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1 the case of a violation of subparagraph (B)(i) or
2 (B)(iii), imprisoned not more than 5 years, or
3 both.”.

4 **TITLE VII—MANDATORY LIFE IM-**
5 **PRISONMENT FOR PERSONS**
6 **CONVICTED OF CERTAIN**
7 **FELONIES**

8 **SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS**
9 **CONVICTED OF CERTAIN FELONIES.**

10 Section 3559 of title 18, United States Code, is
11 amended—

12 (1) in subsection (b), by striking “An” and in-
13 serting “Except as provided in subsection (c), an” in
14 lieu thereof; and

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

17 “(c) IMPRISONMENT OF CERTAIN CRIMINALS.—

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

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

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1 States or of a State, of serious violent felonies
2 or serious drug offenses, or any combination of
3 such felonies and offenses; 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 with an-
15 other person or using or brandishing a weapon
16 against another person with intent to commit
17 aggravated sexual abuse or sexual abuse (as de-
18 scribed in sections 2241 and 2242);

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

24 “(C) the term ‘extortion’ means an offense
25 that has as its elements the extraction of any-

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1 thing of value from another person by threaten-
2 ing or placing that person in fear of injury to
3 any person or kidnapping of any person;

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

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

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

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

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1 113(a)); assault with intent to commit
2 rape; aggravated sexual abuse and sexual
3 abuse (as described in sections 2241 and
4 2242); abusive sexual contact (as described
5 in sections 2244 (a)(1) and (a)(2)); kid-
6 napping; aircraft piracy (as described in
7 section 902 (i)(2) or (n)(2) of the Federal
8 Aviation Act of 1958 (49 App. U.S.C.
9 1472 (i)(2), (n)(2))); robbery (as described
10 in section 2111, 2113, or 2118);
11 carjacking (as described in section 2119);
12 extortion; arson; firearms use; or attempt,
13 conspiracy, or solicitation to commit any of
14 the above offenses;

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

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

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

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

5 “(i) an offense subject to a penalty
6 provided for in section 401(b)(1)(A) or
7 408 of the Controlled Substances Act (21
8 U.S.C. 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 sub-
15 ject to a penalty provided for in section
16 401(b)(1)(A) or 408 of the Controlled Sub-
17 stances Act (21 U.S.C. 841(b)(1)(A), 848)
18 or section 1010(b)(1)(A) of the Controlled
19 Substances Import and Export Act (21
20 U.S.C. 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

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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.

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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. 502. 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

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

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

TO BE SUPPLIED

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1 fect on the effective date of the amendment made by
2 subsection (a), the Commission may promulgate the
3 amendments made under paragraph (1) in accord-
4 ance with the procedures set forth in section 21(a)
5 of the Sentencing Act of 1987 (28 U.S.C. 994 note)
6 as though the authority under that section had not
7 expired.

8 (c) EFFECTIVE DATE AND APPLICATION.—The
9 amendment made by subsection (a) shall apply to sen-
10 tences imposed on or after the day that is 10 days after
11 the date of enactment of this Act.

12 **SEC. 202. SPECIAL RULE.**

13 For the purpose of section 3582(c)(2) of title 18,
14 United States Code, with respect to a prisoner the court
15 determines has demonstrated good behavior while in pris-
16 on, the changes in sentencing made as a result of this Act
17 shall be deemed to be changes in the sentencing ranges
18 by the Sentencing Commission pursuant to section 994(o)
19 of title 28, United States Code.

20 **TITLE IX—DRUG CONTROL**

22 **SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-**

23 **FICKING IN PRISONS.**

24 Section 1791 of title 18, United States Code, is
25 amended—

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1 (1) in subsection (c), by inserting before "Any"
2 the following new sentence: "Any punishment im-
3 posed under subsection (b) for a violation of this
4 section involving a controlled substance shall be con-
5 secutive to any other sentence imposed by any court
6 for an offense involving such a controlled sub-
7 stance.";

8 (2) in subsection (d)(1)(A), by inserting after
9 "a firearm or destructive device" the following: "or
10 a controlled substance in schedule I or II, other than
11 marijuana or a controlled substance referred to in
12 subparagraph (C) of this subsection";

13 (3) in subsection (d)(1)(B), by inserting before
14 "ammunition," the following: "marijuana or a con-
15 trolled substance in schedule III, other than a con-
16 trolled substance referred to in subparagraph (C) of
17 this subsection,";

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

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

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

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1 **SEC. 1502. ANABOLIC STEROIDS PENALTIES.**

2 Section 404 of the Controlled Substances Act (21
3 U.S.C. 844) is amended by inserting after subsection (a)
4 the following new subsection:

5 “(b)(1) Whoever, being a physical trainer or adviser
6 to an individual, endeavors to persuade or induce that in-
7 dividual to possess or use anabolic steroids in violation of
8 subsection (a), shall be fined under title 18, United States
9 Code, or imprisoned not more than 2 years, or both. If
10 such individual has not attained the age of 18 years, the
11 maximum imprisonment shall be 5 years.

12 “(2) As used in this subsection, the term ‘physical
13 trainer or adviser’ means any professional or amateur
14 coach, manager, trainer, instructor, or other such person,
15 who provides any athletic or physical instruction, training,
16 advice, assistance, or other such service to any person.”.

17 **SEC. 1503. INCREASED PENALTIES FOR DRUG-DEALING IN**
18 **“DRUG-FREE” ZONES.**

19 Pursuant to its authority under section 994 of title
20 28, United States Code, the United States Sentencing
21 Commission shall amend its sentencing guidelines to pro-
22 vide an appropriate enhancement for a defendant con-
23 victed of violating section 419 of the Controlled Sub-
24 stances Act (21 U.S.C. 860).

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1 **SEC. 1504. ENHANCED PENALTIES FOR ILLEGAL DRUG USE**
2 **IN FEDERAL PRISONS AND FOR SMUGGLING**
3 **DRUGS INTO FEDERAL PRISONS.**

4 (a) **DECLARATION OF POLICY.**—It is the policy of the
5 Federal Government that the use or distribution of illegal
6 drugs in the Nation's Federal prisons will not be tolerated
7 and that such crimes shall be prosecuted to the fullest ex-
8 tent of the law.

9 (b) **SENTENCING GUIDELINES.**—Pursuant to its au-
10 thority under section 994 of title 28, United States Code,
11 the United States Sentencing Commission shall amend its
12 sentencing guidelines to appropriately enhance the penalty
13 for a person convicted of an offense—

14 (1) under section 404 of the Controlled Sub-
15 stances Act involving simple possession of a con-
16 trolled substance within a Federal prison or other
17 Federal detention facility; or

18 (2) under section 401(b) of the Controlled Sub-
19 stances Act involving the smuggling of a controlled
20 substance into a Federal prison or other Federal de-
21 tention facility or the distribution or intended dis-
22 tribution of a controlled substance within a Federal
23 prison or other Federal detention facility.

24 (c) **NO PROBATION OR SUSPENSION OF SEN-**
25 **TENCE.**—Notwithstanding any other law, the court shall

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1 not place on probation or suspend the sentence of a person
2 convicted of an offense described in subsection (b).

3 **TITLE X—DRUNK DRIVING**
4 **PROVISIONS**

5 **SEC. 1601. SHORT TITLE.**

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

8 **SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JU-**
9 **RISDICTION.**

10 Section 13(b) of title 18, United States Code, is
11 amended—

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

15 (2) by adding at the end the following new
16 paragraph:

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

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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. 5115. 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), as amended
14 by section 621, is amended—

15 (1) by striking “and” at the end of paragraph
16 (22);

17 (2) by striking the period at the end of para-
18 graph (23) and inserting “; and”; and

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

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

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TITLE XI—GUN CRIME PENALTIES

SEC. 401. ENHANCED PENALTY FOR USE OF A SEMIAUTO- MATIC FIREARM DURING A CRIME OF VIO- LENCE OR A DRUG TRAFFICKING CRIME.

(a) AMENDMENT TO SENTENCING GUIDELINES.—
Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a drug trafficking crime (as defined in section 924(c)(2) of title 18, United States Code) if a semiautomatic firearm is involved.

(b) SEMIAUTOMATIC FIREARM.—In subsection (a), “semiautomatic firearm” means any repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

SEC. 402. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentenc-

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1 ing guidelines to appropriately enhance penalties in a case
2 in which a defendant convicted under section 844(h) of
3 title 18, United States Code, has previously been convicted
4 under that section.

5 **SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
6 **FICKING.**

7 Section 924 of title 18, United States Code, as
8 amended by section 213, is amended by adding at the end
9 the following new subsection:

10 “(j) A person who, with intent to engage in or to pro-
11 mote conduct that—

12 “(1) is punishable under the Controlled Sub-
13 stances Act (21 U.S.C. 801 et seq.), the Controlled
14 Substances Import and Export Act (21 U.S.C. 951
15 et seq.), or the Maritime Drug Law Enforcement
16 Act (46 U.S.C. App. 1901 et seq.);

17 “(2) violates any law of a State relating to any
18 controlled substance (as defined in section 102 of
19 the Controlled Substances Act, 21 U.S.C. 802); or

20 “(3) constitutes a crime of violence (as defined
21 in subsection (c)(3),

22 smuggles or knowingly brings into the United States a
23 firearm, or attempts to do so, shall be imprisoned not
24 more than 10 years, fined under this title, or both.”.

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1 **SEC. 404. THEFT OF FIREARMS AND EXPLOSIVES.**

2 (a) FIREARMS.—Section 924 of title 18, United
3 States Code, as amended by section 403(a), is amended
4 by adding at the end the following new subsection:

5 “(k) A person who steals any firearm which is moving
6 as, or is a part of, or which has moved in, interstate or
7 foreign commerce shall be imprisoned for not more than
8 10 years, fined under this title, or both.”.

9 (b) EXPLOSIVES.—Section 844 of title 18, United
10 States Code, is amended by adding at the end the follow-
11 ing new subsection:

12 “(k) A person who steals any explosives materials
13 which are moving as, or are a part of, or which have moved
14 in, interstate or foreign commerce shall be imprisoned for
15 not more than 10 years, fined under this title, or both.”.

16 **SEC. 405. REVOCATION OF SUPERVISED RELEASE.**

17 Section 3583 of title 18, United States Code, is
18 amended by striking subsection (g) and inserting the fol-
19 lowing:

20 “(g) MANDATORY REVOCATION FOR POSSESSION OF
21 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL
22 TO COOPERATE WITH DRUG TESTING.—If the
23 defendant—

24 “(1) possesses a controlled substance in viola-
25 tion of the condition set forth in subsection (d);

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1 “(2) possesses a firearm, as such term is de-
2 fined in section 921 of this title, in violation of Fed-
3 eral law, or otherwise violates a condition of super-
4 vised release prohibiting the defendant from possess-
5 ing a firearm; or

6 “(3) refuses to cooperate in drug testing im-
7 posed as a condition of supervised release,
8 the court shall revoke the term of supervised release and
9 require the defendant to serve a term of imprisonment not
10 to exceed the maximum term of imprisonment authorized
11 under subsection (e)(3).”.

12 **SEC. 406. REVOCATION OF PROBATION.**

13 (a) CONTINUATION OR REVOCATION.—Section
14 3565(a) of title 18, United States Code, is amended—

15 (1) in paragraph (2) by striking “impose any
16 other sentence that was available under subchapter
17 A at the time of the initial sentencing” and inserting
18 “resentence the defendant under subchapter A”; and
19 (2) by striking the last sentence.

20 (b) MANDATORY REVOCATION.—Section 3565(b) of
21 title 18, United States Code, is amended to read as fol-
22 lows:

23 “(b) MANDATORY REVOCATION FOR POSSESSION OF
24 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL

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1 TO COOPERATE WITH DRUG TESTING.—If the
2 defendant—

3 “(1) possesses a controlled substance in viola-
4 tion of the condition set forth in section 3563(a)(3);

5 “(2) possesses a firearm (as defined in section
6 921) in violation of Federal law or otherwise violates
7 a condition of probation prohibiting the defendant
8 from possessing a firearm; or

9 “(3) refuses to cooperate in drug testing in vio-
10 lation of the condition imposed under subsection
11 (a)(4),

12 the court shall revoke the sentence of probation and
13 resentence the defendant under subchapter A to a sen-
14 tence that includes a term of imprisonment.”.

15 **SEC. 407. INCREASED PENALTY FOR KNOWINGLY MAKING**
16 **FALSE, MATERIAL STATEMENT IN CONNEC-**
17 **TION WITH THE ACQUISITION OF A FIREARM**
18 **FROM A LICENSED DEALER.**

19 Section 924(a) of title 18, United States Code, is
20 amended—

21 (1) in subsection (a)(1)(B) by striking
22 “(a)(6),”; and

23 (2) in subsection (a)(2) by inserting “(a)(6),”
24 after “subsections”.

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1 **SEC. 408. POSSESSION OF EXPLOSIVES BY FELONS AND**
2 **OTHERS.**

3 Section 842(i) of title 18, United States Code, is
4 amended by inserting "or possess" after "to receive".

5 **SEC. 409. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
6 **JECT TO FORFEITURE.**

7 Section 844(c) of title 18, United States Code, is
8 amended—

9 (1) by inserting "(1)" after "(c)"; and

10 (2) by adding at the end the following new
11 paragraphs:

12 "(2) Notwithstanding paragraph (1), in the case of
13 the seizure of any explosive materials for any offense for
14 which the materials would be subject to forfeiture in which
15 it would be impracticable or unsafe to remove the mate-
16 rials to a place of storage or would be unsafe to store
17 them, the seizing officer may destroy the explosive mate-
18 rials forthwith. Any destruction under this paragraph shall
19 be in the presence of at least 1 credible witness. The seiz-
20 ing officer shall make a report of the seizure and take
21 samples as the Secretary may by regulation prescribe.

22 "(3) Within 60 days after any destruction made pur-
23 suant to paragraph (2), the owner of (including any per-
24 son having an interest in) the property so destroyed may
25 make application to the Secretary for reimbursement of

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1 the value of the property. If the claimant establishes to
2 the satisfaction of the Secretary that—

3 “(A) the property has not been used or involved
4 in a violation of law; or

5 “(B) any unlawful involvement or use of the
6 property was without the claimant’s knowledge, con-
7 sent, or willful blindness,

8 the Secretary shall make an allowance to the claimant not
9 exceeding the value of the property destroyed.”.

10 **SEC. 410. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
11 **ING TO PAROLE.**

12 (a) SECTION (e)(1) OF TITLE 18.—Section 924(e)(1)
13 of title 18, United States Code, is amended by striking
14 “, and such person shall not be eligible for parole with
15 respect to the sentence imposed under this subsection”.

16 (b) SECTION 924(c)(1) OF TITLE 18.—Section
17 924(c)(1) of title 18, United States Code, is amended by
18 striking “No person sentenced under this subsection shall
19 be eligible for parole during the term of imprisonment im-
20 posed under this subsection.”.

21 **SEC. 411. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
22 **ING STOLEN FIREARMS WHICH HAVE MOVED**
23 **IN INTERSTATE OR FOREIGN COMMERCE.**

24 Section 922(j) of title 18, United States Code, is
25 amended to read as follows:

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1 “(j) It shall be unlawful for any person to receive.
2 possess, conceal, store, barter, sell, or dispose of any stolen
3 firearm or stolen ammunition, or pledge or accept as secu-
4 rity for a loan any stolen firearm or stolen ammunition,
5 which is moving as, which is a part of, which constitutes,
6 or which has been shipped or transported in, interstate
7 or foreign commerce, either before or after it was stolen,
8 knowing or having reasonable cause to believe that the
9 firearm or ammunition was stolen.”.

10 **SEC. 412. USING A FIREARM IN THE COMMISSION OF COUN-**
11 **TERFEITING OR FORGERY.**

12 Pursuant to its authority under section 994 of title
13 28, United States Code, the United States Sentencing
14 Commission shall amend its sentencing guidelines to pro-
15 vide an appropriate enhancement of the punishment for
16 a defendant convicted of a felony under chapter 25 of title
17 18, United States Code, if the defendant used or carried
18 a firearm (as defined in section 921(a)(3) of title 18,
19 United States Code) during and in relation to the felony.

20 **SEC. 413. ENHANCED PENALTIES FOR FIREARMS POSSES-**
21 **SION BY VIOLENT FELONS AND SERIOUS**
22 **DRUG OFFENDERS.**

23 Pursuant to its authority under section 994 of title
24 28, United States Code, the United States Sentencing
25 Commission shall amend its sentencing guidelines to—

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1 (1) appropriately enhance penalties in cases in
2 which a defendant convicted under section 922(g) of
3 title 18, United States Code, has 1 prior conviction
4 by any court referred to in section 922(g)(1) of title
5 18 for a violent felony (as defined in section
6 924(e)(2)(B) of that title) or a serious drug offense
7 (as defined in section 924(e)(2)(A) of that title); and

8 (2) appropriately enhance penalties in cases in
9 which such a defendant has 2 prior convictions for
10 a violent felony (as so defined) or a serious drug of-
11 fense (as so defined).

12 **SEC. 414. RECEIPT OF FIREARMS BY NONRESIDENT.**

13 Section 922(a) of title 18, United States Code, is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (7);

17 (2) by striking the period at the end of para-
18 graph (8) and inserting “; and”; and

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

21 “(9) for any person, other than a licensed im-
22 porter, licensed manufacturer, licensed dealer, or li-
23 censed collector, who does not reside in any State to
24 receive any firearms unless such receipt is for lawful
25 sporting purposes.”.

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1 **SEC. 416. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**
2 **CENSEE.**

3 (a) FIREARMS.—Section 924 of title 18, United
4 States Code, as amended by section 415(a), is amended
5 by adding at the end the following new subsection:

6 “(m) A person who steals any firearm from a licensed
7 importer, licensed manufacturer, licensed dealer, or li-
8 censed collector shall be fined under this title, imprisoned
9 not more than 10 years, or both.”.

10 (b) EXPLOSIVES.—Section 844 of title 18, United
11 States Code, as amended by section 415(b), is amended
12 by adding at the end the following new subsection:

13 “(m) A person who steals any explosive material from
14 a licensed importer, licensed manufacturer, or licensed
15 dealer, or from any permittee shall be fined under this
16 title, imprisoned not more than 10 years, or both.”.

17 **SEC. 417. DISPOSING OF EXPLOSIVES TO PROHIBITED PER-**
18 **SONS.**

19 Section 842(d) of title 18, United States Code, is
20 amended by striking “licensee” and inserting “person”.

21 **SEC. 418. CLARIFICATION OF “BURGLARY” UNDER THE**
22 **ARMED CAREER CRIMINAL STATUTE.**

23 Section 924(e)(2) of title 18, United States Code, is
24 amended—

25 (1) by striking “and” at the end of subpara-
26 graph (B)(ii);

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1 (2) by striking the period at the end of sub-
2 paragraph (C) and inserting “; and”: and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(D) the term ‘burglary’ means any crime pun-
6 ishable by a term of imprisonment exceeding 1 year
7 and consisting of entering or remaining surrep-
8 titiously within a building that is the property of an-
9 other with intent to engage in conduct constituting
10 a Federal or State offense.”.

11 **SEC. 419. INCREASED PENALTY FOR INTERSTATE GUN**
12 **TRAFFICKING.**

13 Section 924 of title 18, United States Code, as
14 amended by section 416(a), is amended by adding at the
15 end the following new subsection:

16 “(n) A person who, with the intent to engage in con-
17 duct that constitutes a violation of section 922(a)(1)(A),
18 travels from any State or foreign country into any other
19 State and acquires, or attempts to acquire, a firearm in
20 such other State in furtherance of such purpose shall be
21 imprisoned for not more than 10 years.”.

22 **SEC. 415. FIREARMS AND EXPLOSIVES CONSPIRACY.**

23 (a) FIREARMS.—Section 924 of title 18, United
24 States Code, as amended by section 404(a), is amended
25 by adding at the end the following new subsection:

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1 “(l) A person who conspires to commit an offense
2 under subsection (c) shall be imprisoned for not not more
3 than 20 years fined under this title, or both: and if the
4 firearm is a machinegun or destructive device, or is
5 equipped with a firearm silencer or muffler, shall be im-
6 prisoned for any term of years or life.”.

7 (b) EXPLOSIVES.—Section 844 of title 18, United
8 States Code, as amended by section 404(b), is amended
9 by adding at the end the following new subsection:

10 “(m) A person who conspires to commit an offense
11 under subsection (h) shall be imprisoned for any term of
12 years not exceeding 20, fined under this title, or both.

13 **TITLE XII—TERRORISM**

14 **SEC. 717. EXTENSION OF THE STATUTE OF LIMITATION** 15 **FOR CERTAIN TERRORISM OFFENSES.**

16 (a) IN GENERAL.—Chapter 213 of title 18, United
17 States Code, is amended by inserting after section 3285
18 the following new section:

19 **“§ 3286. Extension of statute of limitation for certain** 20 **terrorism offenses**

21 “Notwithstanding section 3282, no person shall be
22 prosecuted, tried, or punished for any offense involving a
23 violation of section 32 (aircraft destruction), section 36
24 (airport violence), section 112 (assaults upon diplomats),
25 section 351 (crimes against Congressmen or Cabinet offi-

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1 cers), section 1116 (crimes against diplomats), section
2 1203 (hostage taking), section 1361 (willful injury to gov-
3 ernment property), section 1751 (crimes against the Presi-
4 dent), section 2280 (maritime violence), section 2281
5 (maritime platform violence), section 2331 (terrorist acts
6 abroad against United States nationals), section 2339 (use
7 of weapons of mass destruction), or section 2340A (tor-
8 ture) of this title or section 902 (i), (j), (k), (l), or (n)
9 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572
10 (i), (j), (k), (l), or (n)) unless the indictment is found or
11 the information is instituted within 10 years after the of-
12 fense was committed.”.

13 (b) APPLICATION OF AMENDMENT.—The amendment
14 made by subsection (a) shall not apply to any offense com-
15 mitted more than 5 years prior to the date of enactment
16 of this Act.

17 (c) TECHNICAL AMENDMENT.—The chapter analysis
18 for chapter 213 of title 18, United States Code, is amend-
19 ed by inserting after the item relating to section 3285 the
20 following new item:

“3286. Extension of statute of limitation for certain terrorism offenses.”.

21 **SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED**
22 **STATES NATIONALS ON CERTAIN FOREIGN**
23 **SHIPS.**

24 Section 7 of title 18, United States Code (relating
25 to the special maritime and territorial jurisdiction of the

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1 United States), is amended by inserting at the end thereof
2 the following new paragraph:

3 “(8) To the extent permitted by international law,
4 any foreign vessel during a voyage having a scheduled de-
5 parture from or arrival in the United States with respect
6 to an offense committed by or against a national of the
7 United States.”.

8 **SEC. 721. COUNTERFEITING UNITED STATES CURRENCY**
9 **ABROAD.**

10 (a) IN GENERAL.—Chapter 25 of title 18, United
11 States Code, is amended by adding before section 471 the
12 following new section:

13 **“§ 470. Counterfeit acts committed outside the**
14 **United States**

15 “A person who, outside the United States, engages
16 in the act of—

17 “(1) making, dealing, or possessing any coun-
18 terfeit obligation or other security of the United
19 States; or

20 “(2) making, dealing, or possessing any plate,
21 stone, or other thing, or any part thereof, used to
22 counterfeit such obligation or security,

23 if such act would constitute a violation of section 471, 473,
24 or 474 if committed within the United States, shall be

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1 fined under this title, imprisoned for not more than 20
2 years, or both.”.

3 (b) TECHNICAL AMENDMENTS.—

4 (1) CHAPTER ANALYSIS.—The chapter analysis
5 for chapter 25 of title 18, United States Code, is
6 amended by adding before section 471 the following
7 new item:

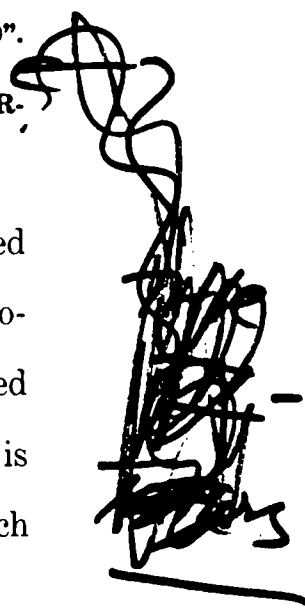
“470. Counterfeit acts committed outside the United States.”.

8 (2) PART ANALYSIS.—The part analysis for
9 part I of title 18, United States Code, is amended
10 by amending the item for chapter 25 to read as fol-
11 lows:

“25. Counterfeiting and forgery 470”.

12 **SEC. 724. SENTENCING GUIDELINES INCREASE FOR TER-**
13 **RORIST CRIMES.**

14 The United States Sentencing Commission is directed
15 to amend its sentencing guidelines to provide an appro-
16 priate enhancement for any felony, whether committed
17 within or outside the United States, that involves or is
18 intended to promote international terrorism, unless such
19 involvement or intent is itself an element of the crime.



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1 **TITLE XIII—DEPORTATION OF**
2 **ALIENS CONVICTED OF CRIMES**

3 **Subtitle A—Deportation of**
4 **Criminal Aliens**

To Be Supplied

7 **Subtitle B—Asylum**

8 **SEC. 1311. ASYLUM.**

9 (a) FINDINGS.—The Senate finds that—

10 (1) in the last decade applications for asylum
11 have greatly exceeded the original 5,000 annual limit
12 provided in the Refugee Act of 1980, with more than
13 150,000 asylum applications filed in fiscal year
14 1993, and the backlog of cases growing to 340,000;

15 (2) this flood of asylum claims has swamped
16 the system, creating delays in the processing of ap-
17 plications of up to several years;

18 (3) the delay in processing asylum claims due
19 to the overwhelming numbers has contributed to nu-
20 merous problems, including—

21 (A) an abuse of the asylum laws by fraud-
22 ulent applicants whose primary interest is ob-
23 taining work authority in the United States
24 while their claim languishes in the backlogged
25 asylum processing system;

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1 (B) the growth of alien smuggling oper-
2 ations, often involving organized crime:

3 (C) a drain on limited resources resulting
4 from the high cost of processing frivolous asy-
5 lum claims through our multilayered system;
6 and

7 (D) an erosion of public support for asy-
8 lum, which is a treaty obligation.

9 (4) asylum, a safe haven protection for aliens
10 abroad who cannot return home, has been perverted
11 by some aliens who use asylum claims to circumvent
12 our immigration and refugee laws and procedures;
13 and

14 (5) a comprehensive revision of our asylum law
15 and procedures is required to address these prob-
16 lems.

17 (h) POLICY —It is the sense of the Senate that—

18 (1) asylum is a process intended to protect
19 aliens in the United States who, because of events
20 occurring after their arrival here, cannot safely re-
21 turn home;

22 (2) persons outside their country of nationality
23 who have a well-founded fear of persecution if they
24 return should apply for refugee status at one of our
25 refugee processing offices abroad; and

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1 (3) the immigration, refugee and asylum laws
2 of the United States should be reformed to
3 provide—

4 (A) a procedure for the expeditious exclu-
5 sion of any asylum applicant who arrives at a
6 port-of-entry with fraudulent documents, or no
7 documents, and makes a noncredible claim of
8 asylum; and

9 (B) the immigration, refugee and asylum
10 laws of the United States should be reformed to
11 provide for a streamlined affirmative asylum
12 processing system for asylum applicants who
13 make their application after they have entered
14 the United States.

15 **Subtitle C—Immigration and**
16 **Border Enforcement**

17 **SEC. 1321. EXPEDITED DEPORTATION FOR DENIED ASYLUM**
18 **APPLICANTS.**

19 (a) IN GENERAL.—The Attorney General may pro-
20 vide for the expeditious adjudication of asylum claims and
21 the expeditious deportation of asylum applicants whose
22 applications have been finally denied, unless the applicant
23 remains in an otherwise valid nonimmigrant status. Noth-
24 ing in this section shall require the Attorney General to

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1 authorize an applicant for asylum to engage in employ-
2 ment in the United States.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$_____ for fiscal years 1995, 1996, 1997, 1998, and
6 1999.

7 **SEC. 1322. IMPROVING BORDER CONTROLS.**

8 There are authorized to be appropriated \$_____

9 for the Immigration and Naturalization Service to in-
10 crease the number of agent positions (and necessary sup-
11 port personnel positions) in the Border Patrol and to in-
12 crease the resources for the Border Patrol, the Inspections
13 Program, and the Deportation Branch to apprehend ille-
14 gal aliens who attempt clandestine entry into the United
15 States or entry into the United States with fraudulent doc-
16 uments or who remain in the country after their non-
17 immigrant visas expire.

18 **SEC. 1323. EXPANDED SPECIAL DEPORTATION PROCEED-**
19 **INGS.**

20 (a) IN GENERAL.—Subject to the availability of ap-
21 propriations, the Attorney General may expand the pro-
22 gram authorized by section 242A(d) of the Immigration
23 and Nationality Act to ensure that such aliens are imme-
24 diately deportable upon their release from incarceration.

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1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$_____ to carry out
3 this section for fiscal years 1995, 1996, 1997, and 1998.

4 **SEC. 1324. CONSTRUCTION OF INS SERVICE PROCESSING**
5 **CENTERS TO DETAIN CRIMINAL ALIENS.**

6 There are authorized to be appropriated \$_____
7 for fiscal year 1996 to construct or contract for the con-
8 struction of 2 Immigration and Naturalization Service
9 Processing Centers to detain criminal aliens.

10 **SEC. 1325. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.**

11 (a) IN GENERAL.—Subject to subsection (b) and not-
12 withstanding any other provision of law, the Attorney Gen-
13 eral, in the discretion of the Attorney General, is author-
14 ized to accept, hold, administer, and utilize gifts of prop-
15 erty and services (which may not include cash assistance)
16 for the purpose of assisting the Immigration and Natu-
17 ralization Service in carrying out the deportation of aliens
18 who are subject to charges for misdemeanor or felony
19 crimes under State or Federal law and who are either un-
20 lawfully within the United States or willing to submit to
21 voluntary deportation under safeguard. Any property ac-
22 quired pursuant to this section shall be acquired in the
23 name of the United States.

24 (b) LIMITATION.—The Attorney General shall termi-
25 nate or rescind the exercise of the authority under sub-

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1 section (a) if the Attorney General determines that the
2 exercise of such authority has resulted in discrimination
3 in law enforcement on the basis of race, color, or national
4 origin.

5 **TITLE XIV—YOUTH VIOLENCE**

6 **SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.**

8 The 4th undesignated paragraph of section 5032 of
9 title 18, United States Code, is amended by striking “;
10 however” and inserting “. In the application of the preced-
11 ing sentence, if the crime of violence is an offense under
12 section 113(a), 113(b), 113(c), 1111, 1113, or, if the juve-
13 nile possessed a firearm during the offense, section 2111,
14 2113, 2241(a), or 2241(c), ‘thirteen’ shall be substituted
15 for ‘fifteen’ and ‘thirteenth’ shall be substituted for ‘fif-
16 teenth’. Notwithstanding sections 1152 and 1153, no per-
17 son subject to the criminal jurisdiction of an Indian tribal
18 government shall be subject to the preceding sentence for
19 any offense the Federal jurisdiction for which is predi-
20 cated solely on Indian country (as defined in section
21 1151), and which has occurred within the boundaries of
22 such Indian country, unless the governing body of the
23 tribe has elected that the preceding sentence have effect
24 over land and persons subject to its criminal jurisdiction.
25 However”.

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1 **SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.**

2 Section 5032 of title 18, United States Code, is
3 amended by striking "Any proceedings against a juvenile
4 under this chapter or as an adult shall not be commenced
5 until" and inserting "A juvenile shall not be transferred
6 to adult prosecution nor shall a hearing be held under sec-
7 tion 5037 (disposition after a finding of juvenile delin-
8 quency) until".

9 **SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OF-**
10 **FENDERS.**

11 Section 5039 of title 18, United States Code, is
12 amended by inserting " , whether pursuant to an adjudica-
13 tion of delinquency or conviction for an offense," after
14 "committed" the first place it appears.

15 **TITLE XV—CRIMINAL STREET**
16 **GANGS**

17 **SEC. 603. CRIMINAL STREET GANGS.**

18 (a) IN GENERAL.—Part I of title 18, United States
19 Code, is amended by inserting after chapter 25 the follow-
20 ing new chapter:

21 **CHAPTER 26—CRIMINAL STREET GANGS**

22 **“§ 521. Criminal street gangs**

23 **“(a) DEFINITIONS.—**

24 **“ ‘conviction’ includes a finding, under State or**
25 **Federal law, that a person has committed an act of**

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1 juvenile delinquency involving a violent or controlled
2 substances felony.

3 “ ‘criminal street gang’ means an on-going
4 group, club, organization, or association of five or
5 more persons—

6 “(1) that has as 1 of its primary purposes
7 the Commission of 1 or more of the criminal of-
8 fenses described in subsection (c);

9 “(2) the members of which engage, or have
10 engaged within the past 5 years, in a continu-
11 ing series of offenses described in subsection
12 (c); and

13 “(3) the activities of which affect interstate
14 or foreign commerce.

15 “(b) PENALTY.—

16 “(1) IN GENERAL.—A person who, under the
17 circumstances described in subsection (d), commits
18 an offense described in subsection (c), shall, in addi-
19 tion to any other sentence authorized by law, be im-
20 prisoned not more than 10 years, fined under this
21 title, or both.

22 “(2) CONSECUTIVE SENTENCES.—A term of
23 imprisonment imposed under paragraph (1) shall be
24 served consecutively to any other sentence that is
25 imposed.

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1 “(c) OFFENSES.—The offenses described in this sec-
2 tion are—

3 “(1) a Federal felony involving a controlled sub-
4 stance (as defined in section 102 of the Controlled
5 Substances Act (21 U.S.C. 802)) for which the max-
6 imum penalty is not less than 10 years;

7 “(2) a Federal felony crime of violence that has
8 as an element the use or attempted use of physical
9 force against the person of another; and

10 “(3) a conspiracy to commit an offense de-
11 scribed in paragraph (1) or (2).

12 “(d) CIRCUMSTANCES.—The circumstances described
13 in this section are that the offense described in subsection
14 (c) was committed by a person who—

15 “(1) participates in a criminal street gang with
16 knowledge that its members engage in or have en-
17 gaged in a continuing series of offenses described in
18 subsection (c);

19 “(2) intends to promote or further the felonious
20 activities of the criminal street gang or maintain or
21 increase his or her position in the gang; and

22 “(3) has been convicted within the past 5 years
23 for—

24 “(A) an offense described in subsection (c);

25 “(B) a State offense—

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1 “(i) involving a controlled substance
2 (as defined in section 102 of the Controlled
3 Substances Act (21 U.S.C. 802)) for which
4 the maximum penalty is not less than 10
5 years imprisonment; or

6 “(ii) that is a felony crime of violence
7 that has as an element the use or at-
8 tempted use of physical force against the
9 person of another; or

10 “(C) any Federal or State felony offense
11 that by its nature involves a substantial risk
12 that physical force against the person of an-
13 other may be used in the course of committing
14 the offense; and

15 “(D) a conspiracy to commit an offense de-
16 scribed in paragraph (1), (2), or (3).”.

17 (b) TECHNICAL AMENDMENT.—The part analysis for
18 part I of title 18, United States Code, is amended by in-
19 serting after the item relating to chapter 25 the following
20 new item:

 “26. Criminal street gangs 521”.

21 **SEC. 614. ADULT PROSECUTION OF SERIOUS JUVENILE OF-**
22 **FENDERS.**

23 Section 5032 of title 18, United States Code, is
24 amended—

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1 (1) in the fourth undesignated paragraph by in-
2 serting "or in section 924(b), (g), or (h) of this
3 title," before "criminal prosecution" the first place
4 it appears; and

5 (2) in the fifth undesignated paragraph by add-
6 ing at the end the following: "In considering the na-
7 ture of the offense, as required by this paragraph,
8 the court shall consider the extent to which the juve-
9 nile played a leadership role in an organization, or
10 otherwise influenced other persons to take part in
11 criminal activities, involving the use or distribution
12 of controlled substances or firearms. Such a factor,
13 if found to exist, shall weigh in favor of a transfer
14 to adult status, but the absence of this factor shall
15 not preclude such a transfer."

16 **SEC. 614. INCREASED PENALTIES FOR EMPLOYING CHIL-**
17 **DREN TO DISTRIBUTE DRUGS NEAR SCHOOLS**
18 **AND PLAYGROUNDS.**

19 Section 419 of the Controlled Substances Act (21
20 U.S.C. 860) is amended—

21 (1) by redesignating subsections (c) and (d) as
22 subsections (d) and (e), respectively; and

23 (2) by inserting after subsection (b) the follow-
24 ing new subsection:

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1 “(c) Notwithstanding any other law, any person at
2 least 21 years of age who knowingly and intentionally—
3 “(1) employs, hires, uses, persuades, induces,
4 entices, or coerces a person under 18 years of age
5 to violate this section; or
6 “(2) employs, hires, uses, persuades, induces,
7 entices, or coerces a person under 18 years of age
8 to assist in avoiding detection or apprehension for
9 any offense under this section by any Federal, State,
10 or local law enforcement official,
11 is punishable by a term of imprisonment, a fine, or both,
12 up to triple those authorized by section 401.”.

13 **SEC. 616. INCREASED PENALTIES FOR TRAVEL ACT CRIMES**
14 **INVOLVING VIOLENCE AND CONSPIRACY TO**
15 **COMMIT CONTRACT KILLINGS.**

16 (a) TRAVEL ACT PENALTIES.—Section 1952(a) of
17 title 18, United States Code, is amended by striking “and
18 thereafter performs or attempts to perform any of the acts
19 specified in subparagraphs (1), (2), and (3), shall be fined
20 not more than \$10,000 or imprisoned for not more than
21 five years, or both.” and inserting “and thereafter per-
22 forms or attempts to perform—

23 “(A) an act described in paragraph (1) or (3)
24 shall be fined under this title, imprisoned not more
25 than 5 years, or both; or

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1 “(B) an act described in paragraph (2) shall be
2 fined under this title, imprisoned for not more than
3 20 years, or both, and if death results shall be im-
4 prisoned for any term of years or for life.”.

5 (b) MURDER CONSPIRACY PENALTIES.—Section
6 1958(a) of title 18, United States Code, is amended by
7 inserting “or who conspires to do so” before “shall be
8 fined” the first place it appears.

9 **SEC. 618. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING**

10 **OBJECTIVE.**

11 Section 501(b) of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
13 amended—

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

16 (2) in paragraph (21) by striking the period
17 and inserting “; and”: and

18 (3) by inserting after paragraph (21) the fol-
19 lowing new paragraph:

20 “(22) law enforcement and prevention programs
21 relating to gangs, or to youth who are involved or
22 at risk of involvement in gangs.”.

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1 **TITLE XVI—Child Pornography**

2 **SEC. 824. PENALTIES FOR INTERNATIONAL TRAFFICKING**
3 **IN CHILD PORNOGRAPHY.**

4 (a) **IMPORT RELATED OFFENSE.**—Chapter 110 of
5 title 18, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 2258. Production of sexually explicit depictions of**
8 **a minor for importation into the United**
9 **States**

10 “(a) **USE OF MINOR.**—A person who, outside the
11 United States, employs, uses, persuades, induces, entices,
12 or coerces any minor to engage in, or who has a minor
13 assist any other person to engage in, or who transports
14 any minor with the intent that the minor engage in any
15 sexually explicit conduct for the purpose of producing any
16 visual depiction of such conduct, intending that the visual
17 depiction will be imported into the United States or into
18 waters within 12 miles of the coast of the United States,
19 shall be punished as provided in subsection (c).

20 “(b) **USE OF VISUAL DEPICTION.**—A person who,
21 outside the United States, knowingly receives, transports,
22 ships, distributes, sells, or possesses with intent to trans-
23 port, ship, sell, or distribute any visual depiction of a
24 minor engaging in sexually explicit conduct (if the produc-
25 tion of the visual depiction involved the use of a minor

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1 engaging in sexually explicit conduct). intending that the
2 visual depiction will be imported into the United States
3 or into waters within a distance of 12 miles of the coast
4 of the United States. shall be punished as provided in sub-
5 section (c).

6 “(c) PENALTIES.—A person who violates subsection
7 (a) or (b), or conspires or attempts to do so—

8 “(1) shall be fined under this title, imprisoned
9 not more than 10 years, or both; and

10 “(2) if the person has a prior conviction under
11 this chapter or chapter 109A, shall be fined under
12 this title, imprisoned not more than 20 years, or
13 both.”.

14 (b) TECHNICAL AMENDMENT.—

15 (1) CHAPTER ANALYSIS.—The chapter analysis
16 for chapter 110 of title 18, United States Code, is
17 amended by adding at the end the following new
18 item:

“2258. Production of sexually explicit depictions of a minor for importation into
the United States.”.

19 (2) FINE PROVISIONS.—Section 2251(d) of title
20 18, United States Code, is amended—

21 (A) by striking “not more than \$100,000,
22 or” and inserting “under this title,”;

23 (B) by striking “not more than \$200,000,
24 or” and inserting “under this title,”; and

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1 (C) by striking "not more than \$250,000"
2 and inserting "under this title".

3 (c) SECTION 2251 PENALTY ENHANCEMENT.—Sec-
4 tion 2251(d) of title 18, United States Code, is amended
5 by striking "this section" the second place it appears and
6 inserting "this chapter or chapter 109A".

7 (d) SECTION 2252 PENALTY ENHANCEMENT.—Sec-
8 tion 2252(b)(1) of title 18, United States Code, is amend-
9 ed by striking "this section" and inserting "this chapter
10 or chapter 109A".

11 (e) CONSPIRACY AND ATTEMPT.—Sections 2251(d)
12 and 2252(b) of title 18, United States Code, are each
13 amended by inserting ", or attempts or conspires to vio-
14 late," after "violates" each place it appears.

15 (f) RICO AMENDMENT.—Section 1961(l) of title 18,
16 United States Code, is amended by striking "2251-2252"
17 and inserting "2251, 2252, and 2258".

18 (g) TRANSPORTATION OF MINORS.—Section 2423 of
19 title 18, United States Code, is amended—

20 (1) by striking "(a) Whoever" and inserting
21 "(a) TRANSPORTATION WITH INTENT TO ENGAGE
22 IN CRIMINAL SEXUAL ACTIVITY.—A person who";
23 and

24 (2) by adding at the end the following new sub-
25 section:

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1 “(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL
2 ACT WITH A JUVENILE.—A person who travels in inter-
3 state commerce, or conspires to do so, or a United States
4 citizen or an alien admitted for permanent residence in
5 the United States who travels in foreign commerce, or con-
6 spires to do so, for the purpose of engaging in any sexual
7 act (as defined in section 2245) with a person under 18
8 years of age that would be in violation of chapter 109A
9 if the sexual act occurred in the special maritime and ter-
10 ritorial jurisdiction of the United States shall be fined
11 under this title, imprisoned not more than 10 years, or
12 both.”.

13 **SEC. 825. SENSE OF CONGRESS CONCERNING STATE LEGIS-**
14 **LATION REGARDING CHILD PORNOGRAPHY.**

15 It is the sense of the Congress that each State that
16 has not yet done so should enact legislation prohibiting
17 the production, distribution, receipt, or simple possession
18 of materials depicting a person under 18 years of age en-
19 gaging in sexually explicit conduct (as defined in section
20 2256 of title 18, United States Code) and providing for
21 a maximum imprisonment of at least 1 year and for the
22 forfeiture of assets used in the commission or support of,
23 or gained from, such offenses.

Sec. 826 Sense of Congress Concerning
Interpretation of Federal Child
Pornography Statute

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1 **TITLE** **XVII—JACOB**
2 **WETTERLING** **CRIMES**
3 **AGAINST CHILDREN** **REG-**
4 **ISTRATION ACT**

5 **SEC. 1301. ESTABLISHMENT OF PROGRAM.**

6 (a) IN GENERAL.—

7 (1) STATE GUIDELINES.—The Attorney General
8 shall establish guidelines for State programs requir-
9 ing any person who is convicted of a criminal offense
10 against a victim who is a minor to register a current
11 address with a designated State law enforcement
12 agency for 10 years after release from prison, or
13 being placed on parole, supervised release, or proba-
14 tion.

15 (2) DEFINITION.—For purposes of this sub-
16 section, the term “criminal offense against a victim
17 who is a minor” means any criminal offense that
18 consists of—

19 (A) kidnapping of a minor, except by a
20 parent;

21 (B) false imprisonment of a minor, except
22 by a parent;

23 (C) criminal sexual conduct toward a
24 minor;

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1 (D) solicitation of a minor to engage in
2 sexual conduct;

3 (E) use of a minor in a sexual perform-
4 ance;

5 (F) solicitation of a minor to practice pros-
6 titution;

7 (G) any conduct that by its nature is a
8 sexual offense against a minor; or

9 (H) an attempt to commit an offense de-
10 scribed in any of subparagraphs (A) through
11 (G) of this paragraph, if the State—

12 (i) makes such an attempt a criminal
13 offense; and

14 (ii) chooses to include such an offense
15 in those which are criminal offenses
16 against a victim who is a minor for the
17 purposes of this section.

18 (b) REGISTRATION REQUIREMENT UPON RELEASE,
19 PAROLE, SUPERVISED RELEASE, OR PROBATION.—An
20 approved State registration program established under
21 this section shall contain the following requirements:

22 (1) DUTY OF STATE PRISON OFFICIAL OR
23 COURT.—If a person who is required to register
24 under this section is released from prison, or placed
25 on parole, supervised release, or probation, a State

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1 prison officer, or in the case of probation, the court,
2 shall—

3 (A) inform the person of the duty to reg-
4 ister and obtain the information required for
5 such registration;

6 (B) inform the person that if the person
7 changes residence' address, the person shall give
8 the new address to a designated State law en-
9 forcement agency in writing within 10 days;

10 (C) inform the person that if the person
11 changes residence to another State, the person
12 shall register the new address with the law en-
13 forcement agency with whom the person last
14 registered, and the person is also required to
15 register with a designated law enforcement
16 agency in the new State not later than 10 days
17 after establishing residence in the new State, if
18 the new State has a registration requirement;

19 (D) obtain fingerprints and a photograph
20 of the person if these have not already been ob-
21 tained in connection with the offense that trig-
22 gers registration; and

23 (E) require the person to read and sign a
24 form stating that the duty of the person to reg-
25 ister under this section has been explained.

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1 (2) TRANSFER OF INFORMATION TO STATE AND
2 THE F.B.I.—The officer, or in the case of a person
3 placed on probation, the court, shall, within 3 days
4 after receipt of information described in paragraph
5 (1), forward it to a designated State law enforce-
6 ment agency. The State law enforcement agency
7 shall immediately enter the information into the ap-
8 propriate State law enforcement record system and
9 notify the appropriate law enforcement agency hav-
10 ing jurisdiction where the person expects to reside.
11 The State law enforcement agency shall also imme-
12 diately transmit the conviction data and fingerprints
13 to the Federal Bureau of Investigation.

14 (3) ANNUAL VERIFICATION.—On each anniver-
15 sary of a person's initial registration date during the
16 period in which the person is required to register
17 under this section, the designated State law enforce-
18 ment agency shall mail a nonforwardable verification
19 form to the last reported address of the person. The
20 person shall mail the verification form to the des-
21 ignated State law enforcement agency within 10
22 days after receipt of the form. The verification form
23 shall be signed by the person, and state that the per-
24 son still resides at the address last reported to the
25 designated State law enforcement agency. If the per-

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1 son fails to mail the verification form to the des-
2 ignated State law enforcement agency within 10
3 days after receipt of the form. the person shall be
4 in violation of this section unless the person proves
5 that the person has not changed his or her residence
6 address.

7 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
8 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
9 change of address by a person required to register
10 under this section reported to the designated State
11 law enforcement agency shall immediately be re-
12 ported to the appropriate law enforcement agency
13 having jurisdiction where the person is residing. The
14 designated law enforcement agency shall, if the per-
15 son changes residence to another State, notify the
16 person of the law enforcement agency with which the
17 person must register in the new State, if the new
18 State has a registration requirement.

19 (5) PRIVACY OF DATA.—The information col-
20 lected under a State registration program shall be
21 treated as private data on individuals and may be
22 disclosed only to law enforcement agencies for inves-
23 tigative purposes or to government agencies conduct-
24 ing confidential background checks with fingerprints

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1 on applicants for child care positions or other posi-
2 tions involving contact with children.

3 (c) REGISTRATION FOR CHANGE OF ADDRESS TO
4 ANOTHER STATE.—A person who has been convicted of
5 an offense which triggered registration in a State shall
6 register the new address with a designated law enforce-
7 ment agency in another State to which the person moves
8 not later than 10 days after such person establishes resi-
9 dence in the new State, if the new State has a registration
10 requirement.

11 (d) REGISTRATION FOR 10 YEARS.—A person re-
12 quired to register under this section shall continue to com-
13 ply with this section until 10 years have elapsed since the
14 person was released from prison, or placed on parole, su-
15 pervised release, or probation.

16 (e) PENALTY.—A person required to register under
17 a State program established pursuant to this section who
18 knowingly fails to so register and keep such registration
19 current shall be subject to criminal penalties in any State
20 in which the person has so failed.

21 (f) COMPLIANCE.—

22 (1) COMPLIANCE DATE.—Each State shall have
23 3 years from the date of the enactment of this Act
24 in which to implement this section.

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1 (2) INELIGIBILITY FOR FUNDS.—The allocation
2 of funds under section 506 of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3756) received by a State not complying with
5 the guidelines issued under this section 3 years after
6 the date of enactment of this Act may be reduced
7 by 10 percent and the unallocated funds shall be re-
8 allocated to the States in compliance with this
9 section.

10 **TITLE XVIII—MISSING AND**
11 **EXPLOITED CHILDREN**

12 **SEC. 4301. SHORT TITLE.**

13 This subtitle may be cited as the “Morgan P.
14 Hardiman Task Force on Missing and Exploited Children
15 Act”.

16 **SEC. 4302. PURPOSE.**

17 The purpose of this subtitle is to establish a task
18 force comprised of law enforcement officers from pertinent
19 Federal agencies to work with the National Center for
20 Missing and Exploited Children (referred to as the “Cen-
21 ter”) and coordinate the provision of Federal law enforce-
22 ment resources to assist State and local authorities in in-
23 vestigating the most difficult cases of missing and ex-
24 ploited children.

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1 **SEC. 4303. ESTABLISHMENT OF TASK FORCE.**

2 Title IV of the Juvenile Justice and Delinquency Pre-
3 vention Act of 1974 (42 U.S.C. 5771 et seq.) is
4 amended—

5 (1) by redesignating sections 407 and 408 as
6 sections 408 and 409, respectively; and

7 (2) by inserting after section 406 the following
8 new section:

9 “TASK FORCE

10 “SEC. 407. (a) ESTABLISHMENT.—There is estab-
11 lished a Missing and Exploited Children’s Task Force (re-
12 ferred to as the “Task Force”).

13 “(b) MEMBERSHIP.—

14 “(1) IN GENERAL.—The Task Force shall in-
15 clude at least 2 members from each of—

16 “(A) the Federal Bureau of Investigation;

17 “(B) the Secret Service;

18 “(C) the Bureau of Alcohol, Tobacco and
19 Firearms;

20 “(D) the United States Customs Service;

21 “(E) the Postal Inspection Service;

22 “(F) the United States Marshals Service;

23 and

24 “(G) the Drug Enforcement Administra-
25 tion.

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1 “(2) CHIEF.—A representative of the Federal
2 Bureau of Investigation (in addition to the members
3 of the Task Force selected under paragraph (1)(A))
4 shall act as chief of the Task Force.

5 “(3) SELECTION.—(A) The Director of the
6 Federal Bureau of Investigation shall select the chief
7 of the Task Force.

8 “(B) The heads of the agencies described in
9 paragraph (1) shall submit to the chief of the Task
10 Force a list of at least 5 prospective Task Force
11 members, and the chief shall select 2, or such great-
12 er number as may be agreeable to an agency head,
13 as Task Force members.

14 “(4) PROFESSIONAL QUALIFICATIONS.—The
15 members of the Task Force shall be law enforcement
16 personnel selected for their expertise that would en-
17 able them to assist in the investigation of cases of
18 missing and exploited children.

19 “(5) STATUS.—A member of the Task Force
20 shall remain an employee of his or her respective
21 agency for all purposes (including the purpose of
22 performance review), and his or her service on the
23 Task Force shall be without interruption or loss of
24 civil service privilege or status and shall be on a
25 nonreimbursable basis.

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1 “(6) PERIOD OF SERVICE.—(A) Subject to sub-
2 paragraph (B), 1 member from each agency shall
3 initially serve a 1-year term, and the other member
4 from the same agency shall serve a 1-year term, and
5 may be selected to a renewal of service for 1 addi-
6 tional year; thereafter, each new member to serve on
7 the Task Force shall serve for a 2-year period with
8 the member’s term of service beginning and ending
9 in alternate years with the other member from the
10 same agency; the period of service for the chief of
11 the Task Force shall be 3 years.

12 “(B) The chief of the Task Force may at any
13 time request the head of an agency described in
14 paragraph (1) to submit a list of 5 prospective Task
15 Force members to replace a member of the Task
16 Force, for the purpose of maintaining a Task Force
17 membership that will be able to meet the demands
18 of its caseload.

19 “(c) SUPPORT.—

20 “(1) IN GENERAL.—The Administrator of the
21 General Services Administration, in coordination
22 with the heads of the agencies described in sub-
23 section (b)(1), shall provide the Task Force office
24 space and administrative and support services, such
25 office space to be in close proximity to the office of

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1 the Center, so as to enable the Task Force to coordi-
2 nate its activities with that of the Center on a day-
3 to-day basis.

4 “(2) LEGAL GUIDANCE.—The Attorney General
5 shall assign a United States Attorney to provide
6 legal guidance, as needed, to members of the Task
7 Force.

8 “(d) PURPOSE.—

9 “(1) IN GENERAL.—The purpose of the Task
10 Force shall be to make available the combined re-
11 sources and expertise of the agencies described in
12 paragraph (1) to assist State and local governments
13 in the most difficult missing and exploited child
14 cases nationwide, as identified by the chief of the
15 Task Force from time to time, in consultation with
16 the Center, and as many additional cases as re-
17 sources permit, including the provision of assistance
18 to State and local investigators on location in the
19 field.

20 “(2) TECHNICAL ASSISTANCE.—The role of the
21 Task Force in any investigation shall be to provide
22 advice and technical assistance and to make avail-
23 able the resources of the agencies described in sub-
24 section (b)(1); the Task Force shall not take a lead-
25 ership role in any such investigation.

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1 “(e) TRAINING.—Members of the Task Force shall
2 receive a course of training, provided by the Center, in
3 matters relating to cases of missing and exploited children.

4 “(f) CROSS-DESIGNATION OF TASK FORCE MEM-
5 BERS.—The Attorney General may cross-designate the
6 members of the Task Force with jurisdiction to enforce
7 Federal law related to child abduction to the extent nec-
8 essary to accomplish the purposes of this section.”.

9 **TITLE XIX- FIREARMS**

TO BE SUPPLIED