that—

4 “(i) no firearm or other dangerous
5 weapon was used in the offense and no
6 threat of use of a firearm or other dan-
7 gerous weapon was involved in the offense;
8 and

9 “(ii) the offense did not result in
10 death or serious bodily injury (as defined
11 in section 1365) to any person.

12 “(B) ARSON IN CERTAIN CASES.—Arson
13 shall not serve as a basis for sentencing under
14 this subsection if the defendant establishes by
15 clear and convincing evidence that—

16 “(i) the offense posed no threat to
17 human life; and

18 “(ii) the defendant reasonably believed
19 the offense posed no threat to human life.

20 “(4) INFORMATION FILED BY UNITED STATES
21 ATTORNEY.—The provisions of section 411(a) of the
22 Controlled Substances Act (21 U.S.C. 851(a)) shall
23 apply to the imposition of sentence under this sub-
24 section.

1 “(5) RULE OF CONSTRUCTION.—This sub-
2 section shall not be construed to preclude imposition
3 of the death penalty.

4 “(6) SPECIAL PROVISION FOR INDIAN COUN-
5 TRY.—No person subject to the criminal jurisdiction
6 of an Indian tribal government shall be subject to
7 this subsection for any offense for which Federal ju-
8 risdiction is solely predicated on Indian country (as
9 defined in section 1151) and which occurs within the
10 boundaries of such Indian country unless the gov-
11 erning body of the tribe has elected that this sub-
12 section have effect over land and persons subject to
13 the criminal jurisdiction of the tribe.

14 “(7) RESENTENCING UPON OVERTURNING OF
15 PRIOR CONVICTION.—If the conviction for a serious
16 violent felony or serious drug offense that was a
17 basis for sentencing under this subsection is found,
18 pursuant to any appropriate State or Federal proce-
19 dure, to be unconstitutional or is vitiated on the ex-
20 plicit basis of innocence, or if the convicted person
21 is pardoned on the explicit basis of innocence, the
22 person serving a sentence imposed under this sub-
23 section shall be resentenced to any sentence that was
24 available at the time of the original sentencing.”

1 SEC. 70002. LIMITED GRANT OF AUTHORITY TO BUREAU OF
2 PRISONS.

3 Section 3582(c)(1)(A) of title 18, United States
4 Code, is amended—

5 (1) so that the margin of the matter starting
6 with “extraordinary” and ending with “reduction”
7 the first place it appears is indented an additional
8 two ems;

9 (2) by inserting a one-em dash after “that” the
10 second place it appears;

11 (3) by inserting a semicolon after “reduction”
12 the first place it appears;

13 (4) by indenting the first line of the matter re-
14 ferred to in paragraph (1) and designating that mat-
15 ter as clause (i); and

16 (5) by inserting after such matter the following:

17 “(ii) the defendant is at least 70 years
18 of age, has served at least 30 years in pris-
19 on, pursuant to a sentence imposed under
20 section 3559(c), for the offense or offenses
21 for which the defendant is currently im-
22 prisoned, and a determination has been
23 made by the Director of the Bureau of
24 Prisons that the defendant is not a danger
25 to the safety of any other person or the

1 community, as provided under section
2 3142(g);”.

3 **TITLE VIII—APPLICABILITY OF**
4 **MANDATORY MINIMUM PEN-**
5 **ALTIES IN CERTAIN CASES**

6 **SEC. 80001. LIMITATION ON APPLICABILITY OF MANDA-**
7 **TORY MINIMUM PENALTIES IN CERTAIN**
8 **CASES.**

9 (a) IN GENERAL.—Section 3553 of title 18, United
10 States Code, is amended by adding at the end the follow-
11 ing new subsection:

12 “(f) LIMITATION ON APPLICABILITY OF STATUTORY
13 MINIMUMS IN CERTAIN CASES.—Notwithstanding any
14 other law, in the case of an offense under section 401,
15 404, or 406 of the Controlled Substances Act (21 U.S.C.
16 841, 844, 846) or section 1010 or 1013 of the Controlled
17 Substances Import and Export Act (21 U.S.C. 961, 963),
18 the court shall impose a sentence pursuant to guidelines
19 promulgated by the United States Sentencing Commission
20 under section 994 of title 28 without regard to any statu-
21 tory minimum sentence, if the court finds at sentencing
22 that—

*Provision
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23 “(1) the defendant does not have more than 1
24 criminal history point, as determined under the sen-
25 tencing guidelines;

1 “(2) the defendant did not use violence or credi-
2 ble threats of violence or possess a firearm or other
3 dangerous weapon (or induce another participant to
4 do so) in connection with the offense;

5 “(3) the offense did not result in death or seri-
6 ous bodily injury to any person;

7 “(4) the defendant was not an organizer, lead-
8 er, manager, or supervisor of others in the offense,
9 as determined under the sentencing guidelines; and

10 “(5) not later than the time of the sentencing
11 hearing, the defendant has provided to the Govern-
12 ment all information the defendant has concerning
13 the offense or offenses that were part of the same
14 course of conduct or of a common scheme or plan,
15 but the fact that the defendant has no relevant or
16 useful other information to provide or that the Gov-
17 ernment is already aware of the information shall
18 not preclude a determination by the court that the
19 defendant has complied with this requirement, and
20 a defendant sentenced before this subsection takes
21 effect shall be deemed to have satisfied the require-
22 ment of this paragraph if such defendant—

23 “(A) received an adjustment under the
24 sentencing guidelines for acceptance of respon-
25 sibility;

1 “(B) received a sentence below the applica-
2 ble guideline range for having provided substan-
3 tial assistance in the investigation or prosecu-
4 tion of another person who has committed an
5 offense; or

6 “(C) provides to the Government, after
7 moving for resentencing and before determina-
8 tion of that motion, all information that the de-
9 fendant has concerning the offense or offenses
10 that were part of the same course of conduct or
11 of a common scheme or plan.

12 (b) SENTENCING COMMISSION AUTHORITY.—

13 (1) IN GENERAL.—(A) The United States Sen-
14 tencing Commission (referred to in this subsection
15 as the “Commission”), under section 994(a)(1) and
16 (p) of title 28—

17 (i) shall promulgate guidelines, or amend-
18 ments to guidelines, to carry out the purposes
19 of this section and the amendment made by this
20 section; and

21 (ii) may promulgate policy statements, or
22 amendments to policy statements, to assist in
23 the application of this section and that amend-
24 ment.

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1 (B) In the case of a defendant for whom the
2 statutorily required minimum sentence is 5 years, *such*
3 ~~the~~ guidelines and amendments to guidelines issued
4 under subparagraph (A) shall call for a guideline
5 range in which the lowest term of imprisonment is
6 at least 24 months.

7 (2) PROCEDURES.—If the Commission deter-
8 mines that it is necessary to do so in order that the
9 amendments made under paragraph (1) may take ef-
10 fect on the effective date of the amendment made by
11 subsection (a), the Commission may promulgate the
12 amendments made under paragraph (1) in accord-
13 ance with the procedures set forth in section 21(a)
14 of the Sentencing Act of 1987, as though the au-
15 thority under that section had not expired.

16 (c) EFFECTIVE DATE AND APPLICATION.—The
17 amendment made by subsection (a) shall apply to all sen-
18 tences imposed on or after the 10th day beginning after
19 the date of enactment of this Act.

20 **SEC. 80002. SPECIAL RULE FOR SENTENCES IMPOSED FOR**
21 **OFFENSES SUBJECT TO SENTENCING GUIDE-**
22 **LINES.**

23 For the purpose of section 3582(c)(2) of title 18,
24 United States Code, with respect to a prisoner who, as
25 determined by the court, has demonstrated good behavior

1 while in prison, the changes in sentencing made as a result
2 of this title shall be deemed to be changes in the sentenc-
3 ing ranges by the United States Sentencing Commission
4 pursuant to section 994(o) of title 28, United States Code.

5 **TITLE IX—DRUG CONTROL**
6 **Subtitle A—Enhanced Penalties**
7 **and General Provisions**

8 **SEC. 90101. ENHANCEMENT OF PENALTIES FOR DRUG**
9 **TRAFFICKING IN PRISONS.**

10 Section 1791 of title 18, United States Code, is
11 amended—

12 (1) in subsection (c), by inserting before “Any”
13 the following new sentence: “Any punishment im-
14 posed under subsection (b) for a violation of this
15 section involving a controlled substance shall be con-
16 secutive to any other sentence imposed by any court
17 for an offense involving such a controlled sub-
18 stance.”;

19 (2) in subsection (d)(1)(A), by inserting after
20 “a firearm or destructive device” the following: “or
21 a controlled substance in schedule I or II, other than
22 marijuana or a controlled substance referred to in
23 subparagraph (C) of this subsection”;

24 (3) in subsection (d)(1)(B), by inserting before
25 “ammunition,” the following: “marijuana or a con-

1 trolled substance in schedule III, other than a con-
2 trolled substance referred to in subparagraph (C) of
3 this subsection,";

4 (4) in subsection (d)(1)(C), by inserting "meth-
5 amphetamine, its salts, isomers, and salts of its iso-
6 mers," after "a narcotic drug,";

7 (5) in subsection (d)(1)(D), by inserting "(A),
8 (B), or" before "(C)"; and

9 (6) in subsection (b), by striking "(c)" each
10 place it appears and inserting "(d)".

11 **SEC. 90102. INCREASED PENALTIES FOR DRUG-DEALING IN**
12 **"DRUG-FREE" ZONES.**

13 Pursuant to its authority under section 994 of title
14 28, United States Code, the United States Sentencing
15 Commission shall amend its sentencing guidelines to pro-
16 vide an appropriate enhancement for a defendant con-
17 victed of violating section 419 of the Controlled Sub-
18 stances Act (21 U.S.C. 860).

19 **SEC. 90103. ENHANCED PENALTIES FOR ILLEGAL DRUG**
20 **USE IN FEDERAL PRISONS AND FOR SMUG-**
21 **GLING DRUGS INTO FEDERAL PRISONS.**

22 (a) **DECLARATION OF POLICY.**—It is the policy of the
23 Federal Government that the use or distribution of illegal
24 drugs in the Nation's Federal prisons will not be tolerated

1 and that such crimes shall be prosecuted to the fullest ex-
2 tent of the law.

3 (b) SENTENCING GUIDELINES.—Pursuant to its au-
4 thority under section 994 of title 28, United States Code,
5 the United States Sentencing Commission shall amend its
6 sentencing guidelines to appropriately enhance the penalty
7 for a person convicted of an offense—

8 (1) under section 404 of the Controlled Sub-
9 stances Act involving simple possession of a con-
10 trolled substance within a Federal prison or other
11 Federal detention facility; or

12 (2) under section 401(b) of the Controlled Sub-
13 stances Act involving the smuggling of a controlled
14 substance into a Federal prison or other Federal de-
15 tention facility or the distribution or intended dis-
16 tribution of a controlled substance within a Federal
17 prison or other Federal detention facility.

18 (c) NO PROBATION.—Notwithstanding any other law,
19 the court shall not sentence a person convicted of an of-
20 fense described in subsection (b) to probation.

21 **SEC. 90104. CLARIFICATION OF NARCOTIC OR OTHER DAN-**
22 **GEROUS DRUGS UNDER RICO.**

23 Section 1961(1) of title 18, United States Code, is
24 amended by striking “narcotic or other dangerous drugs”
25 each place it appears and inserting “a controlled substance

1 or listed chemical (as defined in section 102 of the Con-
2 trolled Substances Act)''.

3 **SEC. 90105. CONFORMING AMENDMENTS TO RECIDIVIST**
4 **PENALTY PROVISIONS OF THE CONTROLLED**
5 **SUBSTANCES ACT AND THE CONTROLLED**
6 **SUBSTANCES IMPORT AND EXPORT ACT.**

7 (a) Sections 401(b)(1) (B), (C), and (D) of the Con-
8 trolled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and
9 (D)) and sections 1010(b) (1), (2), and (3) of the Con-
10 trolled Substances Import and Export Act (21 U.S.C.
11 960(b) (1), (2), and (3)) are each amended in the sentence
12 or sentences beginning "If any person commits" by strik-
13 ing "one or more prior convictions" through "have become
14 final" and inserting "a prior conviction for a felony drug
15 offense has become final".

16 (b) Section 1012(b) of the Controlled Substances Im-
17 port and Export Act (21 U.S.C. 962(b)) is amended by
18 striking "one or more prior convictions of him for a felony
19 under any provision of this title or title II or other law
20 of a State, the United States, or a foreign country relating
21 to narcotic drugs, marihuana, or depressant or stimulant
22 drugs, have become final" and inserting "one or more
23 prior convictions of such person for a felony drug offense
24 have become final".

1 (c) Section 401(b)(1)(A) of the Controlled Sub-
2 stances Act (21 U.S.C. 841(b)(1)(A)) is amended by strik-
3 ing the sentence beginning "For purposes of this subpara-
4 graph, the term 'felony drug offense' means".

5 (d) Section 102 of the Controlled Substances Act (21
6 U.S.C. 802) is amended by adding at the end the following
7 new paragraph:

8 "(43) The term 'felony drug offense' means an of-
9 fense that is punishable by imprisonment for more than
10 one year under any law of the United States or of a State
11 or foreign country that prohibits or restricts conduct relat-
12 ing to narcotic drugs, marihuana, or depressant or stimu-
13 lant substances."

14 **SEC. 90106. ADVERTISING.**

15 Section 403 of the Controlled Substances Act (21
16 U.S.C. 843) is amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the follow-
20 ing new subsection:

21 "(c) It shall be unlawful for any person to place in
22 any newspaper, magazine, handbill, or other publications,
23 any written advertisement knowing that it has the purpose
24 of seeking or offering illegally to receive, buy, or distribute
25 a Schedule I controlled substance. As used in this section

1 the term 'advertisement' includes, in addition to its ordi-
2 nary meaning, such advertisements as those for a catalog
3 of Schedule I controlled substances and any similar writ-
4 ten advertisement that has the purpose of seeking or offer-
5 ing illegally to receive, buy, or distribute a Schedule I con-
6 trolled substance. The term 'advertisement' does not in-
7 clude material which merely advocates the use of a similar
8 material, which advocates a position or practice, and does
9 not attempt to propose or facilitate an actual transaction
10 in a Schedule I controlled substance."

11 **SEC. 90107. VIOLENT CRIME AND DRUG EMERGENCY**
12 **AREAS.**

13 (a) **DEFINITIONS.**—In this section—

14 "major violent crime or drug-related emer-
15 gency" means an occasion or instance in which vio-
16 lent crime, drug smuggling, drug trafficking, or drug
17 abuse violence reaches such levels, as determined by
18 the President, that Federal assistance is needed to
19 supplement State and local efforts and capabilities
20 to save lives, and to protect property and public
21 health and safety.

22 "State" means a State, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the United
24 States Virgin Islands, American Samoa, Guam, and
25 the Northern Mariana Islands.

1 (b) DECLARATION OF VIOLENT CRIME AND DRUG
2 EMERGENCY AREAS.—If a major violent crime or drug-
3 related emergency exists throughout a State or a part of
4 a State, the President may declare the State or part of
5 a State to be a violent crime or drug emergency area and
6 may take appropriate actions authorized by this section.

7 (c) PROCEDURE.—

8 (1) IN GENERAL.—A request for a declaration
9 designating an area to be a violent crime or drug
10 emergency area shall be made, in writing, by the
11 chief executive officer of a State or local govern-
12 ment, respectively (or in the case of the District of
13 Columbia, the mayor), and shall be forwarded to the
14 Attorney General in such form as the Attorney Gen-
15 eral may by regulation require. One or more cities,
16 counties, States, or the District of Columbia may
17 submit a joint request for designation as a major
18 violent crime or drug emergency area under this
19 subsection.

20 (2) FINDING.—A request made under para-
21 graph (1) shall be based on a written finding that
22 the major violent crime or drug-related emergency is
23 of such severity and magnitude that Federal assist-
24 ance is necessary to ensure an effective response to

1 save lives and to protect property and public health
2 and safety.

3 (d) IRRELEVANCY OF POPULATION DENSITY.—The
4 President shall not limit declarations made under this sec-
5 tion to highly populated centers of violent crime or drug
6 trafficking, drug smuggling, or drug use, but shall also
7 consider applications from governments of less populated
8 areas where the magnitude and severity of such activities
9 is beyond the capability of the State or local government
10 to respond.

11 (e) REQUIREMENTS.—As part of a request for a dec-
12 laration under this section, and as a prerequisite to Fed-
13 eral violent crime or drug emergency assistance under this
14 section, the chief executive officer of a State or local gov-
15 ernment shall—

16 (1) take appropriate action under State or local
17 law and furnish information on the nature and
18 amount of State and local resources that have been
19 or will be committed to alleviating the major violent
20 crime- or drug-related emergency;

21 (2) submit a detailed plan outlining that gov-
22 ernment's short- and long-term plans to respond to
23 the violent crime or drug emergency, specifying the
24 types and levels of Federal assistance requested and

1 including explicit goals (including quantitative goals)
2 and timetables; and

3 (3) specify how Federal assistance provided
4 under this section is intended to achieve those goals.

5 (f) REVIEW PERIOD.—The Attorney General shall re-
6 view a request submitted pursuant to this section, and the
7 President shall decide whether to declare a violent crime
8 or drug emergency area, within 30 days after receiving
9 the request.

10 (g) FEDERAL ASSISTANCE.—The President may—

11 (1) direct any Federal agency, with or without
12 reimbursement, to utilize its authorities and the re-
13 sources granted to it under Federal law (including
14 personnel, equipment, supplies, facilities, financial
15 assistance, and managerial, technical, and advisory
16 services) in support of State and local assistance ef-
17 forts; and

18 (2) provide technical and advisory assistance,
19 including communications support and law enforce-
20 ment-related intelligence information.

21 (h) DURATION OF FEDERAL ASSISTANCE.—

22 (1) IN GENERAL.—Federal assistance under
23 this section shall not be provided to a violent crime
24 or drug emergency area for more than 1 year.

1 (2) EXTENSION.—The chief executive officer of
2 a jurisdiction may apply to the President for an ex-
3 tension of assistance beyond 1 year. The President
4 may extend the provision of Federal assistance for
5 not more than an additional 180 days.

6 (i) REGULATIONS.—Not later than 120 days after the
7 date of enactment of this Act, the Attorney General shall
8 issue regulations to implement this section.

9 (j) NO EFFECT ON EXISTING AUTHORITY.—Nothing
10 in this section shall diminish or detract from existing au-
11 thority possessed by the President or Attorney General.

12 **Subtitle B—NATIONAL NARCOTICS LEADERSHIP ACT AMEND-**
13 **MENTS**

14 **SEC. 90201. IMPLEMENTATION OF NATIONAL DRUG CON-**
15 **TROL STRATEGY.**

16 (a) PROGRAM BUDGET.—Section 1003(c) of the Na-
17 tional Narcotics Leadership Act of 1988 (21 U.S.C.
18 1502(c)) is amended—

19 (1) by redesignating paragraphs (5), (6), and
20 (7), as paragraphs (6), (7), and (8), respectively;
21 and
22

23 (2) by inserting after paragraph (4) the follow-
24 ing new paragraph:

1 “(5) The Director shall request the head of a depart-
2 ment or agency to include in the department’s or agency’s
3 budget submission to the Office of Management and
4 Budget funding requests for specific initiatives that are
5 consistent with the President’s priorities for the National
6 Drug Control Strategy and certifications made pursuant
7 to paragraph (3), and the head of the department or agen-
8 cy shall comply with such a request.”.

9 (b) BUDGET RECOMMENDATION.—Section 1003(b)
10 of the National Narcotics Leadership Act of 1988 (21
11 U.S.C. 1502(b)) is amended—

12 (1) by striking “and” at the end of paragraph

13 (6);

14 (2) by striking the period at the end of para-
15 graph (7) and inserting “; and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(8) provide, by July 1 of each year, budget
19 recommendations to the heads of departments and
20 agencies with responsibilities under the National
21 Drug Control Program, which recommendations
22 shall apply to the second following fiscal year and
23 address funding priorities developed in the annual
24 National Drug Control Strategy.”.

1 (c) CONTROL OF DRUG-RELATED RESOURCES.—Sec-
2 tion 1003 of the National Narcotics Leadership Act of
3 1988 (21 U.S.C. 1502) is amended—

4 (1) in subsection (d)—

5 (A) by amending paragraph (2) to read as
6 follows:

7 “(2) request the head of a department or agen-
8 cy or program to place department, agency, or pro-
9 gram personnel who are engaged in drug control ac-
10 tivities on temporary detail to another department or
11 agency in order to implement the National Drug
12 Control Strategy, and the head of the department or
13 agency shall comply with such a request;

14 (B) by striking “and” at the end of para-
15 graph (6);

16 (C) by striking the period at the end of
17 paragraph (7) and inserting a semicolon; and

18 (D) by adding after paragraph (7) the fol-
19 lowing new paragraphs:

20 “(8) except to the extent that the Director’s au-
21 thority under this paragraph is limited in an annual
22 appropriations Act, transfer funds appropriated to a
23 National Drug Control Program agency account to
24 a different National Drug Control Program agency
25 account in an amount that does not exceed 2 percent

1 of the amount appropriated to either account, upon
2 advance approval of the Committee^S on Appropria-
3 tion^Y of each House of Congress; and

4 “(9) in order to ensure compliance with the Na-
5 tional Drug Control Program, issue to the head of
6 a National Drug Control Program agency a funds
7 control notice described in subsection (f).”; and

8 (2) by adding at the end the following new sub-
9 sections:

10 “(f) FUNDS CONTROL NOTICES.—(1) A funds con-
11 trol notice may direct that all or part of an amount appro-
12 priated to the National Drug Control Program agency ac-
13 count be obligated by—

14 “(A) months, fiscal year quarters, or other time
15 periods; and

16 “(B) activities, functions, projects, or object
17 classes.

18 “(2) An officer or employee of a National Drug Con-
19 trol Program agency shall not make or authorize an ex-
20 penditure or obligation contrary to a funds control notice
21 issued by the Director.

22 “(3) In the case of a violation of paragraph (2) by
23 an officer or employee of a National Drug Control Pro-
24 gram agency, the head of the agency, upon the request
25 of and in consultation with the Director, may subject the

1 officer or employee to appropriate administrative dis-
2 cipline, including, when circumstances warrant, suspen-
3 sion from duty without pay or removal from office.”

4 (d) CERTIFICATION OF ADEQUACY OF BUDGET RE-
5 QUEST.—Section 1003(c)(3)(B) of the National Narcotics
6 Leadership Act of 1988 (21 U.S.C. 1502(c)(3)(B)) is
7 amended—

8 (1) by inserting “in whole or in part” after
9 “adequacy of such request”; and

10 (2) by striking the semicolon at the end and in-
11 sserting “and, with respect to a request that is not
12 certified as adequate to implement the objectives of
13 the National Drug Control Strategy, include in the
14 certification an initiative or funding level that would
15 make the request adequate;”

16 ~~SEC. 90202. REPORT ON RETROGRADING~~ OFFICE PER-
17 SONNEL RESTRICTION.

18 Section 1003 of the National Narcotics Leadership
19 Act of 1988 (21 U.S.C. 1502) is amended by adding at
20 the end the following new subsection:

21 “(f) PROHIBITION ON POLITICAL CAMPAIGNING.—A
22 Federal officer in the Office of National Drug Control Pol-
23 icy who is appointed by the President, by and with the
24 advice and consent of the Senate, may not participate in
25 Federal election campaign activities, except that such an

1 official is not prohibited by this subsection from making
2 contributions to individual candidates.”

3 **SEC. 90203. NATIONAL DRUG CONTROL STRATEGY OUT-**
4 **COME MEASURES.**

5 Section 1005(a) of the National Narcotics Leadership
6 Act of 1988 (21 U.S.C. 1504(a)) is amended—

7 (1) in paragraph (2)(A) by inserting “and the
8 consequences of drug abuse” after “drug abuse”;
9 and

10 (2) by amending paragraph (4) to read as fol-
11 lows:

12 “(4) The Director shall include with each Na-
13 tional Drug Control Strategy an evaluation of the ef-
14 fectiveness of Federal drug control during the pre-
15 ceding year. The evaluation shall include an assess-
16 ment of Federal drug control efforts, including—

17 “(A) assessment of the reduction of drug
18 use, including estimates of drug prevalence and
19 frequency of use as measured by national,
20 State, and local surveys of illicit drug use and
21 by other special studies of—

22 “(i) high-risk populations, including
23 school dropouts, the homeless and tran-
24 sient, arrestees, parolees, and probationers,
25 and juvenile delinquents; and

1 “(ii) drug use in the workplace and
2 the productivity lost by such use;

3 “(B) assessment of the reduction of drug
4 availability, as measured by—

5 “(i) the quantities of cocaine, heroin,
6 and marijuana available for consumption
7 in the United States;

8 “(ii) the amount of cocaine and heroin
9 entering the United States;

10 “(iii) the number of hectares of poppy
11 and coca cultivated and destroyed;

12 “(iv) the number of metric tons of
13 heroin and cocaine seized;

14 “(v) the number of cocaine processing
15 labs destroyed;

16 “(vi) changes in the price and purity
17 of heroin and cocaine;

18 “(vii) the amount and type of con-
19 trolled substances diverted from legitimate
20 retail and wholesale sources; and

21 “(viii) the effectiveness of Federal
22 technology programs at improving drug de-
23 tection capabilities at United States ports
24 of entry;

1 “(C) assessment of the reduction of the
2 consequences of drug use and availability, which
3 shall include estimation of—

4 “(i) burdens drug users placed on
5 hospital emergency rooms in the United
6 States, such as the quantity of drug-relat-
7 ed services provided;

8 “(ii) the annual national health care
9 costs of drug use, including costs associ-
10 ated with people becoming infected with
11 the human immunodeficiency virus and
12 other communicable diseases as a result of
13 drug use;

14 “(iii) the extent of drug-related crime
15 and criminal activity; and

16 “(iv) the contribution of drugs to the
17 underground economy, as measured by the
18 retail value of drugs sold in the United
19 States; and

20 “(D) determination of the status of drug
21 treatment in the United States, by assessing—

22 “(i) public and private treatment ca-
23 pacity within each State, including infor-
24 mation on the number of treatment slots
25 available in relation to the number actually

1 used, including data on intravenous drug
2 users and pregnant women;

3 “(ii) the extent, within each State, to
4 which treatment is available, on demand,
5 to intravenous drug users and pregnant
6 women;

7 “(iii) the number of drug users the
8 Director estimates could benefit from
9 treatment; and

10 “(iv) the success of drug treatment
11 programs, including an assessment of the
12 effectiveness of the mechanisms in place
13 federally, and within each State, to deter-
14 mine the relative quality of substance
15 abuse treatment programs, the qualifica-
16 tions of treatment personnel, and the
17 mechanism by which patients are admitted
18 to the most appropriate and cost effective
19 treatment setting.

20 “(5) The Director shall include with the Na-
21 tional Drug Control Strategy required to be submit-
22 ted not later than February 1, 1995, and with every
23 second such strategy submitted thereafter—

24 “(A) an assessment of the quality of cur-
25 rent drug use measurement instruments and

1 techniques to measure supply reduction and de-
2 mand reduction activities;

3 “(B) an assessment of the adequacy of the
4 coverage of existing national drug use measure-
5 ment instruments and techniques to measure
6 the casual drug user population and groups at-
7 risk for drug use;

8 “(C) an assessment of the actions the Di-
9 rector shall take to correct any deficiencies and
10 limitations identified pursuant to subpara-
11 graphs (A) and (B); and

12 “(D) identification of the specific factors
13 that restrict the availability of treatment serv-
14 ices to those seeking it and proposed adminis-
15 trative or legislative remedies to make treat-
16 ment available to those individuals.

17 “(6) Federal agencies responsible for the collec-
18 tion or estimation of drug-related information re-
19 quired by the Director shall cooperate with the Di-
20 rector, to the fullest extent possible, to enable the
21 Director to satisfy the requirements of sections 4
22 and 5.

23 “(7) With each National Drug Control Strat-
24 egy, the Director shall report to the President and
25 the Congress on the Director’s assessment of drug

1 use and availability in the United States, including
2 an estimate of the effectiveness of interdiction, treat-
3 ment, prevention, law enforcement, and international
4 programs under the National Drug Control Strategy
5 in effect in the preceding year in reducing drug use
6 and availability.”

7 **SEC. 90204. COUNTER-DRUG TECHNOLOGY ASSESSMENT**
8 **CENTER.**

9 (a) **DRUG ABUSE ADDICTION AND REHABILITATION**
10 **CENTER.**—Section 1003A of the National Narcotics Lead-
11 ership Act of 1988 (21 U.S.C. 1502a(c)(1)) is amended—

12 (1) by redesignating subparagraphs (B), (C),
13 and (D) as subparagraphs (C), (D), and (E), respec-
14 tively; and

15 (2) by inserting after subparagraph (A) the fol-
16 lowing:

17 “(B) in consultation with the National In-
18 stitute on Drug Abuse, and through interagency
19 agreements or grants, examine addiction and
20 rehabilitation research and the application of
21 technology to expanding the effectiveness or
22 availability of drug treatment;”

23 (b) **ASSISTANCE FROM THE ADVANCED RESEARCH**
24 **PROJECT AGENCY.**—Section 1003A of the National Nar-

1 cotics Leadership Act of 1988 (21 U.S.C. 1502a) is
2 amended by adding at the end the following:

3 “(f) ASSISTANCE AND SUPPORT TO OFFICE OF NA-
4 TIONAL DRUG CONTROL POLICY.—The Director of the
5 Advanced Research Project Agency shall, to the fullest ex-
6 tent possible, render assistance and support to the Office
7 of National Drug Control Policy and its Director.”.

8 (c) REPEAL AND REDESIGNATION.—The National
9 Narcotics Leadership Act of 1988 is amended by—

10 (1) repealing section 1008 (21 U.S.C. 1505), as
11 in effect on the date of the enactment of this Act;

12 (2) redesignating section 1003A, as amended by
13 subsection (b) of this section, as section 1008; and

14 (3) moving such section, as redesignated, so as
15 to follow section 1007.

16 **SEC. 90205. SPECIAL FORFEITURE FUND AMENDMENTS.**

17 (a) DEPOSITS INTO SPECIAL FORFEITURE FUND.—

18 Section 6073 of the Asset Forfeiture Amendments Act of
19 1988 (21 U.S.C. 1509) is amended to read as follows:

20 “(b) DEPOSITS.—There shall be deposited into the
21 Fund the amounts specified by section 524(c)(9) of title
22 28, United States Code, and section 9307(g) of title 31,
23 United States Code, and any earnings on the investments
24 authorized by subsection (d).”.

1 (b) TRANSFERS FROM DEPARTMENT OF JUSTICE
2 ASSETS FORFEITURE FUND.—Section 524(c)(9) of title
3 28, United States Code, is amended by amending subpara-
4 graphs (B), (C), and (D) to read as follows:

5 “(B) Subject to subparagraphs (C) and
6 (D), at the end of each of fiscal years 1994,
7 1995, 1996, and 1997, the Attorney General
8 shall transfer from the Fund not more than
9 \$100,000,000 to the Special Forfeiture Fund
10 established by section 6073 of the Anti-Drug
11 Abuse Act of 1988.

12 “(C) Transfers under subparagraph (B)
13 may be made only from the excess unobligated
14 balance and may not exceed one-half of the ex-
15 cess unobligated balance for any year. In addi-
16 tion, transfers under subparagraph (B) may be
17 made only to the extent that the sum of the
18 transfers in a fiscal year and one-half of the un-
19 obligated balance at the beginning of that fiscal
20 year for the Special Forfeiture Fund does not
21 exceed \$100,000,000.

22 “(D) For the purpose of determining
23 amounts available for distribution at year end
24 for any fiscal year, ‘excess unobligated balance’
25 means the unobligated balance of the Fund

1 generated by that fiscal year's operations, less
2 any amounts that are required to be retained in
3 the Fund to ensure the availability of amounts
4 in the subsequent fiscal year for purposes au-
5 thorized under paragraph (1).”.

6 (c) TRANSFERS FROM DEPARTMENT OF THE TREAS-
7 URY FORFEITURE FUND.— Section 9703(g) of title 31,
8 United States Code, is amended—

9 (1) in paragraph (3)—

10 (A) by amending subparagraph (A) to read
11 as follows:

12 “(A) Subject to subparagraphs (B) and
13 (C), at the end of each of fiscal years 1994,
14 1995, 1996, and 1997, the Secretary shall
15 transfer from the Fund not more than
16 \$100,000,000 to the Special Forfeiture Fund
17 established by section 6073 of the Anti-Drug
18 Abuse Act of 1988.”; and

19 (B) in subparagraph (B) by adding the fol-
20 lowing at the end: “Further, transfers under
21 subparagraph (A) may not exceed one-half of
22 the excess unobligated balance for a year. In
23 addition, transfers under subparagraph (A)
24 may be made only to the extent that the sum
25 of the transfers in a fiscal year and one-half of

1 the unobligated balance at the beginning of that
2 fiscal year for the Special Forfeiture Fund does
3 not exceed \$100,000,000.”; and

4 (2) in subparagraph (4)(A)—

5 (A) in clause (i) by striking “(i)”; and

6 (B) by striking clause (ii).

7 (d) SURPLUS FUNDS.—Section 6073 of the Asset
8 Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is
9 amended—

10 (1) by redesignating subsections (c), (d), (e),
11 and (f), as subsections (d), (e), (f), and (g), respec-
12 tively; and

13 (2) by inserting after subsection (b) the follow-
14 ing new subsection:

15 “(c) SUPER SURPLUS.—(1) Any unobligated balance
16 up to \$20,000,000 remaining in the Fund on September
17 30 of a fiscal year shall be available to the Director, sub-
18 ject to paragraph (2), to transfer to, and for obligation
19 and expenditure in connection with drug control activities
20 of, any Federal agency or State or local entity with re-
21 sponsibilities under the National Drug Control Strategy.

22 “(2) A transfer may be made under paragraph (1)
23 only with the advance written approval of the Committee
24 on Appropriations of each House of Congress.”

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1 **SEC. 90206. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1011 of the National Narcotics Leadership
3 Act of 1988 (21 U.S.C. 1508) is amended by striking "4"
4 and inserting "8".

5 **SEC. 90207. ADEQUATE STAFFING OF THE OFFICE OF NA-**
6 **TIONAL DRUG CONTROL POLICY.**

7 Section 1008(d)(1) of the National Narcotics Leader-
8 ship Act of 1988 (21 U.S.C. 1502(d)(1)) is amended by
9 striking "such" and inserting "up to 75 and such addi-
10 tional".

11 **SEC. 90208. TERMINATION OF OFFICE OF NATIONAL DRUG**
12 **CONTROL POLICY.**

13 (a) REAUTHORIZATION.—Section 1009 of the Na-
14 tional Narcotics Leadership Act of 1988 (21 U.S.C. 1506)
15 is amended by striking "the date which is 5 years after
16 the date of the enactment of this subtitle" and inserting
17 "September 30, 1997".

18 (b) CONTINUED EFFECTIVENESS.—The National
19 Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et
20 seq.) shall be considered not to have been repealed by op-
21 eration of section 1009 of that Act, but shall remain in
22 effect as if the amendment made by subsection (a) had
23 been included in that Act on the date of its enactment.

1 **TITLE X—DRUNK DRIVING**
2 **PROVISIONS**

3 **SEC. 100001. SHORT TITLE.**

4 This title may be cited as the “Drunk Driving Child
5 Protection Act of 1994”.

6 **SEC. 100002. STATE LAWS APPLIED IN AREAS OF FEDERAL**
7 **JURISDICTION.**

8 Section 13(b) of title 18, United States Code, is
9 amended—

10 (1) by striking “For purposes” and inserting
11 “(1) Subject to paragraph (2) and for purposes”;
12 and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2)(A) In addition to any term of imprisonment pro-
16 vided for operating a motor vehicle under the influence
17 of a drug or alcohol imposed under the law of a State,
18 territory, possession, or district, the punishment for such
19 an offense under this section shall include an additional
20 term of imprisonment of not more than 1 year, or if seri-
21 ous bodily injury of a minor is caused, not more than 5
22 years, or if death of a minor is caused, not more than
23 10 years, and an additional fine of not more than \$1,000,
24 or both, if—

1 “(i) a minor (other than the offender) was
2 present in the motor vehicle when the offense was
3 committed; and

4 “(ii) the law of the State, territory, possession,
5 or district in which the offense occurred does not
6 provide an additional term of imprisonment under
7 the circumstances described in clause (i).

8 “(B) For the purposes of subparagraph (A), the term
9 ‘minor’ means a person less than 18 years of age.”

10 **SEC. 100003. DRIVING WHILE INTOXICATED PROSECUTION**
11 **PROGRAM.**

12 Section 501(b) of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

14 (1) by striking “and” at the end of paragraph
15 (20);

16 (2) by striking the period at the end of para-
17 graph (21) and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(23) programs for the prosecution of driving
21 while intoxicated charges and the enforcement of
22 other laws relating to alcohol use and the operation
23 of motor vehicles.”

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

SEC. 110101. SHORT TITLE.

This title may be cited as the “Public Safety and Recreational Firearms Use Protection Act”.

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

“(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

“(3) Paragraph (1) shall not apply to—

“(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

“(B) any firearm that—

“(i) is manually operated by bolt, pump, lever, or slide action;

1 “(ii) has been rendered permanently inop-
2 erable; or

3 “(iii) is an antique firearm;

4 “(C) any semiautomatic rifle that cannot accept
5 a detachable magazine that holds more than 5
6 rounds of ammunition; or

7 “(D) any semiautomatic shotgun that cannot
8 hold more than 5 rounds of ammunition in a fixed
9 or detachable magazine.

10 The fact that a firearm is not listed in Appendix A shall
11 not be construed to mean that paragraph (1) applies to
12 such firearm. No firearm exempted by this subsection may
13 be deleted from Appendix A so long as this subsection is
14 in effect.

15 “(4) Paragraph (1) shall not apply to—

16 “(A) the manufacture for, transfer to, or pos-
17 session by the United States or a department or
18 agency of the United States or a State or a depart-
19 ment, agency, or political subdivision of a State, or
20 a transfer to or possession by a law enforcement of-
21 ficer employed by such an entity for purposes of law
22 enforcement (whether on or off duty);

23 “(B) the transfer to a licensee under title I of
24 the Atomic Energy Act of 1954 for purposes of es-
25 tablishing and maintaining an on-site physical pro-

1 tection system and security organization required by
2 Federal law, or possession by an employee or con-
3 tractor of such licensee on-site for such purposes or
4 off-site for purposes of licensee-authorized training
5 or transportation of nuclear materials;

6 “(C) the possession, by an individual who is re-
7 tired from service with a law enforcement agency
8 and is not otherwise prohibited from receiving a fire-
9 arm, of a semiautomatic assault weapon transferred
10 to the individual by the agency upon such retire-
11 ment; or

12 “(D) the manufacture, transfer, or possession
13 of a semiautomatic assault weapon by a licensed
14 manufacturer or licensed importer for the purposes
15 of testing or experimentation authorized by the Sec-
16 retary.”

17 (b) DEFINITION OF SEMIAUTOMATIC ASSAULT
18 WEAPON.—Section 921(a) of title 18, United States Code,
19 is amended by adding at the end the following new para-
20 graph:

21 “(30) The term ‘semiautomatic assault weapon’
22 means—

23 “(A) any of the firearms, or copies or duplicates
24 of the firearms in any caliber, known as—

- 1 “(i) Norinco, Mitchell, and Poly Tech-
- 2 nologies Avtomat Kalashnikovs (all models);
- 3 “(ii) Action Arms Israeli Military Indus-
- 4 tries UZI and Galil;
- 5 “(iii) Beretta Ar70 (SC-70);
- 6 “(iv) Colt AR-15;
- 7 “(v) Fabrique National FN/FAL, FN/
- 8 LAR, and FNC;
- 9 “(vi) SWD M-10, M-11, M-11/9, and M-
- 10 12;
- 11 “(vii) Steyr AUG;
- 12 “(viii) INTRATEC TEC-9, TEC-DC9
- 13 and TEC-22; and
- 14 “(ix) revolving cylinder shotguns, such as
- 15 (or similar to) the Street Sweeper and Striker
- 16 12;
- 17 “(B) a semiautomatic rifle that has an ability
- 18 to accept a detachable magazine and has at least 2
- 19 of—
- 20 “(i) a folding or telescoping stock;
- 21 “(ii) a pistol grip that protrudes conspicu-
- 22 ously beneath the action of the weapon;
- 23 “(iii) a bayonet mount;

1 “(iv) a flash suppressor or threaded barrel
2 designed to accommodate a flash suppressor;
3 and

4 “(v) a grenade launcher;

5 “(C) a semiautomatic pistol that has an ability
6 to accept a detachable magazine and has at least 2
7 of—

8 “(i) an ammunition magazine that attaches
9 to the pistol outside of the pistol grip;

10 “(ii) a threaded barrel capable of accepting
11 a barrel extender, flash suppressor, forward
12 handgrip, or silencer;

13 “(iii) a shroud that is attached to, or par-
14 tially or completely encircles, the barrel and
15 that permits the shooter to hold the firearm
16 with the nontrigger hand without being burned;

17 “(iv) a manufactured weight of 50 ounces
18 or more when the pistol is unloaded; and

19 “(v) a semiautomatic version of an auto-
20 matic firearm; and

21 “(D) a semiautomatic shotgun that has at least
22 2 of—

23 “(i) a folding or telescoping stock;

24 “(ii) a pistol grip that protrudes conspicu-
25 ously beneath the action of the weapon;

1 “(iii) a fixed magazine capacity in excess
2 of 5 rounds; and

3 “(iv) an ability to accept a detachable
4 magazine.”.

5 (c) PENALTIES.—

6 (1) VIOLATION OF SECTION 922(v).—Section
7 924(a)(1)(B) of such title is amended by striking
8 “or (q) of section 922” and inserting “(r), or (v) of
9 section 922”.

10 (2) USE OR POSSESSION DURING CRIME OF VIO-
11 LENCE OR DRUG TRAFFICKING CRIME.—Section
12 924(c)(1) of such title is amended in the first sen-
13 tence by inserting “, or semiautomatic assault weap-
14 on,” after “short-barreled shotgun,”.

15 (d) IDENTIFICATION MARKINGS FOR SEMIAUTO-
16 MATIC ASSAULT WEAPONS.—Section 923(i) of such title
17 is amended by adding at the end the following: “The serial
18 number of any semiautomatic assault weapon manufac-
19 tured after the date of the enactment of this sentence shall
20 clearly show the date on which the weapon was manufac-
21 tured.”.

1 **SEC. 110103. BAN OF LARGE CAPACITY AMMUNITION FEED-**
2 **ING DEVICES.**

3 (a) PROHIBITION.—Section 922 of title 18, United
4 States Code, as amended by section 110102(a), is amend-
5 ed by adding at the end the following new subsection:

6 “(w)(1) Except as provided in paragraph (2), it shall
7 be unlawful for a person to transfer or possess a large
8 capacity ammunition feeding device.

9 “(2) Paragraph (1) shall not apply to the possession
10 or transfer of any large capacity ammunition feeding de-
11 vice otherwise lawfully possessed on the date of the enact-
12 ment of this subsection.

13 “(3) This subsection shall not apply to—

14 “(A) the manufacture for, transfer to, or pos-
15 session by the United States or a department or
16 agency of the United States or a State or a depart-
17 ment, agency, or political subdivision of a State, or
18 a transfer to or possession by a law enforcement of-
19 ficer employed by such an entity for purposes of law
20 enforcement (whether on or off duty);

21 “(B) the transfer to a licensee under title I of
22 the Atomic Energy Act of 1954 for purposes of es-
23 tablishing and maintaining an on-site physical pro-
24 tection system and security organization required by
25 Federal law, or possession by an employee or con-
26 tractor of such licensee on-site for such purposes or

1 off-site for purposes of licensee-authorized training
2 or transportation of nuclear materials;

3 “(C) the possession, by an individual who is re-
4 tired from service with a law enforcement agency
5 and is not otherwise prohibited from receiving am-
6 munition, of a large capacity ammunition feeding de-
7 vice transferred to the individual by the agency upon
8 such retirement; or

9 “(D) the manufacture, transfer, or possession
10 of any large capacity ammunition feeding device by
11 a licensed manufacturer or licensed importer for the
12 purposes of testing or experimentation authorized by
13 the Secretary.”.

14 (b) DEFINITION OF LARGE CAPACITY AMMUNITION
15 FEEDING DEVICE.—Section 921(a) of title 18, United
16 States Code, as amended by section 110102(b), is amend-
17 ed by adding at the end the following new paragraph:

18 “(31) The term ‘large capacity ammunition feeding
19 device’—

20 “(A) means—

21 “(i) a magazine, belt, drum, feed strip, or
22 similar device that has a capacity of, or that
23 can be readily restored or converted to accept,
24 more than 10 rounds of ammunition; and

1 “(ii) any combination of parts from which
2 a device described in clause (i) can be assem-
3 bled; but

4 “(B) does not include an attached tubular de-
5 vice designed to accept, and capable of operating
6 only with, .22 caliber rimfire ammunition.”

7 (c) LARGE CAPACITY AMMUNITION FEEDING DE-
8 VICES TREATED AS FIREARMS.—Section 921(a)(3) of title
9 18, United States Code, is amended in the first sentence
10 by striking “or (D) any destructive device.” and inserting
11 “(D) any destructive device; or (E) any large capacity am-
12 munition feeding device.”

13 (d) PENALTY.—Section 924(a)(1)(B) of title 18,
14 United States Code, as amended by section 110102(e)(1),
15 is amended by striking “or (v)” and inserting “(v), or
16 (w)”.

17 (e) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
18 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
19 such title, as amended by section ____2(d) of this Act,
20 is amended by adding at the end the following: “A large
21 capacity ammunition feeding device manufactured after
22 the date of the enactment of this sentence shall be identi-
23 fied by a serial number that clearly shows that the device
24 was manufactured or imported after the effective date of

1 this subsection, and such other identification as the Sec-
2 retary may by regulation prescribe.”.

3 **SEC. 110104. STUDY BY ATTORNEY GENERAL.**

4 (a) **STUDY.**—The Attorney General shall investigate
5 and study the effect of this title and the amendments
6 made by this title, and in particular shall determine their
7 impact, if any, on violent and drug trafficking crime. The
8 study shall be conducted over a period of 18 months, com-
9 mencing 12 months after the date of enactment of this
10 Act.

11 (b) **REPORT.**—Not later than 30 months after the
12 date of enactment of this Act, the Attorney General shall
13 prepare and submit to the Congress a report setting forth
14 in detail the findings and determinations made in the
15 study under subsection (a).

16 **SEC. 110105. EFFECTIVE DATE.**

17 This title and the amendments made by this title—

18 (1) shall take effect on the date of the enact-
19 ment of this Act; and

20 (2) are repealed effective as of the date that is
21 10 years after that date.

22 **SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.**

23 Section 922 of title 18, United States Code, is
24 amended by adding at the end the following appendix:

“APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
 Browning BAR Mark II Safari Magnum Rifle
 Browning High-Power Rifle
 Heckler & Koch Model 300 Rifle
 Iver Johnson M-1 Carbine
 Iver Johnson 50th Anniversary M-1 Carbine
 Marlin Model 9 Camp Carbine
 Marlin Model 45 Carbine
 Remington Nylon 66 Auto-Loading Rifle
 Remington Model 7400 Auto Rifle
 Remington Model 7400 Rifle
 Remington Model 7400 Special Purpose Auto Rifle
 Ruger Mini-14 Autoloading Rifle (w/o folding stock)
 Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
 Browning Model 81 Long Action BLR
 Browning Model 1886 Lever-Action Carbine
 Browning Model 1886 High Grade Carbine
 Cimarron 1860 Henry Replica
 Cimarron 1866 Winchester Replicas
 Cimarron 1873 Short Rifle
 Cimarron 1873 Sporting Rifle
 Cimarron 1873 30" Express Rifle
 Dixie Engraved 1873 Rifle
 E.M.F. 1866 Yellowboy Lever Actions
 E.M.F. 1860 Henry Rifle
 E.M.F. Model 73 Lever-Action Rifle
 Marlin Model 336CS Lever-Action Carbine
 Marlin Model 30AS Lever-Action Carbine
 Marlin Model 444SS Lever-Action Sporter
 Marlin Model 1894S Lever-Action Carbine
 Marlin Model 1894CS Carbine
 Marlin Model 1894CL Classic
 Marlin Model 1895SS Lever-Action Rifle
 Mitchell 1858 Henry Replica
 Mitchell 1866 Winchester Replica
 Mitchell 1873 Winchester Replica
 Navy Arms Military Henry Rifle
 Navy Arms Henry Trapper
 Navy Arms Iron Frame Henry
 Navy Arms Henry Carbine
 Navy Arms 1866 Yellowboy Rifle
 Navy Arms 1873 Winchester-Style Rifle
 Navy Arms 1873 Sporting Rifle
 Remington 7600 Slide Action
 Remington Model 7600 Special Purpose Slide Action
 Rossi M92 SRC Saddle-Ring Carbine
 Rossi M92 SRS Short Carbine
 Savage 99C Lever-Action Rifle
 Uberti Henry Rifle
 Uberti 1866 Sporting Rifle
 Uberti 1873 Sporting Rifle

Winchester Model 94 Side Eject Lever-Action Rifle
 Winchester Model 94 Trapper Side Eject
 Winchester Model 94 Big Bore Side Eject
 Winchester Model 94 Ranger Side Eject Lever-Action Rifle
 Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
 A-Square Caesar Bolt-Action Rifle
 A-Square Hannibal Bolt-Action Rifle
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Anschutz 1733D Mannlicher Rifle
 Barret Model 90 Bolt-Action Rifle
 Beeman/HW 60J Bolt-Action Rifle
 Blaser R84 Bolt-Action Rifle
 BRNO 537 Sporter Bolt-Action Rifle
 BRNO ZKB 527 Fox Bolt-Action Rifle
 BRNO ZKK 600, 601, 602 Bolt-Action Rifles
 Browning A-Bolt Rifle
 Browning A-Bolt Stainless Stalker
 Browning A-Bolt Left Hand
 Browning A-Bolt Short Action
 Browning Euro-Bolt Rifle
 Browning A-Bolt Gold Medallion
 Browning A-Bolt Micro Medallion
 Century Centurion 14 Sporter
 Century Enfield Sporter #4
 Century Swedish Sporter #38
 Century Mauser 98 Sporter
 Cooper Model 38 Centerfire Sporter
 Dakota 22 Sporter Bolt-Action Rifle
 Dakota 76 Classic Bolt-Action Rifle
 Dakota 76 Short Action Rifles
 Dakota 76 Safari Bolt-Action Rifle
 Dakota 416 Rigby African
 E.A.A./Sabatti Rover 870 Bolt-Action Rifle
 Auguste Francotte Bolt-Action Rifles
 Carl Gustaf 2000 Bolt-Action Rifle
 Heym Magnum Express Series Rifle
 Howa Lightning Bolt-Action Rifle
 Howa Realtree Camo Rifle
 Interarms Mark X Viscount Bolt-Action Rifle
 Interarms Mini-Mark X Rifle
 Interarms Mark X Whitworth Bolt-Action Rifle
 Interarms Whitworth Express Rifle
 Iver Johnson Model 5100A1 Long-Range Rifle
 KDF K15 American Bolt-Action Rifle
 Krico Model 600 Bolt-Action Rifle
 Krico Model 700 Bolt-Action Rifles
 Mauser Model 66 Bolt-Action Rifle
 Mauser Model 99 Bolt-Action Rifle
 McMillan Signature Classic Sporter

McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle

Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM-S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum

Winchester Model 70 Super Grade
 Winchester Model 70 Custom Sharpshooter
 Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
 Brown Model One Single Shot Rifle
 Browning Model 1885 Single Shot Rifle
 Dakota Single Shot Rifle
 Desert Industries G-90 Single Shot Rifle
 Harrington & Richardson Ultra Varmint Rifle
 Model 1885 High Wall Rifle
 Navy Arms Rolling Block Buffalo Rifle
 Navy Arms #2 Creedmoor Rifle
 Navy Arms Sharps Cavalry Carbine
 Navy Arms Sharps Plains Rifle
 New England Firearms Handi-Rifle
 Red Willow Armory Ballard No. 5 Pacific
 Red Willow Armory Ballard No. 1.5 Hunting Rifle
 Red Willow Armory Ballard No. 8 Union Hill Rifle
 Red Willow Armory Ballard No. 4.5 Target Rifle
 Remington-Style Rolling Block Carbine
 Ruger No. 1B Single Shot
 Ruger No. 1A Light Sporter
 Ruger No. 1H Tropical Rifle
 Ruger No. 1S Medium Sporter
 Ruger No. 1 RSI International
 Ruger No. 1V Special Varminter
 C. Sharps Arms New Model 1874 Old Reliable
 C. Sharps Arms New Model 1875 Rifle
 C. Sharps Arms 1875 Classic Sharps
 C. Sharps Arms New Model 1875 Target & Long Range
 Shiloh Sharps 1874 Long Range Express
 Shiloh Sharps 1874 Montana Roughrider
 Shiloh Sharps 1874 Military Carbine
 Shiloh Sharps 1874 Business Rifle
 Shiloh Sharps 1874 Military Rifle
 Sharps 1874 Old Reliable
 Thompson/Center Contender Carbine
 Thompson/Center Stainless Contender Carbine
 Thompson/Center Contender Carbine Survival System
 Thompson/Center Contender Carbine Youth Model
 Thompson/Center TCR '87 Single Shot Rifle
 Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
 Beretta Model 455 SxS Express Rifle
 Chapuis RGExpress Double Rifle
 Auguste Francotte Sidelock Double Rifles
 Auguste Francotte Boxlock Double Rifle
 Heym Model 55B O/U Double Rifle
 Heym Model 55FW O/U Combo Gun
 Heym Model 88b Side-by-Side Double Rifle

Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F-12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armscor Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 9901 Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle
Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR-7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM-321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles

Anschutz 1418D/1518D Mannlicher Rifles
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700 FWT Bolt-Action Rifle
 Anschutz 1700D Graphite Custom Rifle
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Armscor Model 14P Bolt-Action Rifle
 Armscor Model 1500 Rifle
 BRNO ZKM-452 Deluxe Bolt-Action Rifle
 BRNO ZKM 452 Deluxe
 Beeman/HW 60-J-ST Bolt-Action Rifle
 Browning A-Bolt 22 Bolt-Action Rifle
 Browning A-Bolt Gold Medallion
 Cabanas Phaser Rifle
 Cabanas Master Bolt-Action Rifle
 Cabanas Espronceda IV Bolt-Action Rifle
 Cabanas Leyre Bolt-Action Rifle
 Chipmunk Single Shot Rifle
 Cooper Arms Model 36S Sporter Rifle
 Dakota 22 Sporter Bolt-Action Rifle
 Krico Model 300 Bolt-Action Rifles
 Lakefield Arms Mark II Bolt-Action Rifle
 Lakefield Arms Mark I Bolt-Action Rifle
 Magtech Model MT-22C Bolt-Action Rifle
 Marlin Model 880 Bolt-Action Rifle
 Marlin Model 881 Bolt-Action Rifle
 Marlin Model 882 Bolt-Action Rifle
 Marlin Model 883 Bolt-Action Rifle
 Marlin Model 883SS Bolt-Action Rifle
 Marlin Model 25MN Bolt-Action Rifle
 Marlin Model 25N Bolt-Action Repeater
 Marlin Model 15YN "Little Buckaroo"
 Mauser Model 107 Bolt-Action Rifle
 Mauser Model 201 Bolt-Action Rifle
 Navy Arms TU-KKW Training Rifle
 Navy Arms TU-33/40 Carbine
 Navy Arms TU-KKW Sniper Trainer
 Norinco JW-27 Bolt-Action Rifle
 Norinco JW-15 Bolt-Action Rifle
 Remington 541-T
 Remington 40-XR Rimfire Custom sporter
 Remington 541-T HB Bolt-Action Rifle
 Remington-581-S Sportsman Rifle
 Ruger 77/22 Rimfire Bolt-Action Rifle
 Ruger K77/22 Varmint Rifle
 Ultra Light Arms Model 20 RF Bolt-Action Rifle
 Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
 Anschutz 1808D RT Super Match 54 Target
 Anschutz 1827B Biathlon Rifle
 Anschutz 1903D Match Rifle
 Anschutz 1803D Intermediate Match

Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP-1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86-SR Specialty Rifle
McMillan M-86 Sniper Rifle
McMillan Combo M-87/M-88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M-89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M-87 Target Rifle
Parker-Hale M-85 Sniper Rifle
Remington 40-XB Rangemaster Target Centerfire
Remington 40-XR KS Rimfire Position Rifle
Remington 40-XBBR KS
Remington 40-XC KS National Match Course Rifle
Sako TRG-21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG-UIT Rifle
Steyr-Mannlicher SSG P-I Rifle
Steyr-Mannlicher SSG P-III Rifle
Steyr-Mannlicher SSG P-IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun

Benelli Black Eagle Competition Auto Shotgun
 Beretta A-303 Auto Shotgun
 Beretta 390 Field Auto Shotgun
 Beretta 390 Super Trap, Super Skeet Shotguns
 Beretta Vittoria Auto Shotgun
 Beretta Model 1201F Auto Shotgun
 Browning BSA 10 Auto Shotgun
 Browning Bsa 10 Stalker Auto Shotgun
 Browning A-500R Auto Shotgun
 Browning A-500G Auto Shotgun
 Browning A-500G Sporting Clays
 Browning Auto-5 Light 12 and 20
 Browning Auto-5 Stalker
 Browning Auto-5 Magnum 20
 Browning Auto-5 Magnum 12
 Churchill Turkey Automatic Shotgun
 Cosmi Automatic Shotgun
 Maverick Model 60 Auto Shotgun
 Mossberg Model 5500 Shotgun
 Mossberg Model 9200 Regal Semi-Auto Shotgun
 Mossberg Model 9200 USST Auto Shotgun
 Mossberg Model 9200 Camo Shotgun
 Mossberg Model 6000 Auto Shotgun
 Remington Model 1100 Shotgun
 Remington 11-87 Premier shotgun
 Remington 11-87 Sporting Clays
 Remington 11-87 Premier Skeet
 Remington 11-87 Premier Trap
 Remington 11-87 Special Purpose Magnum
 Remington 11-87 SPS-T Camo Auto Shotgun
 Remington 11-87 Special Purpose Deer Gun
 Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 11-87 SPS-Deer Shotgun
 Remington 11-87 Special Purpose Synthetic Camo
 Remington SP-10 Magnum-Camo Auto Shotgun
 Remington SP-10 Magnum Auto Shotgun
 Remington SP-10 Magnum Turkey Combo
 Remington 1100 LT-20 Auto
 Remington 1100 Special Field
 Remington 1100 20-Gauge Deer Gun
 Remington 1100 LT-20 Tournament Skeet
 Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
 Browning BPS Pump Shotgun
 Browning BPS Stalker Pump Shotgun
 Browning BPS Pigeon Grade Pump Shotgun
 Browning BPS pump Shotgun (Ladies and Youth Model)
 Browning BPS Game Gun Turkey Special
 Browning BPS Game Gun Deer Special
 Ithaca Model 87 Supreme Pump Shotgun
 Ithaca Model 87 Deerslayer Shotgun
 Ithaca Deerslayer II Rifled Shotgun

Ithaca Model 87 Turkey Gun
 Ithaca Model 87 Deluxe Pump Shotgun
 Magtech Model 586-VR Pump Shotgun
 Maverick Models 88; 91 Pump Shotguns
 Mossberg Model 500 Sporting Pump
 Mossberg Model 500 Camo Pump
 Mossberg Model 500 Muzzleloader Combo
 Mossberg Model 500 Trophy Slugster
 Mossberg Turkey Model 500 Pump
 Mossberg Model 500 Bantam Pump
 Mossberg Field Grade Model 835 Pump Shotgun
 Mossberg Model 835 Regal Ulti-Mag Pump
 Remington 870 Wingmaster
 Remington 870 Special Purpose Deer Gun
 Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
 Remington 870 SPS-Deer Shotgun
 Remington 870 Marine Magnum
 Remington 870 TC Trap
 Remington 870 Special Purpose Synthetic Camo
 Remington 870 Wingmaster Small Gauges
 Remington 870 Express Rifle Sighted Deer Gun
 Remington 879 SPS Special Purpose Magnum
 Remington 870 SPS-T Camo Pump Shotgun
 Remington 870 Special Field
 Remington 870 Express Turkey
 Remington 870 High Grades
 Remington 870 Express
 Remington Model 870 Express Youth Gun
 Winchester Model 12 Pump Shotgun
 Winchester Model 42 High Grade Shotgun
 Winchester Model 1300 Walnut Pump
 Winchester Model 1300 Slug Hunter Deer Gun
 Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
 Winchester Model 1300 Turkey Gun
 Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
 American Arms Silver I O/U
 American Arms Silver II Shotgun
 American Arms Silver Skeet O/U
 American Arms/Franchi Sporting 2000 O/U
 American Arms Silver Sporting O/U
 American Arms Silver Trap O/U
 American Arms WS/OU 12, TS/OU 12 Shotguns
 American Arms WT/OU 10 Shotgun
 Armsport 2700 O/U Goose Gun
 Armsport 2700 Series O/U
 Armsport 2900 Tri-Barrel Shotgun
 Baby Bretton Over/Under Shotgun
 Beretta Model 686 Ultralight O/U
 Beretta ASE 90 Competition O/U Shotgun
 Beretta Over/Under Field Shotguns
 Beretta Onyx Hunter Sport O/U Shotgun

Beretta Model S05, S06, S09 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A./Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K-80 Sporting Clays O/U
Krieghoff K-80 Skeet Shotgun
Krieghoff K-80 International Skeet
Krieghoff K-80 Four-Barrel Skeet Set
Krieghoff K-80/RT Shotguns
Krieghoff K-80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljutic LM-6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Unders
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun

San Marco 12-Ga. Wildflower Shotgun
 San Marco Field Special O/U Shotgun
 San Marco 10-Ga. O/U Shotgun
 SKB Model 505 Deluxe Over/Under Shotgun
 SKB Model 685 Over/Under Shotgun
 SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
 Stoeger/IGA Condor I O/U Shotgun
 Stoeger/IGA ERA 2000 Over/Under Shotgun
 Techni-Mec Model 610 Over/Under
 Tikka Model 412S Field Grade Over/Under
 Weatherby Athena Grade IV O/U Shotguns
 Weatherby Athena Grade V Classic Field O/U
 Weatherby Orion O/U Shotguns
 Weatherby II, III Classic Field O/Us
 Weatherby Orion II Classic Sporting Clays O/U
 Weatherby Orion II Sporting Clays O/U
 Winchester Model 1001 O/U Shotgun
 Winchester Model 1001 Sporting Clays O/U
 Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
 American Arms Gentry Double Shotgun
 American Arms Derby Side-by-Side
 American Arms Grulla #2 Double Shotgun
 American Arms WS/SS 10
 American Arms TS/SS 10 Double Shotgun
 American Arms TS/SS 12 Side-by-Side
 Arrieta Sidelock Double Shotguns
 Armsport 1050 Series Double Shotguns
 Arizaga Model 31 Double Shotgun
 AYA Boxlock Shotguns
 AYA Sidelock Double Shotguns
 Beretta Model 452 Sidelock Shotgun
 Beretta Side-by-Side Field Shotguns
 Crucelegui Hermanos Model 150 Double
 Chapuis Side-by-Side Shotgun
 E.A.A./Sabatti Saba-Mon Double Shotgun
 Charles Daly Model Dss Double
 Ferlib Model F VII Double Shotgun
 Auguste Francotte Boxlock Shotgun
 Auguste Francotte Sidelock Shotgun
 Garbi Model 100 Double
 Garbi Model 101 Side-by-Side
 Garbi Model 103A, B Side-by-Side
 Garbi Model 200 Side-by-Side
 Bill Hanus Birdgun Doubles
 Hatfield Uplander Shotgun
 Merkel Model 8, 47E Side-by-Side Shotguns
 Merkel Model 47LSC Sporting Clays Double
 Merkel Model 47S, 147S Side-by-Sides
 Parker Reproductions Side-by-Side
 Piotti King No. 1 Side-by-Side
 Piotti Lunik Side-by-Side

- Piotti King Extra Side-by-Side
- Piotti Piuma Side-by-Side
- Precision Sports Model 600 Series Doubles
- Rizzini Boxlock Side-by-Side
- Rizzini Sidelock Side-by-Side
- Stoeger/IGA Uplander Side-by-Side Shotgun
- Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

- Armsport Single Barrel Shotgun
- Browning BT-99 Competition Trap Special
- Browning BT-99 Plus Trap Gun
- Browning BT-99 Plus Micro
- Browning Recoilless Trap Shotgun
- Browning Micro Recoilless Trap Shotgun
- Desert Industries Big Twenty Shotgun
- Harrington & Richardson Topper Model 098
- Harrington & Richardson Topper Classic Youth Shotgun
- Harrington & Richardson N.W.T.F. Turkey Mag
- Harrington & Richardson Topper Deluxe Model 098
- Krieghoff KS-5 Trap Gun
- Krieghoff KS-5 Special
- Krieghoff K-80 Single Barrel Trap Gun
- Ljutic Mono Gun Single Barrel
- Ljutic LTX Super Deluxe Mono Gun
- Ljutic Recoilless Space Gun Shotgun
- Marlin Model 55 Goose Gun Bolt Action
- New England Firearms Turkey and Goose Gun
- New England Firearms N.W.T.F. Shotgun
- New England Firearms Tracker Slug Gun
- New England Firearms Standard Pardner
- New England Firearms Survival Gun
- Perazzi TM1 Special Single Trap
- Remington 90-T Super Single Shotgun
- Snake Charmer II Shotgun
- Stoeger/IGA Reuna Single Barrel Shotgun
- Thompson/Center TCR '87 Hunter Shotgun."

1 Subtitle B—Youth Handgun Safety

2 **SEC. 110201. PROHIBITION OF THE POSSESSION OF A HAND-**
3 **GUN OR AMMUNITION BY, OR THE PRIVATE**
4 **TRANSFER OF A HANDGUN OR AMMUNITION**
5 **TO, A JUVENILE.**

6 (a) OFFENSE.—Section 922 of title 18, United States
7 Code, as amended by section 110103(a), is amended by
8 adding at the end the following new subsection:

1 “(x)(1) It shall be unlawful for a person to sell, de-
2 liver, or otherwise transfer to a person who the transferor
3 knows or has reasonable cause to believe is a juvenile—

4 “(A) a handgun; or

5 “(B) ammunition that is suitable for use only
6 in a handgun.

7 “(2) It shall be unlawful for any person who is a juve-
8 nile to knowingly possess—

9 “(A) a handgun; or

10 “(B) ammunition that is suitable for use only
11 in a handgun.

12 “(3) This subsection does not apply to—

13 “(A) a temporary transfer of a handgun or am-
14 munition to a juvenile or to the possession or use of
15 a handgun or ammunition by a juvenile if the hand-
16 gun and ammunition are possessed and used by the
17 juvenile—

18 “(i) in the course of employment, in the
19 course of ranching or farming related to activi-
20 ties at the residence of the juvenile (or on prop-
21 erty used for ranching or farming at which the
22 juvenile, with the permission of the property
23 owner or lessee, is performing activities related
24 to the operation of the farm or ranch), target

1 practice, hunting, or a course of instruction in
2 the safe and lawful use of a handgun;

3 “(ii) with the prior written consent of the
4 juvenile’s parent or guardian who is not prohib-
5 ited by Federal, State, or local law from pos-
6 sessing a firearm, except—

7 “(I) during transportation by the ju-
8 venile of an unloaded handgun in a locked
9 container directly from the place of trans-
10 fer to a place at which an activity de-
11 scribed in clause (i) is to take place and
12 transportation by the juvenile of that
13 handgun, unloaded and in a locked con-
14 tainer, directly from the place at which
15 such an activity took place to the trans-
16 feror; or

17 “(II) with respect to ranching or
18 farming activities as described in clause
19 (i), a juvenile may possess and use a hand-
20 gun or ammunition with the prior written
21 approval of the juvenile’s parent or legal
22 guardian and at the direction of an adult
23 who is not prohibited by Federal, State or
24 local law from possessing a firearm;

1 “(iii) the juvenile has the prior written
2 consent in the juvenile’s possession at all times
3 when a handgun is in the possession of the ju-
4 venile; and

5 “(iv) in accordance with State and local
6 law;

7 “(B) a juvenile who is a member of the Armed
8 Forces of the United States or the National Guard
9 who possesses or is armed with a handgun in the
10 line of duty;

11 “(C) a transfer by inheritance of title (but not
12 possession) of a handgun or ammunition to a juve-
13 nile; or

14 “(D) the possession of a handgun or ammuni-
15 tion by a juvenile taken in defense of the juvenile or
16 other persons against an intruder into the residence
17 of the juvenile or a residence in which the juvenile
18 is an invited guest.

19 “(4) A handgun or ammunition, the possession of
20 which is transferred to a juvenile in circumstances in
21 which the transferor is not in violation of this subsection
22 shall not be subject to permanent confiscation by the Gov-
23 ernment if its possession by the juvenile subsequently be-
24 comes unlawful because of the conduct of the juvenile, but
25 shall be returned to the lawful owner when such handgun

1 or ammunition is no longer required by the Government
2 for the purposes of investigation or prosecution.

3 “(5) For purposes of this subsection, the term ‘juve-
4 nile’ means a person who is less than 18 years of age.

5 “(6)(A) In a prosecution of a violation of this sub-
6 section, the court shall require the presence of a juvenile
7 defendant’s parent or legal guardian at all proceedings.

8 “(B) The court may use the contempt power to en-
9 force subparagraph (A).

10 “(C) The court may excuse attendance of a parent
11 or legal guardian of a juvenile defendant at a proceeding
12 in a prosecution of a violation of this subsection for good
13 cause shown.”

14 (b) PENALTIES.—Section 924(a) of title 18, United
15 States Code, is amended—

16 (1) in paragraph (1) by striking “paragraph (2)
17 or (3) of”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(5)(A)(i) A juvenile who violates section 922(x) shall
21 be fined under this title, imprisoned not more than 1 year,
22 or both, except that a juvenile described in clause (ii) shall
23 be sentenced to probation on appropriate conditions and
24 shall not be incarcerated unless the juvenile fails to comply
25 with a condition of probation.

1 “(ii) A juvenile is described in this clause if—

2 “(I) the offense of which the juvenile is charged
3 is possession of a handgun or ammunition in viola-
4 tion of section 922(x)(2); and

5 “(II) the juvenile has not been convicted in any
6 court of an offense (including an offense under sec-
7 tion 922(x) or a similar State law, but not including
8 any other offense consisting of conduct that if en-
9 gaged in by an adult would not constitute an of-
10 fense) or adjudicated as a juvenile delinquent for
11 conduct that if engaged in by an adult would con-
12 stitute an offense.

13 “(B) A person other than a juvenile who knowingly
14 violates section 922(x)—

15 “(i) shall be fined under this title, imprisoned
16 not more than 1 year, or both; and

17 “(ii) if the person sold, delivered, or otherwise
18 transferred a handgun or ammunition to a juvenile
19 knowing or having reasonable cause to know that
20 the juvenile intended to carry or otherwise possess
21 or discharge or otherwise use the handgun or ammu-
22 nition in the commission of a crime of violence, shall
23 be fined under this title, imprisoned not more than
24 10 years, or both.”

1 (c) TECHNICAL AMENDMENT OF JUVENILE DELIN-
2 QUENCY PROVISIONS IN TITLE 18, UNITED STATES
3 CODE.—

4 (1) SECTION 5031.—Section 5031 of title 18,
5 United States Code, is amended by inserting “or a
6 violation by such a person of section 922(x)” before
7 the period at the end.

8 (2) SECTION 5032.—Section 5032 of title 18,
9 United States Code, is amended—

10 (A) in the first undesignated paragraph by
11 inserting “or (x)” after “922(p)”; and

12 (B) in the fourth undesignated paragraph
13 by inserting “or section 922(x) of this title,”
14 before “criminal prosecution on the basis”.

15 (d) TECHNICAL AMENDMENT OF THE JUVENILE
16 JUSTICE AND DELINQUENCY PREVENTION ACT OF
17 1974.—Section 223(a)(12)(A) of the Juvenile Justice and
18 Delinquency Prevention Act of 1974 (42 U.S.C.
19 5633(a)(12)(A)) is amended by striking “which do not
20 constitute violations of valid court orders” and inserting
21 “(other than an offense that constitutes a violation of a
22 valid court order or a violation of section 922(x) of title
23 18, United States Code, or a similar State law).”

1 (e) MODEL LAW.—The Attorney General, acting
2 through the Director of the National Institute for Juvenile
3 Justice and Delinquency Prevention, shall—

4 (1) evaluate existing and proposed juvenile
5 handgun legislation in each State;

6 (2) develop model juvenile handgun legislation
7 that is constitutional and enforceable;

8 (3) prepare and disseminate to State authorities
9 the findings made as the result of the evaluation;
10 and

11 (4) report to Congress by December 31, 1995,
12 findings and recommendations concerning the need
13 or appropriateness of further action by the Federal
14 Government.

15 **Subtitle C—Licensure**

16 **SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO** 17 **REQUIRE A PHOTOGRAPH AND FINGER-** 18 **PRINTS.**

19 (a) FIREARMS LICENSURE.—Section 923(a) of title
20 18, United States Code, is amended in the second sentence
21 by inserting “and shall include a photograph and finger-
22 prints of the applicant” before the period.

23 (b) REGISTRATION.—Section 5802 of the Internal
24 Revenue Code of 1986 is amended by inserting after the
25 first sentence the following: “An individual required to

1 register under this section shall include a photograph and
2 fingerprints of the individual with the initial application.”

3 **SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS**
4 **A CONDITION TO LICENSE.**

5 Section 923(d)(1) of title 18, United States Code, is
6 amended—

7 (1) by striking “and” at the end of subpara-
8 graph (D);

9 (2) by striking the period at the end of sub-
10 paragraph (E) and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(F) the applicant certifies that—

14 “(i) the business to be conducted under the
15 license is not prohibited by State or local law in
16 the place where the licensed premise is located;

17 “(ii)(I) within 30 days after the application
18 is approved the business will comply with the
19 requirements of State and local law applicable
20 to the conduct of the business; and

21 “(II) the business will not be conducted
22 under the license until the requirements of
23 State and local law applicable to the business
24 have been met; and

1 “(iii) that the applicant has sent or deliv-
2 ered a form to be prescribed by the Secretary,
3 to the chief law enforcement officer of the local-
4 ity in which the premises are located, which in-
5 dicates that the applicant intends to apply for
6 a Federal firearms license.”

7 **SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.**

8 Section 923(d)(2) of title 18, United States Code, is
9 amended by striking “forty-five-day” and inserting “60-
10 day”.

11 **SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVEN-**
12 **TORY AND RECORDS.**

13 Section 923(g)(1)(B)(ii) of title 18, United States
14 Code, is amended to read as follows:

15 “(ii) for ensuring compliance with the
16 record keeping requirements of this
17 chapter—

18 “(I) not more than once during
19 any 12-month period; or

20 “(II) at any time with respect to
21 records relating to a firearm involved
22 in a criminal investigation that is
23 traced to the licensee.”

1 **SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.**

2 Section 923(g) of title 18, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(6) Each licensee shall report the theft or loss
6 of a firearm from the licensee’s inventory or collec-
7 tion, within 48 hours after the theft or loss is discov-
8 ered, to the Secretary and to the appropriate local
9 authorities.”

10 **SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.**

11 Section 923(g) of title 18, United States Code, as
12 amended by section 110405, is amended by adding at the
13 end the following new paragraph:

14 “(7) Each licensee shall respond immediately
15 to, and in no event later than 24 hours after the re-
16 ceipt of, a request by the Secretary for information
17 contained in the records required to be kept by this
18 chapter as may be required for determining the dis-
19 position of 1 or more firearms in the course of a
20 bona fide criminal investigation. The requested in-
21 formation shall be provided orally or in writing, as
22 the Secretary may require. The Secretary shall im-
23 plement a system whereby the licensee can positively
24 identify and establish that an individual requesting
25 information via telephone is employed by and au-

1 thorized by the agency to request such informa-
2 tion.”.

3 **SEC. 110307. NOTIFICATION OF NAMES AND ADDRESSES OF**
4 **FIREARMS LICENSEES.**

5 Section 923 of title 18, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(1) The Secretary of the Treasury shall notify
9 the chief law enforcement officer in the appropriate
10 State and local jurisdictions of the names and ad-
11 dresses of all persons in the State to whom a fire-
12 arms license is issued.”.

13 **Subtitle D—Domestic Violence**

14 **SEC. 110401. PROHIBITION AGAINST DISPOSAL OF FIRE-**
15 **ARMS TO, OR RECEIPT OF FIREARMS BY,**
16 **PERSONS WHO HAVE COMMITTED DOMESTIC**
17 **ABUSE.**

18 (a) **INTIMATE PARTNER DEFINED.**—Section 921(a)
19 of title 18, United States Code, as amended by section
20 110102(b), is amended by inserting at the end the follow-
21 ing new paragraph:

22 “(31) The term ‘intimate partner’ means, with re-
23 spect to a person, the spouse of the person, a former
24 spouse of the person, an individual who is a parent of a

1 child of the person, and an individual who cohabitates or
2 has cohabited with the person.”.

3 (b) PROHIBITION AGAINST DISPOSAL OF FIRE-
4 ARMS.—Section 922(d) of title 18, United States Code,
5 is amended—

6 (1) by striking “or” at the end of paragraph
7 (6);

8 (2) by striking the period at the end of para-
9 graph (7) and inserting “; or”; and

10 (3) by inserting after paragraph (7) the follow-
11 ing new paragraph:

12 “(8) is subject to a court order that restrains
13 such person from harassing, stalking, or threatening
14 an intimate partner of such person or child of such
15 intimate partner or person, or engaging in other
16 conduct that would place an intimate partner in rea-
17 sonable fear of bodily injury to the partner or child,
18 except that this paragraph shall only apply to a
19 court order that—

20 “(A) was issued after a hearing of which
21 such person received actual notice, and at which
22 such person had the opportunity to participate;
23 and

1 “(B)(i) includes a finding that such person
2 represents a credible threat to the physical safe-
3 ty of such intimate partner or child; or

4 “(ii) by its terms explicitly prohibits the
5 use, attempted use, or threatened use of phys-
6 ical force against such intimate partner or child
7 that would reasonably be expected to cause bod-
8 ily injury.”.

9 (c) PROHIBITION AGAINST RECEIPT OF FIRE-
10 ARMS.—Section 922(g) of title 18, United States Code,
11 is amended—

12 (1) by striking “or” at the end of paragraph
13 (6);

14 (2) by inserting “or” at the end of paragraph
15 (7); and

16 (3) by inserting after paragraph (7) the follow-
17 ing:

18 “(8) who is subject to a court order that—

19 “(A) was issued after a hearing of which
20 such person received actual notice, and at which
21 such person had an opportunity to participate;

22 “(B) restrains such person from harassing,
23 stalking, or threatening an intimate partner of
24 such person or child of such intimate partner or
25 person, or engaging in other conduct that would

1 place an intimate partner in reasonable fear of
2 bodily injury to the partner or child; and

3 “(C)(i) includes a finding that such person
4 represents a credible threat to the physical
5 safety of such intimate partner or child; or

6 “(ii) by its terms explicitly prohibits the
7 use, attempted use, or threatened use of phys-
8 ical force against such intimate partner or child
9 that would reasonably be expected to cause bod-
10 ily injury.”

11 (d) STORAGE OF FIREARMS.—Section 926(a) of title
12 18, United States Code, is amended—

13 (1) by striking “and” at the end of paragraph
14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; and”; and

17 (3) by inserting after paragraph (2) the follow-
18 ing:

19 “(3) regulations providing for effective receipt
20 and secure storage of firearms relinquished by or
21 seized from persons described in subsection (d)(8) or
22 (g)(8) of section 922.”

23 (e) RETURN OF FIREARMS.—Section 924(d)(1) of
24 title 18, United States Code, is amended by striking “the
25 seized” and inserting “or lapse of or court termination of

1 the restraining order to which he is subject, the seized or
2 relinquished”.

3 **Subtitle E—Gun Crime Penalties**

4 **SEC. 110501. ENHANCED PENALTY FOR USE OF A SEMI-** 5 **AUTOMATIC FIREARM DURING A CRIME OF** 6 **VIOLENCE OR A DRUG TRAFFICKING CRIME.**

7 (a) AMENDMENT TO SENTENCING GUIDELINES.—

8 Pursuant to its authority under section 994 of title 28,
9 United States Code, the United States Sentencing Com-
10 mission shall amend its sentencing guidelines to provide
11 an appropriate enhancement of the punishment for a
12 crime of violence (as defined in section 924(c)(3) of title
13 18, United States Code) or a drug trafficking crime (as
14 defined in section 924(c)(2) of title 18, United States
15 Code) if a semiautomatic firearm is involved.

16 (b) SEMIAUTOMATIC FIREARM.—In subsection (a),
17 “semiautomatic firearm” means any repeating firearm
18 that utilizes a portion of the energy of a firing cartridge
19 to extract the fired cartridge case and chamber the next
20 round and that requires a separate pull of the trigger to
21 fire each cartridge.

1 **SEC. 110502. ENHANCED PENALTY FOR SECOND OFFENSE**
2 **OF USING AN EXPLOSIVE TO COMMIT A FEL-**
3 **ONY.**

4 Pursuant to its authority under section 994 of title
5 28, United States Code, the United States Sentencing
6 Commission shall promulgate amendments to the sentenc-
7 ing guidelines to appropriately enhance penalties in a case
8 in which a defendant convicted under section 844(h) of
9 title 18, United States Code, has previously been convicted
10 under that section.

11 **SEC. 110503. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
12 **FICKING.**

13 Section 924 of title 18, United States Code, as
14 amended by section 60013, is amended by adding at the
15 end the following new subsection:

16 “(j) A person who, with intent to engage in or to pro-
17 mote conduct that—

18 “(1) is punishable under the Controlled Sub-
19 stances Act (21 U.S.C. 801 et seq.), the Controlled
20 Substances Import and Export Act (21 U.S.C. 951
21 et seq.), or the Maritime Drug Law Enforcement
22 Act (46 U.S.C. App. 1901 et seq.);

23 “(2) violates any law of a State relating to any
24 controlled substance (as defined in section 102 of
25 the Controlled Substances Act, 21 U.S.C. 802); or

1 “(3) constitutes a crime of violence (as defined
2 in subsection (c)(3),
3 smuggles or knowingly brings into the United States a
4 firearm, or attempts to do so, shall be imprisoned not
5 more than 10 years, fined under this title, or both.”.

6 **SEC. 110504. THEFT OF FIREARMS AND EXPLOSIVES.**

7 (a) **FIREARMS.**—Section 924 of title 18, United
8 States Code, as amended by section 110203(a), is amend-
9 ed by adding at the end the following new subsection:

10 “(k) A person who steals any firearm which is moving
11 as, or is a part of, or which has moved in, interstate or
12 foreign commerce shall be imprisoned for not more than
13 10 years, fined under this title, or both.”.

14 (b) **EXPLOSIVES.**—Section 844 of title 18, United
15 States Code, is amended by adding at the end the follow-
16 ing new subsection:

17 “(k) A person who steals any explosives materials
18 which are moving as, or are a part of, or which have moved
19 in, interstate or foreign commerce shall be imprisoned for
20 not more than 10 years, fined under this title, or both.”.

21 **SEC. 110505. REVOCATION OF SUPERVISED RELEASE AFTER**
22 **IMPRISONMENT.**

23 Section 3583 of title 18, United States Code, is
24 amended—

1 (1) in subsection (d) by striking “possess illegal
2 controlled substances” and inserting “unlawfully
3 possess a controlled substance”;

4 (2) in subsection (e)—

5 (A) by striking “person” each place such
6 term appears in such subsection and inserting
7 “defendant”; and

8 (B) by amending paragraph (3) to read as
9 follows:

10 “(3) revoke a term of supervised release, and
11 require the defendant to serve in prison all or part
12 of the term of supervised release authorized by stat-
13 ute for the offense that resulted in such term of su-
14 pervised release without credit for time previously
15 served on postrelease supervision, if the court, pur-
16 suant to the Federal Rules of Criminal Procedure
17 applicable to revocation of probation or supervised
18 release, finds by a preponderance of the evidence
19 that the defendant violated a condition of supervised
20 release, except that a defendant whose term is re-
21 voked under this paragraph may not be required to
22 serve more than 5 years in prison if the offense that
23 resulted in the term of supervised release is a class
24 A felony, more than 3 years in prison if such offense
25 is a class B felony, more than 2 years in prison if

1 such offense is a class C or D felony, or more than
2 one year in any other case; or”; and

3 (3) by striking subsection (g) and inserting the
4 following:

5 “(g) MANDATORY REVOCATION FOR POSSESSION OF
6 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL
7 TO COMPLY WITH DRUG TESTING.—If the defendant—

8 “(1) possesses a controlled substance in viola-
9 tion of the condition set forth in subsection (d);

10 “(2) possesses a firearm, as such term is de-
11 fined in section 921 of this title, in violation of Fed-
12 eral law, or otherwise violates a condition of super-
13 vised release prohibiting the defendant from possess-
14 ing a firearm; or

15 “(3) refuses to comply with drug testing im-
16 posed as a condition of supervised release;

17 the court shall revoke the term of supervised release and
18 require the defendant to serve a term of imprisonment not
19 to exceed the maximum term of imprisonment authorized
20 under subsection (e)(3).

21 “(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and
22 the defendant is required to serve a term of imprisonment
23 that is less than the maximum term of imprisonment au-
24 thorized under subsection (e)(3), the court may include
25

1 a requirement that the defendant be placed on a term of
2 supervised release after imprisonment. The length of such
3 a term of supervised release shall not exceed the term of
4 supervised release authorized by statute for the offense
5 that resulted in the original term of supervised release,
6 less any term of imprisonment that was imposed upon rev-
7 ocation of supervised release.

8 “(i) DELAYED REVOCATION.—The power of the court
9 to revoke a term of supervised release for violation of a
10 condition of supervised release, and to order the defendant
11 to serve a term of imprisonment and, subject to the limita-
12 tions in subsection (h), a further term of supervised re-
13 lease, extends beyond the expiration of the term of super-
14 vided release for any period reasonably necessary for the
15 adjudication of matters arising before its expiration if, be-
16 fore its expiration, a warrant or summons has been issued
17 on the basis of an allegation of such a violation.”.

18 **SEC. 110506. REVOCATION OF PROBATION.**

19 (a) IN GENERAL.—Section 3565(a) of title 18, Unit-
20 ed States Code, is amended—

21 (1) in paragraph (2) by striking “impose any
22 other sentence that was available under subchapter
23 A at the time of the initial sentencing” and inserting
24 “resentence the defendant under subchapter A”; and
25 (2) by striking the last sentence.