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CRS Report for Congress

Crime, Drug, and Gun Control: Comparison of Major Omnibus Bills of the 102d Congress

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October 15, 1991
Revised November 15, 1991



CRIME, DRUG, AND GUN CONTROL: COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS

SUMMARY

The report compares significant provisions of crime, drug, and gun control legislation under consideration by the 102d Congress. Bills included in this comparison are: S. 1241 as passed by the Senate (July 11, 1991); H.R. 3371 as passed by the House (October 22, 1991); and an Administration bill (introduced in the House as H.R. 1400 and in the Senate as S. 635).

All three proposals are broad in scope, the Senate bill having 49 titles, the Administration bill eleven, and the House bill twenty-five. They are similar insofar as they each seek, in a number of respects, to expand the Federal role in the nation's crime control efforts. The bills all to some degree increase penalties for the criminal use of firearms; expand the number of Federal crimes punishable by death; provide for changes in habeas corpus procedure intended to expedite review of capital cases; add new offenses subject to Federal jurisdiction; and increase penalties for violent crimes and drug trafficking. However, they each have unique provisions and in some instances propose significantly divergent approaches to the issues addressed. Among the differences are the following:

- **Firearms.** *S. 1241* expands Federal regulation of military-style semiautomatic firearms ("assault weapons"). By floor action, similar provisions in *H.R. 3371* as reported were stricken. Both *S. 1241* and *H.R. 3371* provide for the screening of handgun buyers (*H.R. 7*, the "Brady Bill", was incorporated by floor amendment into *H.R. 3371*); but *S. 1241* also contains provisions designed to achieve a national system for instant identification of felons and other high-risk individuals, which could be used at the point-of-purchase by gun dealers, after which the Brady waiting period feature would be eliminated. *S. 1241* also establishes potential Federal jurisdiction over virtually all gun crimes and a Federal death penalty for murder committed with a firearm. Except for a ban on large-capacity magazines, a proposal also generated by the assault weapon issue, the Administration bill has no similar provisions.
- **Habeas Corpus.** *H.R. 3371* expands the retroactive application of new Supreme Court decisions to Federal habeas proceedings initiated by State prisoners; *S. 1241* and the Administration bill do not, and they bar Federal habeas relief where State courts have given a constitutional or other claim a full and fair hearing.
- **Exclusionary Rule.** *S. 1241* codifies the good faith exception (reliance on a warrant) developed in Federal case law related to the Fourth Amendment "Exclusionary Rule." Both the Administration bill and *H.R. 3371* also include warrantless searches within the exception, and the Administration bill further includes guns seized as evidence.
- **Racially Discriminatory Capital Sentencing.** Both the Administration bill and *H.R. 3371* require procedures to provide for color-blind capital sentencing without statistical tests. *S. 1241* contains no comparable provisions.
- **Federalization of Crime.** Although all three bills would in varying degrees extend Federal criminal jurisdiction and involvement in crime control measures, only *S. 1241* would make it possible to prosecute in a Federal court the perpetrator of any violent or drug trafficking crime, under State law, if during and in relation to the offense he possessed a deadly or dangerous weapon or device.
- **New Funding Authorizations.** *S. 1241* contains new appropriation authorizations for fiscal year 1992 totalling approximately \$2.1 billion, including \$400 million for a new Police Corps program, \$850 million for the construction and operation of Federal and non-Federal prisons, \$550 million for Federal law enforcement agencies, \$400 million for a national Felon Identification System (intended for use in identifying proscribed firearm purchasers), \$300 million for a new drug emergency areas program, and \$150 million for youth violence and rural crime initiatives. A similar total for *H.R. 3371* is in the range of \$1.2 billion, including \$100 million for each of three new programs (substance abuse treatment programs in State prisons, safe schools, and drug testing of arrestees), \$150 million for a community policing program, \$200 million for alternatives to prison, \$300 million for drug emergency areas, and approximately \$100 million for the Drug Enforcement Administration. The Administration bill contains no provisions for new or increased funding authorizations.

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The coordinator wishes to acknowledge the invaluable assistance of Michael J. Burton in the assembly and production of the report.

**CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS**

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

DEATH PENALTY

Offenses

Establishes procedures to make the death penalty available as a sentencing alternative for the following Federal crimes [Section 102(a)]:

— Treason [Section 102(a)]

— Espionage [Sections 102(a), 104] (limits applicable espionage offenses to those involving nuclear weaponry, military spacecraft and satellites, early warning systems or other means of defense or retaliation against large scale attack, war plans, communications intelligence or cryptographic information, sources or methods of intelligence or counter-intelligence operations, or other major weapons systems or major elements of defense strategy)

— Attempted assassination of the President if President is injured or seriously endangered [Sections 102(a), 114]

— Major felony drug offense committed by drug kingpin as part of a continuing criminal enterprise [Section 102(a)]

Establishes procedures to make the death penalty available as a sentencing alternative for a number of Federal offenses [Section 202(a)]:

Similar provision. [Section 202(a)]

Similar provisions. [Sections 202(a), 203(a)(2)]

Similar provisions. [Section 202(a), 203(a)(9)]

Similar provision. [Section 402(b)]

Similar provision. [Section 2302(1)]

Similar provision. [Section 2302(1)]

Similar provisions. [Section 2302(1); Section 2304]

Similar provision. [Section 2314; Section 2302(1)]

Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
— Attempted killing of a public officer, juror, witness or member of the family or household of such person, by a drug kingpin in order to obstruct investigation or prosecution. [Section 102(a); <i>see also</i>, Sections 502, 503]	Similar provision. [Section 402(b)]	Similar provision. [Section 2302(1)] <i>See also</i>, Section 2324, regarding retaliatory killing of witnesses, victims, and informants, and Section 2334, regarding intentional killing of witnesses in Federal witness protection program. In addition, <i>see</i> Sections 2338 and 1911. Section 2338 permits court to withhold list of veniremen and witnesses from capital defendants, if it finds, by a preponderance of the evidence, that providing such list may jeopardize life or safety of any person. Section 1911 permits the court to withhold the list of veniremen and the name or other identifying information with regard to a witness under like circumstances. (Both may be subject to due process, confrontation clause or ineffective assistance of counsel constraints.)
— Felony drug offense, engaged in intentionally, knowingly, or with extreme indifference to human life, resulting in death of another person during course of offense or through use of controlled substance involved in offense. [Section 102(a)]. <i>See also</i> Section 121, which strikes the existing death penalty sentencing procedures for intentional killing or causing, commanding, inducing, counseling or procuring an intentional	Similar provision. [Section 402 (b)]	Similar provision. [Section 2302(1)] <i>See also</i>, Section 2321, striking 21 U.S.C. § 848 (g)-(p); (q)(1)-(3) and (r).

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

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(As passed by the House)

killing, where death results, while engaging in or working in furtherance of a continuing criminal enterprise; or, while seeking to avoid apprehension, prosecution or punishment for a drug felony, for intentionally killing a Federal or State law enforcement officer, or counseling, procuring, commanding, inducing or causing same, under Section 408 of the Controlled Substances Act, 21 U.S.C. § 848 (g)-(r).

Any other offense, for which death sentence is provided, where defendant caused another's death intentionally, knowingly, or showing extreme indifference to human life; or through intentional infliction of serious bodily harm [Section 102(a)], presumably including:

Any other offense where the defendant intentionally killed the victim; inflicted serious bodily harm resulting in the death of the victim; intentionally participated in any act, intending that lethal force be used or contemplating that a person's life would be taken, where the victim died as a direct result of the act; or intentionally and specifically engaged in an act, with reckless disregard for human life, knowing that the act created a grave risk of death to someone other than the participants in the act, where the victim dies as a direct result of the act. [Section 202(a)]. Included in these offenses are:

Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
— Destruction of aircraft, motor vehicles or their facilities where death results [Section 103];	Similar provision. [Section 203(a)(1)]	Similar provision. [Section 2303]
— Explosives violations [Sections 105, 106, 107];	Similar provision. [Section 203(a)(3)]	Similar provisions. [Sections 2305, 2306, 2307]
— First degree murder within the special maritime and territorial jurisdiction of the United States [Section 108];	Similar provision. [Section 203(a)(6)(A)]	Similar provision. [Section 2308]
— Murder of foreign officials, official guests, or internationally protected persons [Section 109];	Similar provision. [Section 203(a)(6)(B)]	Similar provision. [Section 2309]
— Murder by a Federal prisoner [Section 110];	Similar provision. [Section 205]	Similar provision. [Section 2310] <i>See also, Section 2346, murder by an escaped Federal prisoner serving a life sentence.</i>
— Kidnapping where death results [Section 111];	Similar provision. [Section 203(a)(7)]	Similar provision. [Section 2311]
— Hostage taking where death results [Section 112];	Similar provision. [Section 203(a)(12)]	Similar provision. [Section 2312]
— Mailing injurious articles where death results [Section 113];	Similar provision. [Section 203(a)(8)]	Similar provision. [Section 2313]
— Murder for hire [Section 115];	Similar provision. [Section 203(a)(13)(A)]	Similar provision. [Section 2315]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
— Murder in aid of racketeering activity [Section 116] (This subsection also makes kidnapping in aid of racketeering activity punishable by imprisonment of any term of years or life, or a fine of not more than \$250,000, or both.)	Similar provision. [Section 203(a)(13)(B)]	Similar provision. [Section 2316]
— Train wrecking where death results [Section 117]	Similar provision. [Section 203(a)(10)]	Similar provision. [Section 2317]
— Robbery of federally insured bank where death results [Section 118];	Similar provision. [Section 203(a)(11)]	Similar provision. [Section 2318]
— Murder during commission of terrorist act [Section 119]	Similar provision. [Section 525]. Also includes a number of sections making capital punishment available for a series of new criminal offenses addressing specific terrorist acts [Title V] including:	Similar provision although Section 2319, amends 18 U.S.C. § 2331(a)(1), while S. 1241 and H.R. 1400 amend 2332(a)(1). (It appears that this cite does not reflect the renumbering of this section as 2332 pursuant to P.L. 101-519, and the addition of a new definitional section numbered 2331.) [Section 2319] In addition, H.R. 3371 makes the death penalty available for a number of newly defined terrorist offenses, including:
	— Engaging in violence in international airports where death results [Section 501] (see also Section 503, which makes it a crime to willfully violate Federal aviation security regulations.)	Similar provision. [Section 2341] See also, Section 2327, redundant provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	— Engaging in intentional violence against maritime navigation where death results [Section 514]	Similar provision. [Section 2342] <i>See also</i> , Section 2329, redundant provision.
	— Engaging in intentional violence against maritime platforms where death results [Section 514]	Similar provision. [Section 2342] <i>See also</i> , Section 2329, redundant provision.
	— Torture where death results [Section 521]	Similar provision. [Section 2330]
	— Use of weapons of mass destruction where death results [Section 522]	Similar provision. [Section 2331]
	— Murder of a U.S. national outside the United States [Section 525]	Similar provision. [Section 1713]
— Air piracy where death results [Section 120] (strikes death penalty sentencing procedures in 49 U.S.C. § 1473(c)).	Similar provision. [Section 203(b)] <i>See also</i> Section 502, which strikes 49 U.S.C. § 1472(n)(3), which makes air piracy provision (n) only available for a plane whose takeoff or landing was outside the plane's State of registration.	Similar provisions. [Sections 2320, 2328] Section 2320 strikes 49 U.S.C. § 1473(c); while 2328 strikes 49 U.S.C. § 1472(n)(3), which made air piracy provision (n) only available for a plane whose takeoff or landing was outside the plane's State of registration.
— Genocide [Section 122];	Similar provision. [Section 203(a)(14)]	Similar provision. [Section 2322]
— Murder of court officers and jurors [Section 501(3)]	No similar provision.	Similar provision. [Section 2323]
No similar provision, <i>but see</i> Section 503 which amends the existing 18 U.S.C.	— Murder of Federal law enforcement officials [Section 301]	Similar provision. [Section 2325]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
1114, the punishment section of which cross-references 18 U.S.C. § 1111 and 1112. Section 1111 includes a death penalty for first degree murder.		
— Retaliatory killing of witnesses, victims and informants [Section 502(2)]	No similar provision, <i>but see</i> Section 302(a) which, in part, makes it a capital offense to kill any civilian or witness assisting in a Federal investigation.	Similar provision. [Section 2324] <i>See also</i> , intentional killing of witnesses in Federal witness protection program [Section 2334]
— Murder of State and local law enforcement officers aiding in Federal investigations [Section 503] (The provision so amended also makes the killing of specified Federal officers and employees a capital offense.)	— Murder of State officials, civilians, or witnesses assisting in a Federal criminal investigation [Section 302(a)]	Similar provision. [Section 2326]
— Civil rights murder [Section 1004(c)]. <i>See also</i> Section 1006, expanding coverage of victims in 18 U.S.C. 241 and 242 from inhabitants of, to persons in, any State, Territory, or District.	Similar provision. [Section 206]	Similar provision [Section 1604(c), with regard to making the death penalty available for violations of 18 U.S.C. 241, 242, and 245(b)]; <i>but see</i> Section 2333, subsections (a)-(c) of which appear to have similar effect to that of Section 1604(c), and subsection (d) of which makes the death penalty available also for violations of 18 U.S.C. 247(c)(1). <i>See also</i> Section 1605 and Section 1707, each expanding coverage of victims in 18 U.S.C. 241 and 242 from inhabitants of, to persons in, any State, Territory, or District.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	— First degree murder during course of drive-by shooting in connection with major drug offense. [Section 602(a)]	— Knowing discharge of a firearm <i>either</i> during the course of or in furtherance of a drug trafficking activity, where death results, <i>or</i> from a motor vehicle, where death results. [Section 2335]
No similar provision.	No similar provision.	— Intentional killing of witness in Federal witness protection program [Section 2334]
No similar provision.	No similar provision.	— First degree murder involving firearms or other dangerous weapons in Federal facilities [Section 2332]
No similar provision.	— Intentional killing, or counseling, commanding, inducing, or causing the intentional killing of an individual during the commission of a drug offense in the District of Columbia [Section 208]	No similar provision.
No similar provision.	— Murder involving a firearm, during course of an offense against the United States, or using a firearm that travelled in interstate or foreign commerce [Section 207(a)] <i>See also</i> , Section 1211(1), first degree murder with a firearm during crime of violence or drug trafficking crime.	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	— First degree murder with a firearm during crime of violence or drug trafficking crime. [Section 1211(1)] <i>See also</i> , Section 207(a), murder involving a firearm during commission of a Federal offense, or using a firearm that travelled in interstate or foreign commerce.	— First or second degree murder with a firearm during crime of violence or drug trafficking crime. [Section 2336]
No similar provision.	No similar provision.	— Rape or sexual abuse resulting in death. [Section 2340] <i>See also</i> , Section 2337, creating similar provision under different section number in the bill.
No similar provision.	No similar provision.	— Sexual exploitation of children where death results. [Section 2345]
No similar provision.	No similar provision.	— Murder by escaped Federal prisoner serving life sentence. [Section 2346] <i>See also</i> , Section 2409, murder by a Federal prisoner.

Procedure

Makes new sections relating to death penalty sentencing procedures inapplicable to capital offenses under the Uniform Code of Military Justice. [Section 123]

Similar provision. [Section 204]

Similar provision. [Section 2339]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Prohibits imposition of death penalty on person less than 18 at the time of the offense. [Section 102(a)]	Precludes imposition of death penalty on any individual who was under the age of 17 at the time of the offense. [Section 202(a)]	Similar provision. [Section 2302(1)]
Sets forth mitigating and aggravating factors to be considered in determining whether a death sentence is justified, including specified aggravating factors to be considered for espionage and treason, for homicide, for attempted murder of the President, and for capital drug offenses. [Section 102(a)]	Similar provisions. [Section 202(a); Section 402(d)]	Similar provision. [Section 2302(1)]
Requires notice of Government's belief that circumstances warrant the death penalty and of the aggravating factors on which the Government will rely. Also requires notice of victim impact statement where one is anticipated to be submitted for consideration. Permits court to allow amendment of notice for good cause shown. Establishes hearing procedures, with bifurcated trial and sentencing hearing; and sets standards of proof and burden of proof to be applied. Sets procedures for return of special findings regarding mitigating and aggravating factors and findings concerning sentence of death. Requires jury instruction that consideration of the race, color, religion, national origin, or	Similar provision. [Section 202(a)]	Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
sex of the defendant or of any victim not be involved in reaching sentencing decision, and certification by each juror to this effect. [Section 102(a)]	No similar provision.	— Amends 18 U.S.C. § 3432 to permit the court to withhold list of veniremen and witnesses from capital defendants if it finds, by a preponderance of the evidence, that providing such list may jeopardize life or safety of any person. [Section 2338] <i>See also</i> , Section 1911, similar, but not identical provision, which permits court to withhold list of veniremen and name or other identifying information with regard to a witness under like circumstances. (These sections might give rise to due process, ineffective assistance of counsel, or confrontation clause questions.)
Sets requirements for imposition of death sentence, life sentence without possibility of release, or other punishments specified by law. [Section 102(a)]	Sets requirements for imposition of death sentence, life sentence without parole, or other punishments authorized by law. [Section 202(a)]	Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

Review

Provides for expedited appeal of death sentence by defendant, upon timely notice filed. May be consolidated with appeal from conviction. Court of appeals must review entire record. Provides for affirmance of death sentence unless the court of appeals finds that the sentence was imposed under influence of passion, prejudice, or other arbitrary factor; the evidence and information fail to support the special findings of the existence of aggravating factor or factors; or the proceedings involved any other prejudicial error requiring reversal of sentence which was properly preserved for and raised on appeal. In any other case the court of appeals must remand for reconsideration of sentence or imposition of another authorized sentence. Reasons for disposition must be in writing. [Section 102(a)]

Provides for expedited appeal of death sentence by defendant, upon timely notice filed. May be consolidated with appeal from conviction. Court of appeals must review entire record. Requires remand for reconsideration of sentence or imposition of sentence other than death where court of appeals finds that the sentence was imposed under influence of passion, prejudice, or any other arbitrary factor; where admissible evidence adduced does not support the special finding of the existence of the required aggravating factor; or where other legal error requires reversal of the death sentence. Reasons for disposition must be in writing. [Section 202(a)]

Provides for expedited appeal of death sentence by defendant, upon timely notice filed. May be consolidated with appeal from conviction. Court of appeals must review entire record. Appeals court must affirm death sentence unless it finds that the sentence was imposed under influence of passion, prejudice, or other arbitrary factor; the evidence and information fail to support the special findings of the existence of aggravating factor or factors; or the proceedings involved any other prejudicial error requiring reversal of sentence which was properly preserved for and raised on appeal. If any reviewing court finds that any aggravating factor was not supported by the evidence or is not a proper aggravating factor, the sentence shall be affirmed if the court finds that a remaining factor found to exist is one required to be considered in new 18 U.S.C. § 3592, and that the remaining aggravating factor or factors found substantially outweigh any mitigating factors found. In any other case the court of appeals must remand for reconsideration of sentence or imposition of another authorized sentence. Reasons

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

Sets time for making motion under 28 U.S.C. § 2255. Motion must be filed within 90 days of order appointing counsel. Provides for 60 day extension by court for good cause shown. Requires expedited treatment of 2255 motion and appeal from district court's decision on motion. Provides for stay of execution during direct review of sentence and during litigation of initial 2255 motion. Sets conditions for expiration of stay. If those conditions are met, court thereafter can only stay execution or grant relief in case if the underlying claim was not presented in earlier proceedings; the failure to so present it resulted from governmental violation of constitution or U.S. law or Supreme Court recognition of new, retroactively applicable Federal right, or was based upon a factual predicate that could not have been discovered through reasonable diligence in time for the earlier proceedings; and the underlying facts would be sufficient, if proven, to undermine the court's confidence in the determination of guilt for the capital offense or offenses involved. [Section 102(a)]

Creates 2 year limitation period for 2255 motions, running from the latest of the time when judgment of conviction becomes final; the time when the governmental impediment to making the motion was removed; the time when the Supreme Court recognized a new, retroactively applicable right; or the time when the factual predicate of the claim or claims presented could have been discovered through reasonable diligence. Provides for appointment of counsel for indigents in court's discretion, except as provided by Supreme Court rule pursuant to statutory authority. [Section 1106]

for disposition must be in writing.
 [Section 2302(1)]

Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Implementation of Sentence		
Sets out procedures for implementation of death sentence. Precludes execution of death sentence upon a pregnant woman, or a person who lacks the mental capacity to understand the death penalty and why it was imposed on him. [Section 102(a)]	Similar provision. [Section 202(a)]	Similar provision, but also precludes execution of death sentence upon mentally retarded person. [Section 2302(1)]
Provides for use of appropriate State or local facilities for carrying out sentence. [Section 102(a)]	Similar provision. [Section 202(a)]	Similar provision. [Section 2302(1)]
Forbids compelling employee of State department of corrections or Federal Bureau of Prisons, or contract employee thereof, to attend or participate in execution under this section if contrary to moral or religious belief. [Section 102(a)]	Similar provision. [Section 202(a)]	Similar provision. [Section 2302(1)]
Provides for appointment of counsel for indigent Federal capital defendants for trial through completion of direct review of judgment. Provides for appointment of counsel for indigent capital defendants for post-final judgment proceedings, such as habeas corpus proceedings, upon order of district court within 10 days of final judgment after direct review on appeal. Sets standards for competence of counsel.	No similar provision, <i>but see</i> Section 1106, which provides for appointment of counsel for indigents filing 2255 motions in court's discretion, except as provided by Supreme Court rule pursuant to statutory authority.	Similar provision [Section 2302(1)], as modified by parts (1) and (2) of Chairman Brooks' en bloc amendment [CR H7968], to indicate that representation of indigent defendants under new 18 U.S.C. § 3598(a) would not "effect [sic?] the appointment of counsel and the provision of ancillary legal services" under 21 U.S.C. § 848(q)(4)-(10).

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
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S. 1241
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Makes 18 U.S.C. § 3006A, dealing with adequate representation of defendants, applicable to proceedings under this section except as otherwise provided. Makes claims of ineffective or incompetent assistance of counsel during proceedings under 28 U.S.C. § 2255 unavailable as a ground for relief from judgment or sentence, but permits appointment of different counsel at any time during the proceedings. [Section 102(a)]

Application in Indian Country

No similar provision.

Precludes imposition of death sentence upon any person subject to criminal jurisdiction of an Indian tribe for any offense committed in Indian country, for which Federal jurisdiction is predicated solely upon Indian country as defined in 18 U.S.C. § 1151, unless the governing body of the tribe has elected to make the new death penalty provisions applicable to the land and people subject to the tribe's criminal jurisdiction. [Section 202(a)]

Similar provision. [Section 2302(1)]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
HABEAS CORPUS		
State Capital Cases		
<i>See also, "Death Penalty: Review" for equivalent provisions in the Federal Capital Cases</i>		
Creates new procedures for Federal habeas corpus in cases brought by State prisoners under sentence of death. The new procedures apply only with respect to prisoners of those States which have established a system for the appointment of counsel for indigents in capital cases. The system must fund the costs of counsel and reasonable litigation fees and costs for State trials, appeals, and collateral attacks, and for those seeking certiorari from the U.S. Supreme Court. [Section 211]	Similar provision. [Section 1111]	Similar provision except that all States with capital punishment statutes would be required by the bill to provide counsel and the bill is more specific about the level and extent to which counsel would have to be provided. [Section 1105]
Mandates a one-time mandatory stay of execution during the pendency of Federal habeas proceedings and one-shot Federal habeas review. Federal courts could grant subsequent petitions for stays or Federal habeas review only if the prisoner has previously failed to raise the claim based on a newly recognized and retroactively applicable interpretation, or	Similar provision. [Section 1111]	Provides for mandatory stays of execution upon application to a court having a jurisdiction over the proceedings without reference to whether there have been previous stays. [Section 1103] Similar provision with respect to successive petitions for Federal habeas review. [Section 1106]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
because the claim is based on facts not reasonably discoverable previously; and if the facts claimed would erode confidence in the jury's determination of guilt. [Section 211]		
Sets a 6 month statute of limitations for the filing of Federal habeas petitions by State prisoners in capital cases. The period is tolled during the pendency of certiorari petitions before the U.S. Supreme Court, of State habeas proceedings, and during an additional 60 day period upon motion of counsel showing good cause for failure to file for Federal habeas in a timely manner. [Section 211]	Similar provision. [Section 1111]	Similar provisions except the statute of limitations is 1 year and the additional time period is 90 days. [Section 1102]
Precludes Federal habeas review of any claims which were fully and fairly adjudicated in State proceedings, but calls for evidentiary hearings where the State prisoner can show that the incomplete state of the record is because of illegal State action, of newly recognized and retroactively applicable Supreme Court interpretation, or of the discovery of facts not reasonably discoverable previously. [Section 211]	Similar provision. [Section 1111]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Establishes time limits within which the lower Federal courts must act under habeas petitions from State prisoners in death penalty cases. [Section 211]	Similar provision. [Section 1111]	No similar provision.
No similar provision.	Requires that an amount equal to that given in Federal grants to State capital resource centers be made available to the States to defend themselves in Federal habeas corpus litigation involving State prisons under sentence of death. [Section 4923]	Similar provision. [Section 1108]

Federal Habeas in State and Federal Cases

Establishes a general one-year statute of limitations within which Federal habeas petitions must be filed after the completion of State proceedings. [Section 202]	Similar provision. [Section 1101]	No similar provision.
Requires probable-cause certificates to be issued by circuit court, rather than district court, judges. [Section 204]	Similar provision. [Section 1103]	No similar provision.
Permits denial of State prisoner habeas petitions on the merits notwithstanding the failure to exhaust State remedies. [Section 205]	Similar provision. [Section 1105]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Establishes rebuttable presumption that a full and fair State determination of a factual issue was correct and precludes Federal habeas relief where there has been such a determination. [Section 205]	Similar provision. [Section 1105]	No similar provision.
Places the appointment of counsel in connection with Federal habeas petitions at the discretion of the court, governed by the Criminal Justice Act. [Section 206]	Similar provision. [Section 1105, 1106]	No similar provision.
Creates a 2-year statute of limitations within which Federal prisoners must file Federal habeas petitions. [Section 206]	Similar provision. [Section 1106]	No similar provision.
No similar provision.	No similar provision.	Expands the extent to which law announced in subsequent Supreme Court decisions may be retroactively applied in Federal habeas corpus cases. [Section 1104]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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EXCLUSIONARY RULE

Fourth Amendment

Expands exception to include any objectively reasonable belief that the Fourth Amendment's requirements had been met. [Section 301]

Codifies a good faith exception to the exclusionary rule for seizures conducted under invalid warrants unless the magistrate was intentionally or recklessly misled, the magistrate failed to act in a neutral and detached manner, or so lacking in indicia of probable cause or facially deficient as to preclude good faith reliance. [Section 2301]

Provision similar to that of H.R. 1400/S. 635. [Section 1720]

Limits the reach of the Fourth Amendment exclusionary rule into State proceedings to the extent of its reach in Federal courts. [Section 301]

No similar provision.

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Creates a statutory exception to the exclusionary rule where a gun has been seized by a Federal officer and the evidence is offered in a prosecution, for a violent crime or serious drug offense, or against a defendant who is ineligible under Federal law to possess the gun. In such cases, Fourth Amendment violations would be handled administratively; the victim could file a claim to recover damages and the officer who violated the Amendment could be disciplined. [Section 301]	No similar provision.	No similar provision.
Other Exclusionary Rules		
Prohibits the exclusion of evidence in Federal judicial proceedings based upon a violation of Federal law unless exclusion is expressly required by Federal statute or Supreme Court rule. [Section 301]	No similar provision.	Similar provision. [Section 1720]

CRIME, DRUG, AND GUN CONTROL:
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COERCED CONFESSIONS

No similar provision.

No similar provision.

Provides that admission of coerced confessions into evidence shall not be considered harmless error, thereby reversing the impact of the Supreme Court's recent decision in *Arizona v. Fulminate*. [Section 901]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635
 (Administration bill)

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FIREARMS

Assault Weapons

No similar provisions.

Bans importation of semiautomatic firearms covered by the bill's definition of "assault weapon", which is limited to specific makes and their various models. Bans the possession and transfer of any such firearm if it is not legally owned on the effective date of the Act. Contains provision exempting Federal and non-Federal public agencies from these prohibitions, similar to 18 U.S.C. 925(a)(1) that exempts such agencies from almost all firearm or ammunition prohibitions in Chapter 44 of the Code. Makes legal transfer or possession contingent upon the execution or procurement of ATF (Bureau of Alcohol, Tobacco and Firearms) form 4473. Persons failing to comply would be subject to up to 6 months in prison and/or a fine of up to \$1,000. Leaves additional designations up to Congress, acting on recommendations of the Secretary of the Treasury. Requires study by the Attorney General of the effect of the title's provisions, particularly any impact on violent and drug trafficking crime. New restrictions would

No similar provisions.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Bans the further manufacture, importation, transfer, or possession of any gun clip or magazine with a capacity of more than 15 rounds, except for the possession or transfer of such a device legally owned as of the effective date of the provision. Brings such devices under the 18 U.S.C. definition of "firearm," thus requiring licensee recordkeeping, allowing government inspection of licensees, providing exemption for Federal and non-Federal public agencies and so forth. Requires transfers to be made subject to a scheme of registration (cost: \$25.00). Requires that all covered devices be identified with a serial number. [Sections 431-437]	be effective 30 days after enactment, for a period of 3 years, at which time they would be automatically repealed. [Section 701-709] Ammunition Magazines No similar provisions.	Includes large capacity ammunition feeding devices in the definition of ammunition under the Gun Control Act, as amended. However, the provision is no longer applicable because the subtitle controlling such devices was deleted from the bill during Floor consideration. [Section 2347]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

Felon Firearm Purchase Prevention

No similar provision.

Prohibits a licensed firearm dealer from transferring a handgun—except in specified circumstances—unless the dealer notifies appropriate law enforcement authorities and provides them the opportunity of checking (authorities would be required to "make a reasonable effort") the transferee's background to determine whether he may legally own firearms. Transfer could be delayed as much as 5 "business days" (days on which State offices are open) from the time notice is provided to the law enforcement authorities, which must be done within 1 day after the prospective purchaser furnishes the required statement.

Provides for eventual development of a national "instant criminal background check system" that any licensee could contact for information on whether receipt of a firearm by a prospective buyer would violate Federal law. Once an adequate national system is in place, the waiting period would be dropped and the checking requirement would apply to *all* firearms. To facilitate establishment of such a national system, requires the

Similar provisions as a result of incorporation of contents of H.R. 7 ("Brady Handgun Violence Prevention Act"), previously passed by the House on May 8, 1991. However, does not—like S. 1241—provide for measures designed to facilitate establishment of a national system allowing point-of-purchase identification. (For greater detail, see CRS report 91-719 GOV)

Delay of handgun transfer could be as much as 7 or 8 days from the time of application to purchase. Unlike S. 1241, doesn't *require* law enforcement officials to make a "reasonable effort" to check the purchaser's background; simply provides the opportunity. [Section 2502]

No similar provisions.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	Attorney General to take steps leading to incorporation of State records into the Federal system. Amends Safe Streets Act to allow use of Byrne Memorial Program funds for improvement of State criminal record systems and also establishes an additional program of discretionary grants to the State—to be administered by the Attorney General—for the improvement and automation of those systems.	
	The State would have to achieve, within five years after enactment, an 80 percent level of currency of case dispositions, in computerized criminal history files, for all cases in which there has been activity within the past 5 years.	No similar provisions.
	Provides that in awarding discretionary grants, the Attorney General is to give preference to States that as of the date of enactment have the lowest percent currency of case dispositions in computerized criminal history files. Authorizes appropriation of \$100 million, available as of FY 1992.	No similar provisions.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	Any State not in compliance with the Attorney General's timetable for record improvement and reporting would be subject to loss of up to 50 percent of its allocation for a fiscal year under Title I of the Omnibus Crime Control and Safe Streets Act of 1968.	No similar provisions.
	For a knowing violation of the title's provisions generally, provides for penalties of up to one year in prison or up to \$1,000, or both. For a licensee violation of the permanent national criminal check provisions, provides for license revocation of up to 6 months and a civil fine of up to \$5,000. [Sections 2701-2703]	Same general penalty; doesn't provide for the special penalty for knowing transfer to an identified high-risk individual. [Section 2502(c)]
Gun-crime Penalties and Other General Firearm and Explosives Provisions		
Increases penalty enhancement for using or carrying a firearm in a Federal crime of violence or drug trafficking crime if the firearm is semiautomatic. [Section 401]	Similar provision, but restricted to "assault weapons." [Section 1212; See also, Title VII (Assault Weapons).]	Similar to H.R. 1400. [Section 2001]
Adds penalty enhancement for <i>possessing</i> a firearm or explosive in either a crime of violence or drug trafficking crime. Existing law covers use and carrying but not possessing. [Section 402]	Similar provision with respect to explosives [Section 1221.] Similar provision with respect to firearms. [Section 1212]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Increases penalty enhancement for a second or subsequent conviction for using an explosive in the commission of a Federal felony. Increase: from 10 years to 20 years. [Section 403]	Similar provision. [Section 1212]	Similar provision. [Section 2002]
Amends the Gun Control Act's definition of "crime punishable by imprisonment for a term exceeding one year" to make clear that "convictions" for violent gun felonies and serious drug offenses are not voided by pardon, expunction, or restoration of civil rights. [Section 404]	Similar provision. [Section 1222]	No similar provision.
Permits consideration of pretrial detention for (1) offenses dealing with stolen explosives, firearms, and ammunition; (2) transport, receipt, etc. of firearms, ammunition, and explosives by convicted felons and other high-risk individuals; (3) use or possession of firearms in committing certain Federal felonies; and (4) unlawful possession of a machinegun. [Section 405]	No similar provision.	No similar provision.
Creates a new offense of smuggling firearms into the United States for the purpose of drug trafficking or violence, punishable by no more than ten years imprisonment and/or fines. [Section 406]	Similar provision. [Section 1223]	Similar provision. [Section 2003]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Creates new Federal offense of stealing firearms or explosives moving in interstate commerce, punishable by 2 to 10 years imprisonment and/or \$250,000. [Section 407]	Similar provision. [Section 1224]	Similar provision. [Section 2004]
Amends the supervised release statute to conform with a change made by the Anti-Drug Abuse Act of 1988, which mandated the revocation of probation in the case of anyone found to be in possession of a firearm. [Section 408]	Similar provision. [Section 1225] Also, similar provision in different form, revising the pertinent language of the probation and supervised-release sections of Title 18 [Sections 3403]	Similar provisions to Sections 3403 and 3404 of S. 1241. [Sections 1903]
Increases penalty for knowingly making false material statement in connection with the acquisition of a firearm from a licensed dealer. [Section 409]	Similar provision. [Section 1226]	Similar provision. [Section 2005]
Extends the statute of limitations, from 3 years to 5 years, for offenses involving National Firearms Act weapons. [Section 410]	Similar provision. [Section 1227]	No similar provision.
Adds <i>possession</i> to acts forbidden of convicted felons and other high-risk individuals with respect to explosive materials. [Section 411]	Similar provision. [Section 1228]	Similar provision. [Section 2017]
Provides for summary destruction of explosives subject to forfeiture where removal or storage is either impracticable or unsafe. [Section 412]	Similar provision. [Section 1229]	Similar provision. [Section 2006]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Provides for forfeiture of unregistered National Firearms Act weapons. [Section 413]	Similar provision. [Section 1230]	No similar provision.
Amends the National Firearms Act to allow for public sale of rare or historically significant firearms as an alternative to destruction. [Section 414]	Similar provision. [Section 1231]	No similar provision.
Technical amendment to eliminate outmoded language. [Section 415]	Similar provision. [Section 1232]	Similar provision. [Section 2007]
Makes it a Federal offense to <i>possess</i> a stolen firearm. Current law forbids concealing or storing such firearms. [Section 416; <i>See also</i> Section 420 (redundant provision)]	Similar provision. [Section 1233; <i>see also</i> Section 1236 (redundant provision)]	Similar provision. [Section 2015]
Provides for an enhanced penalty for the use or carrying of a firearm during or in relation to felony counterfeiting or forgery. [Section 417]	Similar provision. [Section 1234]	Similar provision. [Section 2008]
Provides for a mandatory 5-year prison term for possession of a firearm by a felon who is disqualified from such possession and who has a previous conviction of a violent felony or serious drug offense. [Section 418]	Similar provision. [Section 1235]	Similar provision, but further provides a fine and imprisonment of 10 to 20 years for prohibited persons convicted on two separate occasions of a violent felony or serious drug offense. [Section 2009]
Amends requirement that licensees report to ATF any multiple handgun	No similar provision.	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
sales, extending the period during which such transactions would be considered "multiple," to 30 days from the current 5 days. Also requires the licensee to send a copy of the report to the buyer's local law enforcement agency. [Section 419]		
Subsection (a) duplicates Section 416. Subsection (b) makes it a Federal offense to <i>possess</i> stolen explosives. Current law forbids concealing or storing explosives. [Section 420]	Similar provision. Subsection (a) duplicates Section 1233. [Section 1236]	Similar provision with respect to firearms. Also, clarifies commerce nexus with respect to stolen firearms. [Section 2015]
Prohibits any non-licensee from receiving a firearm if he is not a resident of any State of the United States. [Section 421]	Similar provision, except the prohibition would not cover the receipt of firearms for "lawful sporting purposes." [Section 1237]	Similar provision. [Section 2010]
Provides that the penalty for conspiracy to violate Federal explosives and firearms law would be the same as for the substantive offense. [Section 422]	Similar provision. [Section 1238]	Similar provision. [Section 2011]
Makes it a Federal crime to steal a firearm or explosive materials from a licensee or permittee. [Section 423]	Similar provision. [Section 1239]	Similar provision. [Section 2012]
Makes it unlawful for <i>any person</i> to transfer explosives to a felon or other prohibited person. Current law forbids such a transfer by <i>licensees</i> . [Section 424]	Similar provision. [Section 1240]	Similar provision. [Section 2013]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Mandates the death penalty or life imprisonment for anyone convicted of using a firearm or other dangerous device in the commission of a Federal crime of violence or drug trafficking crime, if the weapon was discharged with intent to kill and thereby kills another person in what is determined to be a first degree murder. For other than first degree murder, up to life. [Section 1211; <i>See also</i> Section 207 (providing death penalty for murder involving a firearm that has moved in interstate or foreign commerce)].	Similar provision, but includes second degree murder under the death penalty. [Section 2336]
No similar provision.	Increases imprisonment penalty enhancements for the use or presence of a firearm in commission of a Federal crime of violence or drug trafficking crime, as follows: (1) if the firearm is of a type not otherwise specified as triggering a higher penalty, up to 5 years added to the current mandatory 5 for a first offense; (2) if the firearm is a short-barrelled long gun, up to 5 years added to the current mandatory 10 for a first offense (mandatory life imprisonment for second offense); places "assault	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	weapons" in the same penalty enhancement category. Provides that the U.S. Sentencing Commission shall issue guidelines in accordance with these changes. [Section 1212, <i>see also</i> Section 705 (enhancements for "assault weapons")] Makes it a Federal offense to use or possess a firearm during the commission of any violent or drug trafficking crime under <i>State</i> laws—subject to enhancement penalties (without release) as follows: (1) if the firearm is of a type not otherwise specified as triggering a higher penalty and it was not discharged, not less than 10 years (second offense, not less than 20) (2) if the firearm is discharged with intent to injure another person, not less than 20 years (for a second offense, not less than 30); (3) if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler—whether discharged or not—not less than 30	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	years (second offense, life imprisonment) [Section 1213]	
No similar provision.	Clarifies the meaning of the term "burglary" as used in the Armed Career Criminal section [18 U.S.C. 924(e)] of Title I of the Gun Control Act. [Section 1241] (<i>See also</i> Section 4911, expanding the number of State drug offenses triggering application of the section).	No similar provision.
No similar provision.	Extends the provisions covering homicide and attempted homicide within the U.S. territories to include offenses committed with a firearm within a Federal facility. [Section 523]	Similar provision. [Section 2332]
No similar provision.	No similar provision.	Provides for imprisonment of up to 10 years for non-licensees who travel into a State to acquire a firearm with intent to engage in a firearms business. [Section 2014]
No similar provision.	No similar provision.	Directs the Treasury Secretary to study incendiary ammunition to determine whether such ammunition has a sporting or law enforcement purpose. Requires a report and recommendations to the House Judiciary Committee. [Section 2016]

CRIME, DRUG, AND GUN CONTROL:
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See also, under "Terrorism," Section 733.

Drive-by Shooting

No similar provision.

Makes it a Federal offense to cause grave risk to human life by firing a weapon into a group of two or more persons when the shooting (1) is in furtherance of or to escape detection of a major drug offense, and (2) when the shooting is performed with the intent to intimidate, harass, injure, or maim. In the case of first degree murder, capital punishment may be imposed. [Sections 601-602]

Similar provision. Makes it a Federal offense to knowingly discharge a firearm at a person either in the course of a drug trafficking activity or from a motor vehicle. If death results, capital punishment may be imposed. [Section 2335]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
OBSTRUCTION OF JUSTICE		
Increases the penalty for obstruction of justice involving threats or retaliation against Federal jurors and court personnel, from not more than 5 years to not more than 10 years imprisonment generally, with maximum terms of 20 years for attempted homicide or for obstruction involving a juror in the trial of a crime carrying a maximum of 20 years or more and tracking the penalties of homicide committed within Federal enclaves when the obstruction involves a homicide. [Section 501].	Similar provision. [Section 2601]	Similar provision. [Section 2323]
Increases the penalties for obstruction of justice involving the killing or attempted killing of a Federal witness, victim or informant, from not more than 10 years to not more than 20 years imprisonment for attempt, and to the penalties assigned for homicide in a Federal enclave in the case of homicides against Federal witnesses, victims or informants. [Section 502]	Similar provision. [Section 2602]	Similar provision. [Section 2324]
Expands the prohibition against killing Federal law enforcement officers to include State law enforcement officers assisting Federal officials. [Section 503]	No similar provision.	Similar provision. [Section 2326]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

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 (Administration bill)

S. 1241
 (As passed by the Senate)

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 (As passed by the House)

GANGS AND JUVENILE OFFENDERS

Directs the courts to fingerprint and photograph a juvenile who has been found guilty of a crime of violence in violation of specified provisions of Federal drug trafficking laws and to transmit to the FBI Identification Division such fingerprints and photographs, along with information concerning the adjudication. Provides that when the law of a State in which a Federal juvenile proceeding takes place permits or requires the reporting, retention, disclosure or availability of records in certain circumstances, such reporting, retention, disclosure or availability is permitted under this section whenever the same circumstances permit. [Section 601]

No similar provision.

No similar provision.

Expands the category of serious Federal drug offenses, and includes 3 firearms offenses for which juvenile offenders may be prosecuted as adults. Makes clear that the court should consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities involving the use and distribution of controlled substances or firearms. Further directs that if such factors are found to exist, they should

Similar provision but additions limited to the 3 firearms offenses. [Section 1521]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
weigh heavily in favor of the transfer of the juvenile to adult status. [Section 602]		
Adds serious drug offenses to the acts of juvenile delinquency which constitute Armed Career Act predicates. [Section 603]	Similar provision. [Section 1522]	No similar provision.
Increases the maximum term of imprisonment for violent breaches of the Travel Act (prohibiting travel in interstate or foreign commerce in furtherance of specified unlawful activities) from 5 to 20 years and up to life or any term of ten years if death results. [Section 604]	Similar provision. [Section 2504]	Similar provision. [Section 1708]
Increases the penalty for conspiracy to use interstate commerce in furtherance of a scheme involving murder for hire to imprisonment for not more than ten years. [Section 605]	Similar provision. [Section 2505]	No similar provision.
No similar provision.	Increases three-fold the Controlled Substances Act penalty (21 U.S.C. 859) for employing, hiring, using, persuading, inducing, or coercing a person under the age of 18 years to violate any provision of Federal law relating to the distribution of controlled substances to minors, or to assist in avoiding detection or	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	apprehension for any such offense by Federal, State, or local law enforcement officials. [Section 1501] Authorizes the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to make grants to States and units of local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs to reduce the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. [Section 1511]	No similar provision.
No similar provision.	No similar provision.	Authorizes grants for programs addressed to treating juveniles—charged with murder, or with robbery, assault or rape while armed with a gun—as adults. [Section 1723]
No similar provision.	Provides additional Federal assistance through special-emphasis drug demand-reduction and enforcement grants to public or private organizations. Directs the Administrator to give priority to programs aimed at juvenile involvement in organized gang and drug-related activities including supply and demand	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

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reduction programs. Directs that 20 percent of the total amount appropriated for this subchapter be set aside in a special discretionary fund for use by the Administrator to carry out the special emphasis program. Authorizes the Administrator of OJJDP to make grants to assist and support new Federal programs that address the problems of juveniles at or near International Ports of Entry and in other international border communities, including rural localities. Sets aside 5 percent of the total amount appropriated for use by the Administrator in carrying out this program. Authorizes an appropriation of \$100 million for fiscal year 1992 and such funds as may be necessary for fiscal year 1993 to carry out the purposes of this subpart. Directs that of the total amounts appropriated under this subpart in any fiscal year the amounts remaining shall be allocated as follows: \$400,000 to each participating State, and of the funds remaining an amount to each State which bears the same ratio as the population of juveniles of such State to the population of juveniles of all the States. [Section 1511]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Clarifies the requirement 18 U.S.C. 5032 that the prior records of a juvenile be produced before commencement of a juvenile proceeding. [Section 1931]
No similar provisions.	No similar provisions.	Directs the Attorney General, in consultation with the Secretary of the Treasury to develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies. Requires the Director of the Federal Bureau of Investigation to collect information on the incidents of gang violence for inclusion in an annual uniform crime report. Directs the Attorney General to prepare a report on national gang violence and to submit it to the President and to Congress by July 1, 1992. Authorizes an appropriation of such funds as may be necessary for fiscal year 1992. [Section 1715]
No similar provisions.	No similar provisions.	Directs the Attorney General, in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor, to make grants to eligible entities to assist in carrying out midnight basketball league programs, and to eligible advisory entities to provide technical assistance to such entities in establishing and operating such midnight baseball league programs. Limits

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
		eligibility for grants to the following: entities eligible under section 520(b) of the Cranston-Gonzales National Affordable Housing Act; nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services; and nonprofit organizations providing federally-assisted low-income housing. Limits use of grants for administrative costs and training of administrators to 5 percent of the grant amount. Sets out requirements for establishing a midnight basketball league program. Makes the awarding of grants contingent upon the applicant's certifying that grant amounts will be supplemented with funds from non-Federal sources. Establishes the maximum and minimum grant amounts available to an eligible entity. Directs the Attorney General, in consultation with the Secretary of HUD, to appoint a seven-member Advisory Committee to assist in providing grants. Requires the Attorney General, in consultation with the Secretary of HUD, to make a grant to a qualified entity to carry out a study of the effectiveness of midnight basketball league programs. Directs that a report, with any conclusions and recommendations, be submitted to Congress and the Attorney General and the Secretary not later than

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	the expiration of the 2-year period beginning on the date that the grant is made. Authorizes an appropriation of \$2.5 million in each of fiscal years 1992 and 1993 for grants made to entities establishing midnight basketball leagues, of \$100,000 in each of fiscal years 1992 and 1993 for technical assistance grants, and of \$250,000 in fiscal year 1992 for a study grant. [Section 1831] Provides additional penalties of up to 10 years in prison and a fine of up to \$250,000 for one who has previously been convicted of committing an illicit drug or violent felony and commits a second such offense in association with a street gang. [Section 1703]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

TERRORISM

Asserts Federal jurisdiction over homicides or attempted homicides committed while in possession of a firearm or other weapon in a Federal government facility or in the course of an attack on such a facility using such a weapon and makes violations subject to the same penalties that would apply had the offense been committed within a Federal enclave. [Section 733]

Directs the Sentencing Commission to provide for an increase of not less than 3 levels in the base offense level of any felony involving or committed with the intent to promote international terrorism where such involvement or intent is not already an element of the offense. [Section 738]

Outlaws providing material support as an agent of a foreign power in furtherance of hostage taking, killing an American overseas, assassination of the President or Members of Congress, destruction of transportation facilities, certain explosive offenses, killing Federal law enforcement officers or foreign dignitaries, damage to Federal property or property within Federal enclaves, and maritime

Extends the provisions covering homicide and attempted homicide within U.S. territory to include those offenses when committed with a firearm within a Federal facility. [Section 523]

No similar provision.

Similar provision except that the presence of a foreign agent is not required. [Section 531]

Similar provision. [Section 2332]

Similar provision. [Section 1952]

Similar provision to that of S. 1241. [Section 1726].

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
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destruction, and makes violations punishable by a fine of not more than \$250,000 and/or imprisonment for not more than 10 years. [Section 734]

Provides for civil and criminal confiscation of property used to facilitate hostage taking, killing an American overseas, destruction of public conveyances or their facilities, arson within a Federal enclave, crimes of violence against a Member of Congress or the President, assaults on Federal officials or foreign dignitaries or within a Federal enclave, Federal civil disorder offenses Federal jail break offenses, Federal explosives and firearms offenses, Federal property damage offenses, Federal racketeering crimes, piracy, Federal riot offenses, Federal robbery, sabotage and shipping offenses or providing material to terrorists. [Section 736]

Supplements piracy laws by proscribing forcible seizure of a vessel, acts of violence or property destruction against or on board a vessel or against navigational facilities which endanger navigation or attempt to do so, injuring someone during the course of doing so or attempting to do so, or communicating a

Similar provision except the confiscation provisions track the list of predicate offenses used to define the offense of providing material support for terrorism. [Section 532]

Supplements piracy laws by prohibiting:
 — forcible seizure, acts of violence, destruction, planting a dangerous device, communicating a false warning of such an act or threatening or attempting such an offense against—

No similar provision.

Similar provision to that of H.R. 1400/S. 635. [Sections 2342 and 2329]

**CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued**

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
false alarm concerning such a violation. As long as the jurisdictional requirements are met, threats are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000 and other offenses carry a maximum term of imprisonment of 20 years and/or a fine of not more than \$250,000 unless a life is taken in which the case the penalty is death, imprisonment for any term of years or life. The jurisdictional requirements are met if the victim is an American, and American ship, or the U.S., if the offender is an American or habitual resident of the U.S., if the offense occurs in American waters, or if the offender is subsequently found in the U.S. (subject to due process limitations where the nexus to the U.S. at the time of commission of the offense may be negligible or nonexistent). [Section 714] Declares extension of territorial sea to 12 miles and makes the Assimilated Crimes Act applicable there. [Sections 717-718]	— a vessel, maritime navigational facility, or a fixed maritime platform, if— — committed aboard an American vessel, in the U.S., by an American, involving an American being seized, injured or threatened, or if the offender is subsequently found in the United States (subject to due process limitations where the nexus to the U.S. at the time of the commission of the offense may be negligible or nonexistent). Penalties: imprisonment for not more than 5 years and/or a fine of not more than \$250,000 for a threat; imprisonment for not more than 20 years and/or a fine of not more than \$250,000, unless a death results in which case the penalty is death, or imprisonment for life or any term of years. [Section 514] Similar provision. [Sections 517, 518]	Similar provision. [Sections 1716, 1717]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Expands the reach of the U.S. criminal law to include crimes committed by or against Americans on board a vessel scheduled to come to or leave a U.S. port (subject to due process restrictions). [Section 719]	Similar provision. [Section 519]	Similar provision. [Section 1718]
Prohibits governmental torture or attempted torture outside the U.S. by an offender who subsequently is found in the U.S., with violations punishable by imprisonment for not more than 20 years and/or a fine of not more than \$250,000 unless death results in which case the penalty is death, any term of years or life imprisonment (subject to due process restrictions). [Section 731]	Similar provision. [Section 521]	Similar provision. [Section 2330]
Outlaws the use of weapons of mass destruction within the U.S., against Americans overseas, and against Federal property, with violations punishable by imprisonment for any term of years or life, unless death results in which case the penalty is death, any term of years or life imprisonment (subject to due process restrictions). [Section 732]	Similar provision. [Section 522]	Similar provision. [Section 2331]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Expands list of RICO predicate offenses to include destruction of aircraft and their facilities, assassination of the President or a Member of Congress, certain explosives offenses, murder of Federal law enforcement officers or foreign dignitaries or within Federal enclaves, destruction of Federal property or property within Federal enclaves, supplementary piracy offenses noted earlier, terrorists acts against Americans, use of weapons of mass destruction, and certain air piracy offenses (subject to due process limitations) and declares that pure violent RICO offenses need not be committed for a pecuniary purpose. [Section 735]	No similar provision.	Repeals, effective last April 10, the Antiterrorism Act of 1990 originally passed as part of P.L. 101-519 (appropriations for military construction), 104 Stat. 2250, which created a cause of action for terrorist inflicted damages, and re-enacts the Act extending the Act's 3 year statute of limitations and 3 year period of retroactive application to a 4 year period of limitation and a 4 year period of retroactivity. [Sections 1734, 1735]
Establishes a 10 year statute of limitations for the prosecution of airplane and airport destruction, assaulting or killing a diplomat, crimes of violence against Members of Congress or the President, hostage taking, destruction of government property, piracy supplements mentioned above, torture, use of weapons of mass destruction, terrorist acts against Americans overseas, and certain air piracy offenses. The present statute of limitations for these offenses is 5 years except for those that are capital offenses	No similar provision.	Similar provision. [Section 1953]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
for which there is no statute of limitations. [Section 748]		
Makes disclosure of an FBI request for certain telephone records in counterintelligence cases, already prohibited under existing law, punishable by imprisonment for not more than 1 year and/or a fine of not more than \$100,000. [Section 743]	No similar provision.	No similar provision.
No similar provision.	No similar provision.	Amends counterintelligence-access-to-phone-records provisions to permit access in connection with international terrorism and to make clear that certification authority may not be delegated lower than the Deputy Assistant Director of the FBI. [Section 1706]
Makes disclosure of an FBI request for credit bureau records in counterintelligence cases punishable by imprisonment for not more than 1 year and/or a fine of not more than \$100,000. [Section 744]	No similar provision.	No similar provision.
Extends the authority for law enforcement wiretaps to include investigations of train and airport destruction, terrorism overseas, use of weapons of mass destruction and the	No similar provision.	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
violation of certain provisions in the International Emergency Economic Power Act, the Export Administration Act, the Trading with the Enemy Act, neutrality laws. [Section 745]		
Permits the use of State or foreign government personnel to conduct supervised law enforcement wiretaps. [Section 746]	No similar provision.	No similar provision.
Permits disclosure of information obtained by court supervised law enforcement wiretaps to foreign law enforcement officials. [Section 747]	No similar provision.	No similar provision.
Amends the Federal witness protection provisions to permit the Attorney General to waive immigration requirements and grant resident alien status to up to 200 aliens a year. [Section 741]	Similar provision. [Section 542]	No similar provision.
Increases the penalties for various immigration documents offenses by raising the maximum penalties for unauthorized issuance from 1 year and \$100,000 to 5 years and \$250,000; for various document frauds from 5 years to 10 years; and for safe conduct violations from 3 to 10 years. [Section 737(c),(d),(e)]	No similar provision.	Similar provision. [Section 1951]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Enlarges the President's authority concerning aliens within the U.S. in time of war or attack upon the U.S. to permit restraint, regulation or removal regardless of alien nationality. [Section 742]	No similar provision.	No similar provision.
Creates an alternative judicial procedure for removal of aliens now subject to deportation by establishing a special court composed of five district court judges with authority to conduct proceedings involving greater use of one party or in chambers hearings and more expedited procedures than is currently the case. [Section 724]	No similar provision.	No similar provision.
Proscribes acts of violence or property destruction at an international airport and makes violations punishable by capital punishment or any term of years or life if death results and a fine of not more than \$250,000 and/or imprisonment for not more than 20 years in other instances. [Section 701]	Similar provision. [Section 501]	Similar provision. [Sections 2341 and 2327]
Makes violation of FAA airport security and airplane operator security regulations punishable by imprisonment for not more than 1 year and/or a fine of not more than \$100,000. [Section 703]	Similar provision. [Section 503]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Increases the penalties for violations associated with the International Emergency Economic Powers Act by raising the maximum civil and criminal penalties from \$10,000 and \$50,000 respectively to \$1 million. [Section 737(a),(b)]	No similar provision.	Similar provision. [Section 1951]
No similar provision.	Forbids counterfeiting obligations and securities of the U.S. overseas and makes violations punishable by imprisonment for not more than 15 years and/or a fine of not more than \$250,000. [Section 551]	No similar provision.
No similar provision.	Establishes an Economic Terrorism Task Force to study and make recommendations concerning U.S. exposure to economic terrorism. [Section 552]	No similar provision.
No similar provision.	Provides authorization of appropriations to expand counter-terrorist operations in the amount of \$25 million for the FBI, \$10 million for the State Department, \$7.5 million for the Customs Service, \$2.5 million each for the Secret Service, BATF and FAA, and \$25 million for grants to State and local law enforcement agencies by the Justice Department. [Section 561]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Changes some of the penalties for crimes committed against Americans overseas, increasing the penalty for murder to include death penalty and the term of imprisonment of voluntary manslaughter from 3 to 10 years; and for crimes of physical violence resulting in bodily injury from 5 to 10 years. [Sections 524, 525]	No similar provision.
No similar provision.	Extends the jurisdiction of Federal statutes covering homicides committed in U.S. territories to include killing Americans overseas where the offender is beyond the reach of the country in which the homicide occurred. [Section 3202]	Similar provision. [Section 1713]
No similar provision.	Authorizes extradition from the U.S. on the basis of comity and without a treaty for nonpolitical crimes of violence against Americans. [Section 3203]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

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 (As passed by the House)

SEXUAL VIOLENCE AND CHILD ABUSE

Amends the Federal Rules of Evidence to allow as admissible evidence of the defendant's commission of another offense or offenses of sexual assault or child molestation in criminal cases concerning sexual abuse and child molestation. Allows as admissible in civil cases involving alleged sexual assault or child molestation evidence of the party's commission of another offense or offenses of sexual assault or child molestation. [Section 801]

No similar provision.

No similar provision.

Doubles the maximum penalties and supervised release time for illicit drug distribution to a pregnant woman and establishes a one-year mandatory minimum sentence for the offense unless the trafficking would otherwise be punishable by a higher minimum sentence. The maximum penalties and release time would be tripled for subsequent violations. [Section 802]

No similar provision.

Similar provision. [Section 1505]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Defines as a sexual act—where the victim is below the age of 16 years—the intentional touching, not through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. [Section 803]	No similar provision.	Similar provision. [Section 1431]
Doubles the penalties for recidivist sex offenders. [Section 804]	No similar provision.	Similar provision. [Section 1724]
Provides for the restitution of victims of sex offenders. [Section 805]	No similar provision.	Similar provision. [Section 521]
Requires the testing of persons charged with sex offenses for the human immunodeficiency virus and directs the Sentencing Commission to provide enhanced penalties for offenders who know that they are HIV-positive and who engage in criminal conduct that creates a risk of transmission of the virus to the victim. [Section 806]	No similar provision.	Similar provision. [Section 531]
Provides that the cost of up to two tests of the victim of a sex crime for the human immunodeficiency virus will be paid under provisions of the Victims' Rights and Restitution Act. [Section 807]	No similar provision.	Similar provision. [Section 532]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Establishes a national system through which current, accurate information concerning persons who commit crimes of child abuse can be obtained from the FBI's National Crime Information Center. [Section 3604]	Similar provision except that it provides for establishment of a new centralized source of information specifically regarding convicted child abusers. [Section 1443]
No similar provision.	Requires States to report information concerning child abuse convictions to the FBI. Directs States to comply with requirements of the Act within a three year period or lose 25 percent of the funds available to them under the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3756). [Sections 3605, 3606]	Similar provision, but conditions receipt of assistance by a State under section 1404 of the Victims of Crime Act on compliance with the terms of the National Child Abuser Registration Act. [Section 1444-1445]
No similar provision.	Mandates State creation and maintenance of a program, devised by the Attorney General, requiring prisoners convicted of a crime against a child, to register their address with a designated State law enforcement agency for 10 years after their release; States which fail to create such a program within 3 years lose 25 percent of the Federal funds allotted under the drug control grant program; Federal and/or State constitutional ex post facto requirements may limit the system to prisoners whose crimes are committed after the effective	Similar provision. [Section 1461-1403]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	date of the State requirement to register. [Section 4908] Authorizes an appropriation of \$250,000 for training and educational programs under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq), to be focussed on handling of parental kidnapping cases (q.v.). [Section 4104]	Similar provision. [Section 1423] Directs the Attorney General in consultation with the Secretary of Education, to contract with an appropriate entity for a national baseline study to research the incidence of campus sexual assault and explore the adequacy of college and university policies and practices in protecting victims' legal rights, as well as the public interest in prosecuting criminals and preventing future crimes. Lists the components of the report. Authorizes an appropriation of \$200,000 to fund the competitive grant(s) to conduct the study. Directs that the grant(s) be awarded to persons or organizations with expertise in campus security. [Section 1714]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

RACIALLY DISCRIMINATORY CAPITAL SENTENCING

Requires that imposition of death penalty or other penalties by States or by the Federal Government be without regard to race or color of defendant or victim. Precludes prescription of any racial quota or statistical test for imposition or execution of death penalty or other penalty, or barring of execution, death sentence or other penalties for failure to achieve specified racial proportion of offenders, convicts, defendants, arrestees or victims. [Section 1002]

No similar provision.

Similar provision. [Section 1602]

In all State and Federal criminal trials, provides for precautions to be taken with regard to voir dire, change of venue, and defense and prosecution statements to the jury to protect against racial prejudice or bias which might affect the jury in the case. [Section 1003]

No similar provision.

Similar provision. [Section 1603]

Provides for jury instruction that the jury is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim, and requires certification by each juror that his or her decision was not so influenced. [Section 1004(a)]

Similar provision. [Section 202(a)].

Similar provision. [Section 1604(a)]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Makes motivation for a killing based upon racial bias or prejudice an aggravating factor permitting consideration of a death sentence, in addition to all other aggravating factors which may be provided to be considered in capital cases. [Section 1004(b)]	No similar provision.	Similar provision. [Section 1604(b)]
Amends funding provision in Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. §3751, to include provision in appropriate cases of adequate resources and expertise to ensure that death penalty is expeditiously carried out. [Section 1005]	No similar provision.	No similar provision.
Amends 18 U.S.C. §§ 241 and 242, dealing with conspiracy against civil rights and deprivation of rights under color of law, respectively, to expand the victims covered from inhabitants of, to persons in, any State, Territory, or District. [Section 1006]	Similar provision. [Section 4646]	Similar provision. [Section 1605] <i>See also</i> , Section 1707, redundant provision.
No similar provision.	Creates racial and ethnic bias study grants of \$2,000,000 a year for 5 years from FY 1992 through FY 1996. [Section 4916]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
CRIME VICTIMS		
Permits the court to order a defendant to reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense. Allows the court, after a hearing, to suspend the defendant's eligibility for all Federal benefits if the defendant is delinquent in making restitution payments. [Section 1101]	No similar provision.	Similar provision. [Section 521]
Permits a victim of violence or sexual abuse to address the court prior to sentencing of the defendant. [Section 1102]	No similar provision.	Similar provision. [Section 1954]
No similar provision.	No similar provision.	Reduces the number of preemptory challenges of Federal trial jurors available to felony defendants from 10 to 6. [Section 1959]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Provides that sums deposited in the Crime Victims' Fund shall remain in the Fund and be available for expenditure for grants under this chapter without fiscal year limitation. Establishes a system for distribution of the Fund. Provides that the first \$6.2 million deposited in the Fund in each of fiscal years 1992 through 1995 and the first \$3 million in the years thereafter be available to the judicial branch for administrative costs incurred in collecting fines. [Section 2002]	Like S. 1241 in that it removes the ceiling on the Crime Victims' Fund. [Section 501]
No similar provision.	Requires the court to order restitution of certain crime victims, and permits a court to order restitution of any person (in addition to the victim) who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by the unlawful conduct of the defendant during the course of a scheme, conspiracy, or pattern of unlawful conduct related to the offense; sets forth conditions and procedures. [Section 2003]	No similar provision.
No similar provision.	No similar provision.	Changes the percentage for awarding grants from the Fund to an eligible victim compensation program to 45 percent of the amount awarded during the previous year. [Section 502]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Amends the Victims of Crime Act to limit administrative expenditures by programs receiving grants to not more than 5 percent of the total grant. [Section 503]
No similar provision.	No similar provision, except that Section 2002 establishes a system for distribution of the Fund.	Provides that if the compensation paid to an eligible crime victim would cover costs that a Federal program—or a federally financed State or local program—would otherwise pay, that the crime victim compensation program shall not pay that compensation, and that the other program shall make its payments without regard to the crime victim compensation program. Sets forth a system for allocation of the Fund. Permits the Director to retain any portion of the Fund that is in excess of 110 percent of the total amount deposited in the Fund during the previous fiscal year, as a reserve for use in a year in which the Fund falls below the amount available in the previous year, providing such reserve not exceed \$20 million. [Section 504]
No similar provision.	No similar provision.	Permits the Director to use amounts available in the Crime Victims' Fund for the purposes of awarding grants for crime victims' compensation. [Section 505]

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COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Directs the chief executive of each State, in making an eligibility certification, to give particular attention to children who are victims of violent street crime. [Section 506]
No similar provision.	No similar provision.	Permits the Director to award grants for demonstration projects. [Section 507]
No similar provision.	No similar provision.	Limits the administrative expenditures for crime victim assistance programs to not more than 5 percent of the total grant. [Section 508]
No similar provision.	No similar provision.	Requires each entity receiving funds available under the Act for administrative purposes to certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be available for these purposes. [Section 510]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Delays the effective date for certain provisions of the Act to the first fiscal year that begins after the date of enactment for which the Director certifies there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such funds. [Section 511]
No similar provision.	No similar provision.	Calls for State courts to give full faith and credit to the domestic violence protective orders of other States. [Section 1957]

**CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued**

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

STATE AND LOCAL LAW ENFORCEMENT GRANTS

Byrne Program Amendments

Amends the Safe Streets Act (the Edward Byrne Memorial Program) to require, as a condition of receiving assistance, that participating States establish a drug testing program for offenders, pursuant to regulations to be prepared by the Attorney General. [Section 902]

No similar provision.

No similar provision.

Authorizes \$1 billion for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 for law enforcement and criminal justice system improvement grants to State and local governments (the Edward Byrne Memorial Program). Extends the 75/25 Federal/non-Federal funding ratio for the block grant program through 1992 (currently scheduled to change to 50/50 at the end of fiscal year 1991). Exempts multi-jurisdictional drug task forces from the prohibition on awarding Byrne program discretionary funds to any project for more than four years. [Sections 101-104]

Establishes new program authority; see Sections 701-702, 711, below.

Permanently extends the 75/25 funding ratio. Does not contain authorization or drug task force exemption provisions. [Section 1806]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Authorizes the use of Byrne Programs funds for the development or improvement of DNA testing laboratories and specifies standards to be met by funded laboratories. Authorizes an additional \$10 million for each fiscal year 1992 through 1996 for State grants for DNA analysis. Requires appointment of an advisory board on DNA quality assurance methods to recommend standards and requires the Director of the FBI to consider those recommendations in issuing standards. Authorizes the Director of the FBI to establish an index of DNA identification records. Requires that FBI personnel performing DNA analyses undergo proficiency testing at regular intervals and that reports be provided on the results of those tests. Establishes standards for privacy protection and criminal penalties (fine of no more than \$100,000) for the willful disclosure of information in the DNA index to unauthorized persons. Authorizes \$2 million for each fiscal year 1992 through 1996 for the administration of these provisions by the FBI. [Sections 1001-1006]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Adds new eligible activity under the Byrne statute for bindover programs that facilitate the prosecution of violent 16- and 17-year olds charged with specified violent crimes including: murder; robbery, battery, assault or rape when armed with a firearm; and drive-by shootings. [Section 1723]
Contains similar provision but amends Byrne program. <i>See also</i> Section 902 under this section of side-by-side.	No similar provision.	Establishes new authority (Drug Testing Upon Arrest) for the Bureau of Justice Assistance to provide grants to States for use by State and local governments in funding drug testing programs for arrestees. Sets forth application requirements, procedures for the distribution of funds from the States to localities, and reporting requirements; authorizes \$100 million for each of the fiscal years 1992, 1993 and 1994. Includes the substance of the Administration proposal (Section 902 of H.R. 1400/S. 635, <i>see above</i>) and conditions receipt of block grant funds on the development and implementation of a State drug testing program for State prisoners or offenders under supervision of the State. States do not have to spend more than 10 percent of the minimum amount allocated for their block grants on such drug testing programs and may apply to the Attorney General for a

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
		waiver of the drug testing requirement. The Attorney General must issue regulations, in consultation with the Secretary of HHS, to ensure the accuracy of the drug tests. [Sections 701-702, 711]
No similar provision.	No similar provision.	Amends the discretionary element of the Byrne program by limiting the award of discretionary funds to non-Federal organizations. Effective date will be October 1, 1991. [Section 1804]
No similar provision.	Requires that no more than 5 or 10% of the funds received by the States and localities under various Federal law enforcement grant programs may be used on administrative costs. [Section 4907]	No similar provision.
Community Policing		
No similar provision.	No similar provision.	Establishes new authority (Cop on The Beat Act) for the Bureau of Justice Assistance (BJA) to provide grants to units of local government and "community groups" for projects that increase the police presence in communities, including crime prevention programs in communities facing increased gang-related violence. Requires that the Director of the BJA develop a written model project, sets forth

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application and administrative requirements, requires that at least 75 percent of funds be provided to units of local government and no more than 20 percent to community groups, restricts Federal administrative costs to five percent of appropriated funds, establishes a three year limit on grant awards (Federal share limited to 75 percent of project costs), establishes reporting requirements, and authorizes \$150 million for each fiscal year 1992, 1993, and 1994. [Sections 101-103]

See also, Under "Miscellaneous," "Forfeiture," additional authorization for the Cop on the Beat program: \$25 million for high crime areas for each fiscal year 1992 through 1994 to be provided from the Department of Justice Asset Forfeiture Fund.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

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POLICE OFFICER PROVISIONS

Police Corps/Law Enforcement Scholarships

No similar provision.

Establishes two new programs—Law Enforcement Scholarships and a Police Corps. Subtitle B provides that the Scholarship Program will be administered by the Bureau of Justice Assistance. The Police Corps will be administered by a new office in the Department of Justice, established as the Office of the Police Corps and Law Enforcement Education.

The Corps Program is intended to recruit young adults into State and local law enforcement. Qualified college students attending a 4-year college, graduate school, or professional school would receive scholarships of up to \$7,500 per year (\$30,000 total) in return for at least four years of law enforcement service. The Scholarship Program would provide funds for in-service law enforcement officers and students seeking to work in a law enforcement agency (part-time during the school year and full-time during the summer). Qualified police officers in the Scholarship Program would receive one-year scholarships (no limit prescribed).

Similar provisions. The Office of the Police Corps could award scholarships of up to \$10,000 per year (\$40,000 total) but only for expenses incurred at a 4-year institution of higher learning. The Law Enforcement Scholarship Program does not provide for student employment. The Scholarship has two separate authorizations, one for \$30 million for each fiscal year 1992 through 1996 [Section 1233] and another for \$25 million for fiscal year 1992 (and such sums as necessary for fiscal years 1993 and 1994) [Section 1822]. No appropriation authorization is provided for the Police Corps. [Sections 1231-1233 and 1271]

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	Authorizes \$100 million for the Corps Program for each fiscal year 1992 and 1993, and \$200 million for each fiscal year 1994 through 1996. Authorizes \$30 million for the Scholarship Program for each fiscal year 1992 through 1996. [Sections 801-831]	
	Rights	
No similar provision.	Establishes rights for law enforcement officers facing possible disciplinary proceedings not related to questions of criminal conduct. Requires that, with exceptions, the law enforcement officer be provided opportunity for a hearing on the issues under investigation and allows the officer to waive these rights. Requires States to enact a Law Enforcement Officers' Bill of Rights within two legislative sessions. Does not preempt State law or applicable collective bargaining agreements. [Sections 901-902]	Authorizes the Attorney General to study the procedures used to conduct internal investigations of non-criminal actions of State and local police. Specifies areas in which the rights of officers should be examined and requires a report to be submitted to Congress that includes findings and recommendations for fair and effective investigations. [Section 1221].
	Accountability	
No similar provision.	No similar provision.	Prohibits any government authority from engaging "in a pattern or practice of conduct by law enforcement officers that deprives persons" of federally protected rights. Authorizes the U.S. Attorney

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
		General to obtain relief through civil action "to eliminate the pattern or practice." Allows any person injured in such circumstances to take civil action, allows the prevailing party in such action to recover court costs, and makes government agencies and private individuals equally liable. Broadly defines "law enforcement officers." Requires the Attorney General to acquire non-identifying data on police use of excessive force through victimization surveys conducted by the Department of Justice and to publish such data annually. [Sections 1201-1203]
Public Safety Officers Death Benefits		
No similar provision.	No similar provision.	Amends Title I, Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) to include as eligible—for a one-time benefit—retired public safety officers who have died or become permanently disabled as a direct result of a personal injury sustained while responding to a fire, rescue, or police emergency. Names the newly established program the "Irwin Rutman Retired Safety Officers' Benefit Program." [Section 1211]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Family Support		
No similar provision.	No Similar provision.	Authorizes the Director of the Bureau of Justice Assistance (BJA) to make grants to State and local law enforcement agencies for family support services for law enforcement personnel. Requires the Director to establish guidelines, conduct studies and compile information, and provide technical assistance to Federal, State and local agencies, with no more than twenty percent of the funds appropriated for the program. Participating State and local governments must use funds to provide five specified services to personnel and may use the funds for nine other services. Requires matching grants or assistance from recipient agencies and the equitable distribution of funds by the BJA, and limits individual grants to \$100,000 for five-year periods. No more than ten percent of the funds received by an agency may be used for administrative purposes. Allows the Director of BJA to use ten percent of appropriated funds for research grants. Sets forth reporting requirements and authorizes \$5 million for each of the fiscal years 1992-1996. [Sections 1241-1242]

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FEDERAL LAW ENFORCEMENT AGENCIES

No similar provision.

Authorizes an appropriation of \$345.5 million for fiscal year 1992 to be allocated as follows:

— *Drug Enforcement Administration:* \$100.5 million to include up to \$45 million to hire, train and equip 350 agents to expand DEA operations against drug trafficking organizations in rural areas; up to \$25 million to expand DEA, State and local Task Forces; and up to \$5 million to hire, equip and train not less than 50 special agents to investigate violations of the Controlled Substances Act relating to anabolic steroids.

Identical authorization for DEA [Section 1801]

No similar provision.

— *Federal Bureau of Investigation:* \$98 million for the hiring of additional agents to be dedicated to the investigation of drug trafficking organizations;

No similar provision.

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COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	— <i>Immigration and Naturalization Service</i> : \$45 million to be allocated as follows: \$25 million to hire, equip and train no fewer than 500 full-time-equivalent Border Patrol officer positions; \$20 million to hire, equip and train no fewer than 400 full-time-equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportation of criminal aliens.	Similar provision. [Section 1805]
No similar provision.	— <i>U.S. Attorneys</i> : \$45 million to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses;	No similar provision.
No similar provision.	— <i>U.S. Marshals Service</i> : \$10 million;	No similar provision.
No similar provision.	— <i>Bureau of Alcohol, Tobacco and Firearms</i> : \$15 million to hire, equip and train not less than 100 special agents to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs;	No similar provision.
No similar provision.	— <i>U.S. Courts</i> : \$20 million for additional magistrates, probation officers, other personnel and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title; and	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	— <i>Federal Defender Services</i> : \$12 million for the defense of persons prosecuted for drug trafficking and related crimes. [Section 1002]	No similar provision.
No similar provision.	Authorizes an additional appropriation of \$35 million for the construction of a United States Attorneys' office in Philadelphia, Pennsylvania. [Section 1003]	No similar provision.
No similar provision.	No similar provision.	Permits the Director of the Bureau of Justice Assistance (BJA) to make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence. Defines how the funds are to be used. Limits grants received by each State to \$2.5 million for any fiscal year. Limits funds used for administrative and technical assistance to not more than 5 percent of the funds available under the grant. Lists factors which the Director of BJA must consider in awarding grants. Directs each State receiving funds to submit a report to the Director no later than March 1 of each year. Requires the Director to submit a report to Congress by October 1 of each year in which grants are available. [Section 1821]

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H.R. 1400/S. 635
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PRISONS

Federal Prisons

Requires the Director of the Administrative Office of the U.S. Courts to establish a drug testing program for "criminal defendants" on supervised release. Requires that certain tests be used. Specifies that defendants charged with listed offenses must submit to periodic (no number specified) drug tests. Provides for the revocation of supervised release if the offender uses controlled substances. [Section 901]

As a condition of probation and parole, requires defendants to submit to a drug test within 15 days of release and at least two periodic tests to be determined by the court. Sets forth the conditions under which the results of such tests could be used. [Section 2401]

Similar to Administration bill except: (1) Requires the Director to consult with the Attorney General and the Secretary of HHS; (2) Limits testing to released Federal offenders; (3) Requires use of accuracy and reliability standards established by the Director (in lieu of specifying type of test to be used); (4) Grants discretion to the court and the Administrative Office of the United States Courts in imposing the drug-testing requirement on probationers; and (5) applies drug testing requirement to parolees (18 U.S.C. 4214(f)) but not to probationers (18 U.S.C. 3565) nor the those sentenced to supervised release after imprisonment (18 U.S.C. 3583). [Section 1504]

No similar provision.

Prohibits the U.S. Bureau of Prisons from considering a prisoner's social or economic status in designating place of imprisonment. [Section 4920]

No similar provision.

No similar provision.

Requires that a person in possession of a controlled substance in a Federal prison be sentenced for not less than one year

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	imprisonment in addition to any other sentence. Persons convicted of smuggling or attempting to distribute controlled substances in a Federal prison would be sentenced to no less than ten years imprisonment, in addition to other sentences. Persons who violate these provisions could not be placed on probation, could not receive a suspended sentence, nor would they be eligible for parole during imprisonment for this sentence. [Section 2402] Authorizes the establishment of ten boot camps by the Bureau of Prisons to be located on closed military installations. Specifies the size of the camps and restricts the number of Federal inmates to 20 percent of each facility's population. Amends the Criminal Code (18 U.S.C. 3582) to authorize Federal courts to sentence a convicted offender to a boot camp and gives the Bureau of Prisons discretion to place an offender in the camp under specified conditions. Allows the successful completion of a sentence to satisfy incarceration requirements but not fine, restitution or supervised release sentence components. State inmates could apply for admission to the Federal boot camp system under specified conditions, and the sponsoring State	No similar provision, <i>but see</i> Title VI, below, for proposed grants to the States for alternative forms of punishment.

CRIME, DRUG, AND GUN CONTROL:
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	would have to pay all costs of incarceration. If a State offender successfully completes the program, the Bureau of Prisons would return 20 percent of the cost of incarceration to the State; these reimbursed funds must be used to meet the post-release supervision requirements of the title.	
	Authorizes \$150 million for fiscal year 1992 and limits \$12.5 million of those funds for the conversion of each military facility and no more than \$2.5 million for the operation of each camp for one year. [Section 1401]	
No similar provision.	Requires the Bureau of Prisons to report to Congress on the feasibility and cost-effectiveness of using prefabricated modular housing for prisoners. [Section 1402]	No similar provision
No similar provision.	No similar provision.	Requires that the U.S. Bureau of Prisons provide opportunities for residential drug treatment programs for inmates, sets standards for such programs, provides incentives (length of custody and conditions in prison) for inmate participation, and mandates annual reports to Congress on the programs. Authorizes funds as necessary for fiscal

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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	year 1991 and for future years. [Sections 201-205] Requires that proposed legislation submitted by the judicial or executive branches which could alter the size of the Federal prison population be accompanied by a prison impact statement. Requires the Attorney General, in consultation with the U.S. Sentencing Commission and the Administrative Office of the U.S. Courts to prepare the required assessments or as requested by Congress. Impact assessments on pending legislation must be provided within seven days of the request. Sets out the information to be included in the assessment and requires annual reports (by March 1) from the Attorney General on the impact of legislation enacted in the preceding calendar year. [Section 1956]
<i>See also, under "Firearms," "Gun Crime . . .,"</i> Section 408.	<i>See also, under "DRUG CONTROL," "Other Drug Control Provisions,"</i> Section 4652.	<i>See also, under "DRUG CONTROL," "Other Drug Control Provisions,"</i> Section 1503.
No similar provision.	Regional Prisons Authorizes, for fiscal year 1991, \$600 million for the construction of ten regional prisons and \$100 million for the	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
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operation of the prisons for one year. The locations of the prisons would be chosen by the Director of ONDCP after consultation with the Director of the U.S. Bureau of Prisons (BoP), within six months of enactment. Federal inmates in each prison would constitute 20 percent of the population and State inmates, 80 percent. Prisoners with substance abuse problems requiring long-term treatment, who are no more than two years from release and who agree to placement, could be housed in the institutions. The States are to select inmates with long-term drug abuse problems and serious criminal histories. States must submit to the BoP an aftercare plan, including provisions for vocational job training if appropriate, for continuing treatment following release. If a State inmate successfully completes the treatment program, 25 percent of the cost of his or her incarceration would be returned to the State; otherwise the State would have to pay full cost of incarceration. Returned funds must be used for aftercare treatment programs. The Director has full authority to determine the eligibility of State inmates for the prison and the continued presence of such inmates during treatment. [Section 1301]

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State Prisons		
No similar provision.	Authorizes the Attorney General to award grants to State correctional agencies for inmate literacy programs. Sets forth specifications of the program including program goals and reporting requirements. Also authorizes the Attorney General to provide grants (for no more than three years) to State and local correctional agencies for "life skills" programs for inmates to facilitate their reintegration into society once they are released. Authorizes \$10 million for fiscal year 1992, \$15 million for fiscal year 1993, \$20 million for fiscal year 1994, and \$25 million for fiscal year 1995. [Section 4301]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Establishes new authority (Substance Abuse Treatment in State Prisons) for the Bureau of Justice Assistance to provide grants for residential drug abuse treatment programs in State prison facilities. Sets forth application requirements (including coordination between State correctional and substance abuse officials), the procedure for the distribution of funds (Federal share limited to 75 percent of costs), and gives preference to States that provide "aftercare" services for released offenders. Requires annual evaluation reports from participating States. Authorizes \$100 million for each fiscal year 1992, 1993 and 1994. [Sections 301-304]
No similar provision.	No similar provision.	Mandates, as part of the effort to enhance substance abuse programs in State prisons, that the National Institute of Justice study the impact of in-house substance abuse (alcohol and drug) treatment programs on the recidivism rates of State offenders. Also requires study of the connection between such substance abuse and criminal activity. [Section 311]
No similar provision.	No similar provision.	Builds upon demonstration program established in Section 1801, Title XVIII of the Crime Control Act of 1990.

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Establishes new authority (Alternative Punishments for Young Offenders) for the BJA to provide grants to States for State and local programs that provide alternative forms of punishment, other than prison, for young offenders. Alternative punishments include boot camps, restitution programs, community service, and innovative methods of addressing substance abuse (including alcohol abuse) problems, among others. Sets forth application and administrative requirements, the method to be used by States in allocating funds to local governments (Federal share limited to 75 percent of project costs), and limits administrative costs for required evaluations to no more than five percent of funds received. Prohibits land acquisition and construction activities with program funds, except for "alternative facilities" for young offenders. Authorizes \$200 million for each fiscal year 1992, 1993, and 1994 and allocates funds among participating States, in part, on the number of "young offenders." [Sections 601-604] Also, authorizes \$200 million for each fiscal year 1992-1994 for the Title XVIII correctional options program. [Section 1802]

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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Requires that the National Institute of Justice study the feasibility of establishing an information clearinghouse to facilitate the transfer of prisoners in State prisons to other prisons to allow inmates to be incarcerated in close proximity to their families. Such transfers would occur pursuant to interstate compacts. Requires a report within one year of enactment. [Section 1958]

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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
RURAL CRIME		
Drug Trafficking		
No similar provision.	Authorizes \$50 million for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 for the rural drug enforcement program authorized by the Crime Control Act of 1990, Title VIII, P.L. 101-647. Amends the law to require that a base amount of \$250,000 be allocated to non-rural States for non-metropolitan areas (currently \$100,000). [Section 1601]	Similar provision. [Section 1823]
No similar provision.	Requires the Attorney General, after consultation with specified organizations, to establish, within each Federal judicial district, a Rural Drug Enforcement Task Force in areas that consist of "significant rural lands." Identifies the organizations to be represented on the task forces. [Section 1602]	Similar provision but leaves action to the Attorney General's discretion. [Section 1809]
No similar provision.	Requires that the Attorney General cross-designate up to 100 Federal law enforcement officers from each of the Park Police, Forest Service, Bureau of Land Management, DEA, FBI, INS, and similar agencies to enforce the Controlled Substances Act on rural non-Federal lands. [Section 1603]	Similar provision but leaves action to the Attorney General's discretion. [Section 1810]

CRIME, DRUG, AND GUN CONTROL:
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H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Mandates that a course of instruction be developed to train rural law enforcement officers in drug trafficking investigation and authorizes \$1 million for each fiscal year 1992 through 1994 for this purpose. [Section 1604] <i>See also, under "DRUG CONTROL," Section 1612.</i>	Similar provision. [Section 1811]
No similar provision.	Drug Prevention and Treatment Requires that the Director of the Office for Treatment Improvement, Public Health Service provide grants for substance abuse treatment services in non-metropolitan areas. Grantees must meet certain requirements and submit applications. Funds could be used by grantees for drug prevention activities with priority given to projects: (1) in hospitals eligible to receive rural health transition grants under current law; (2) that coordinate activities among health facilities; and (3) in areas with no existing facilities. Grants would generally be terminated after three years duration and would be provided, to the extent practicable, to each State. Authorizes \$25 million for each fiscal year 1992 and 1993. Also requires the compilation and	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	dissemination of information on rural drug abuse treatment. [Sections 1621-22]	
	Rural Land Recovery Act	
No similar provision.	Requires that each Rural Drug Enforcement Task Force (see Section 1602, above) include a Director of Rural Land Recovery to coordinate activities set forth in the subtitle. Authorizes prosecutors to consider violations of the Resource Conservation and Recovery Act in bringing charges against manufacturers of clandestine laboratories, and authorizes prosecutors and private citizens to bring suit against laboratory operations. [Sections 1631-1632]	No similar provision.
	Rural Crime Prevention	
No similar provision.	Finds that crime rates in rural areas have increased, that the demands on rural police are multifaceted and overwhelming, and that increased training for rural police is a necessity. Requires the National Institute of Justice (NIJ) to assess crime in rural areas and to report to the President and the Congress within one year of enactment. Authorizes the Director of the NIJ to make demonstration program grants to	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	local law enforcement agencies for specified purposes. Authorizes \$5 million for the national assessment and for the demonstration grants (no year specified). [Sections 3901-3905] Drug-Free Truck Stops Amends the Controlled Substances Act to double the penalties for offenders who distribute controlled substances (more than 5 grams of marihuana) within one thousand feet of a truck stop or safety rest area. Second and subsequent convictions under this provision would be punishable by the greater of not less than three years imprisonment or three times the maximum punishment authorized and three times the term of supervised release under current law. Sentences of repeat offenders could not be suspended nor could probation be granted to such offenders. Specifies guidelines to be established by the U.S. Sentencing Commission with regard to violations of the provision. [Section 1641]	
No similar provision.		Similar provision. [Section 1511]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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DRUG CONTROL

Drug Emergency Areas

No similar provision.

Authorizes a new grant program (Drug Emergency Areas Act of 1991) to provide emergency assistance to State and local areas suffering from significant levels of drug related trafficking, smuggling, abuse or violence, as determined by the President. Program is proposed in lieu of the High Intensity Drug Trafficking Area (HIDTA) authority (21 U.S.C. 1504(c)) currently granted to the Director of the Office of National Drug Control Policy. No single emergency could receive more than \$50 million, and no grant could be extended beyond 1 year absent a special determination by the President. Requires 25 percent matching funds from the State or local governments. Sets forth certain other requirements grantees must fulfill. Authorizes appropriations of \$300 million for each of 5 fiscal years beginning with FY 1992. [Section 1701 et seq.]

Similar to S. 1241 but authorizes \$300 million through 1994, not 1996. Unlike S. 1241 retains HIDTA authorization. [Sections 801-802]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Other Drug Control Provisions		
Doubles the maximum penalties and supervised-release time for illicit drug distribution to a pregnant woman and establishes a one-year mandatory minimum sentence for the offense unless the trafficking would otherwise be punishable by a higher sentence. The maximum penalties and release time would be tripled for subsequent violations. [Section 802]	No similar provision.	Similar provision. [Section 1505]
No similar provision.	Amends the Controlled Substances Act to treat as one of the most serious of trafficking offenses the distribution or manufacture of large amounts (25 grams or more) of methamphetamine in crystalline form ("ice") that is 80 percent pure, a first offense to be punishable by imprisonment of ten years to life and/or fine of up to \$4 million dollars; and of small amounts (5 grams or more) by imprisonment of from 5 to 40 years and/or a fine of up to \$2 million. [Section 1612]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Amends the Controlled Substances Act to authorize a new civil remedy, including injunctions and eviction, against anyone violating provisions of the Act, allowing a civil penalty of up to \$100,000. Calls upon the Attorney General to "aggressively pursue" the use of certain other criminal penalties and civil remedies against drug offenders and to make an annual report to Congress on the manner and extent to which such remedies are being used and the consequent effect on drug trafficking. [Section 2101-2102]	No similar provision.
No similar provision.	Increases penalty for the sale of controlled substances to minors under 18 or for the use of such minors in a drug trafficking offense, from 1 to 10 years, or a mandatory term of life imprisonment for a subsequent offense. [Section 2509]	No similar provision.
No similar provision.	Amends the Chemical Diversion and Trafficking Act of 1988 to extend controls designed to reduce diversion from legal commerce of certain chemicals used in illicit production of controlled substances ("precursor and essential chemicals") and to provide greater flexibility in the application of regulatory controls on the international commerce in such chemicals. [Sections 3101-3113]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Provides new sanctions for failure to land by the operator of any aircraft which has crossed the border of the United States or which, being subject to U.S. jurisdiction is operating outside the United States, including summary revocation or the aircraft's registration, and new civil penalties for failure to comply with Coast Guard or Customs Service orders to land, bring to, or allow lawful boarding. Also, expands Coast Guard interdiction authority to include air space over U.S. waters and the high seas, and extends general Customs Service authority to include places in foreign countries where U.S. Customs stations are authorized. [Sections 4401-4407]	Similar provision, but restricted to aircraft. [Section 1719]
No similar provision.	Expands Coast Guard authority to exchange information relating to its missions, and to provide appropriate assistance as requested by the Secretary of State, to foreign governments and international organizations. [Sections 4412-4413]	No similar provision.
No similar provision.	Expands maritime law enforcement authority to permit operations in archipelagic waters. [Section 4414]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Provides penalty enhancement for drug trafficking in Federal prison. [Section 4652]	Similar provision. [Section 1503]
No similar provision.	Amends the Tariff Act to provide that failure to declare importation of a controlled substance carries a minimum penalty of \$500, no matter how small the amount. [Section 4654]	No similar provision.
No similar provision.	Broadens the definition of illicit drug paraphernalia to include a broad range of drug-related articles, including devices used in the cultivation, production or consumption of controlled substances. (Present law focuses on smoking paraphernalia.) [Section 4904] Also, authorizes the Attorney General to bring an action for the assessment of a civil fine of not more than \$100,000 for drug paraphernalia violations. [Section 4656]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Clarifies the Controlled Substances Act and the Controlled Substances Import and Export Act so that the weight of marihuana considered when sentencing shall be the "mixture or substance containing a detectable amount of marihuana" rather than just the marihuana itself. Also, amends certain marijuana provisions of the Controlled Substances Import and Export Act to conform to the Controlled Substances Act. [Section 4658]	No similar provision.
No similar provision.	Amends the RICO statute to replace the term "narcotic and other dangerous drugs" with the term "controlled substance or listed chemical as defined in section 102 of the Controlled Substances Act," thereby including precursor and essential chemicals under the definition. [Section 4660]	No similar provision.
No similar provision.	Amends the Controlled Substances Act and the Controlled Substance Import and Export Act to change the definition of "felony drug offense," as used to determine prior conviction, to include any drug offense punishable by more than one year imprisonment. [Section 4661]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Increases from 1 to 3 years the mandatory minimum term of imprisonment for a second conviction for distribution of a controlled substance to a minor under 21 years of age. [Section 4663]	No similar provision.
No similar provision.	Proscribes "narcotics and public corruption," i.e. bribery of or by a Federal or State official, employee, or juror in connection with illicit drug activities; violations are punishable by imprisonment for not more than 25 years and/or fine of not more than \$250,000; offense is included on the list of RICO and wiretap predicate offenses. [Section 4805]	No similar provision.
No similar provision.	Extends the special anti-drug trafficking penalties covering schools and playgrounds to include public housing. [Section 4902]	Similar provision. [Section 1502]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Proscribes the knowing publication of advertisements for Schedule I controlled substances, establishing a maximum penalty of four years in prison and/or a fine of not more than \$250,000. The term of imprisonment doubles for each subsequent conviction. [Section 4906]	Similar provision. The language in H.R. 3371 makes clear that the proscribed offense is publication of an advertisement known to be for a Schedule I controlled substance, and not a knowing publication of such an advertisement, thereby shielding those who might publish an advertisement for a Schedule I controlled substance without knowing the purpose of the advertisement. [Section 1512]
No similar provision.	No similar provision.	Requires the Attorney General, in consultation with the Secretary of Transportation, to implement a program informing the public about provisions of Federal law that condition portions of a State's Federal highway funding on State enactment of legislation requiring revocation of a driver's license held by a convicted drug abuser. [Section 1508]
No similar provision.	No similar provision.	Prohibits physical trainers from persuading or inducing the use of anabolic steroids for unauthorized purposes. [Section 1501] Authorizes \$5,000,000 for DEA investigations of steroid violations. [Section 1801(3)]
No similar provision.	No similar provision.	Increases penalties for distributing or manufacturing drugs in a "drug-free" zone. [Section 1705]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Requires that an additional goal be added to the National Drug Control Strategy: "expanding the availability of treatment for drug addiction." [Section 1509]
No similar provision.	No similar provision.	Amends the Public Health Services Act to provide grants for public trauma centers in areas having significant drug-related violence. Establishes guidelines, priorities, and commitments to govern participation in the grant program. Authorizes \$50 million for fiscal year 1992 and such sums as may be necessary for FY 1993 and 1994. [Section 1506]
<i>See also</i> "DEATH PENALTY" for provisions relating to controlled substance offenses.	<i>See also</i> "DEATH PENALTY" for provisions relating to controlled substance offenses.	<i>See also</i> "DEATH PENALTY" for provisions relating to controlled substance offenses.
<i>See</i> "GANGS AND JUVENILE OFFENDERS" for provisions relating to minors.	<i>See</i> "GANGS AND JUVENILE OFFENDERS" for provisions relating to minors; <i>also, see below</i> Section 2508, under "MISCELLANEOUS."	
	<i>See also,</i> "Drug Trafficking" and "Drug Free Truck Stops" under "RURAL CRIME" above.	
	<i>See also,</i> Section 4805 under "PUBLIC CORRUPTION."	

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
DRUNK DRIVING PROVISIONS		
No similar provision.	Adds imprisonment for not more than 1 year and/or a fine of not more than \$1,000 to the State penalties assessed for drunk driving on Federal reservations when there is a child in the vehicle during the commission of the offense; the additional term of imprisonment is increased to not more than 5 years if the child is seriously injured and not more than 10 years if the child is killed. [Section 1801].	No similar provision.
No similar provision.	Adds imprisonment for not more than 1 year and/or a fine of not more than \$1,000 to the penalties that may be imposed for drunken operation of a common carrier when there is a child in the vehicle during the commission of the offense, the additional term of imprisonment is increased to not more than 5 years if the child is seriously injured and to not more than 10 years if the child is killed. [Section 1802]	No similar provision.
No similar provision.	Provides that conviction for drunk driving in a case which results in serious bodily injury to an innocent party shall be grounds to deport an alien. [Section 4919]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Expresses the sense of Congress that a history of drunk driving should be considered by courts called to award child custody and visitation rights. [Section 1804]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

COMMISSIONS

Commission on Crime and Violence

No similar provision.

Establishes a 22-member National Commission on Crime and Violence in America to develop a comprehensive and effective crime control plan which will serve as a blueprint for the 1990s. Directs the Commission to be responsible for reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence; examining the impact that changes to State and Federal law have had in controlling crime and violence; examining the problem of youth gangs and providing recommendations as to how to reduce youth involvement in violent crime; convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens; and reviewing all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, and corrections components in developing the crime control plan. [Sections 1901-1902]

Similar provision. Also directs the Commission to recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, and to consider increased use of alternatives to incarceration. [Sections 1741-1742]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Directs the President to designate a chairman from among the members of the Commission. [Section 1904]	Similar provision. [Section 1743]
No similar provision.	Requires Federal agencies to provide such support and assistance as may be necessary for the Commission to carry out its function. [Section 1905]	Similar provision. [Section 1744]
No similar provision.	Requires the Commission to submit its report to the President and to Congress not later than one year after the appointment of a Chairperson. [Section 1906]	Similar provision. [Section 1745]
No similar provision.	Provides that the Commission shall terminate 30 days after submitting its report. [Section 1907]	Similar provision. [Section 1746]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

Commission to Support Law Enforcement

No similar provision.

Establishes the National Commission to Support Law Enforcement to study and recommend changes regarding Federal, State and local law enforcement agencies. Sets forth the issues to be explored by the Commission, identifies the composition of the 23 members, and authorizes staffing and administrative positions for the Commission. Requires a report to Congress within 18 months of the appointment of the Commission members and terminates the Commission sixty days following release of the report. Repeals similar provisions enacted by the 101st Congress. [Sections 2201-2210]

Similar provision. [Sections 1251-1259]

**National Commission to Study the Causes of
the Demand for Drugs in the United States**

No similar provision.

No similar provision.

Establishes a National Commission to Study the Causes of the Demand for Drugs in the United States. Sets forth the duties of the Commission and the issues to be explored. Identifies the composition of the 13 members, and authorizes staffing and administrative positions for the Commission. Requires monthly activity reports, and an interim report not later than one year before the

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
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termination of the Commission and final report not later than the date of termination. Terminates the Commission on the date which is 2 years after the Members have met and designated a Chairman and Vice-Chairman. [Sections 1751-1758]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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BAIL-POSTING REPORTING		
No similar provision.	Requires Federal and State court clerks to notify IRS and Federal and State prosecutors when a defendant, charged with a drug offense, a RICO violation, or money laundering, posts bail in cash. [Section 2802]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

MOTOR VEHICLE THEFT PREVENTION

No similar provision.

Instructs the Attorney General to devise a voluntary vehicle theft-prevention program under which owners may sign a consent form and display a decal on a vehicle which State, local or Federal authorities may stop to verify ownership under some circumstances. Makes altering or removing motor vehicle identification numbers an offense punishable by a fine or imprisonment. [Section 2901]

Similar to S. 1241 except that the scope of the offense of altering or removing motor vehicle identification numbers is limited by requiring demonstration of *intent* to further the theft of the vehicle, and the maximum fine is greater. Also, it specifies that when the Attorney General sets up conditions under which law enforcement officers may stop decal vehicles under the Motor Vehicle Theft Prevention Program, those conditions may not be based on race, creed, national origin, gender, or age; requires that State legislative bodies grant their State and local law enforcement officers the right to make unwarranted stops of decal vehicles in order to participate in the Motor Vehicle Theft Prevention Program; and specifies that only State and local law enforcement units are authorized to stop vehicles, to verify ownership, under certain circumstances. [Sections 1732-33]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

PROTECTIONS FOR THE ELDERLY

Missing Alzheimer's Disease Patients

No similar provision.

Directs the Attorney General to award a grant to an eligible organization to assist in paying for the design, establishment, and operation of a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias. Authorizes appropriations of \$1 million for each of fiscal years 1992, 1993, and 1994. [Section 3001]

No similar provision.

Violent Felonies Against the Elderly

No similar provision.

Provides for mandatory penalties without the possibility of suspension, probation, or parole, upon conviction of a crime of violence against an individual who is 65 years old or older. [Section 40001]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
CONSUMER PROTECTION		
Insurance		
No similar provision.	Establishes crimes by or affecting persons engaged in the insurance business including: - false statements to State insurance regulators or their agents; penalty: not more than 30 years in prison and/or a fine of not more than \$1 million; - embezzlement by insurance company officers or employees; penalty: not more than 30 years in prison and/or a fine of not more than \$1 million, reduced to not more than 1 years and/or \$1,000 if the amount taken was \$100 or less; - fraudulent entries or statements by insurance officers or employees made with intent to injure or defraud; penalty: not more than 30 years and/or a fine of not more than \$1 million;	Similar provision except the following penalty provisions differ: - false statements; penalty: not more than 10 years in prison or, if the soundness of the institution is threatened, not more than 15 years in prison, and/or a fine of not more than \$250,000; - embezzlement; penalty: if less than \$5,000 is involved, not more than one year in prison and/or a fine of not more than \$100,000; otherwise, not more than 10 years in prison or, if the soundness of the institution is threatened, not more than 15 years, and/or a fine of not more than \$250,000; - fraudulent entries; penalty: not more than 10 years in prison or, if the soundness of the institution is threatened, not more than 15 years, and/or a fine of not more than \$250,000;

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
	- obstruction of justice with respect to State insurance regulators; penalty: 10 years and/or \$250,000; - participation in the insurance business following conviction for one of the offenses noted above; penalty, 5 years and/or \$1 million a day. [Section 3802]	- obstruction of justice; penalty: same; - participation; penalty: not more than 5 years and/or a fine of not more than \$250,000; violations may also subject the offender to a civil penalty of not more than \$50,000. [Section 1303]
No similar provision.	Amends the Federal obstruction of justice provisions to include proceedings before State insurance regulators and criminal investigations in insurance business. [Section 3803]	Similar provision. [Section 1303]

Telemarketing and Consumer Fraud and Abuse

No similar provision.	Requires the Federal Trade Commission to promulgate rules to prevent and punish telemarketing fraud and credit card laundering; creates civil cause of action for the States and for private parties who suffer over \$50,000 in damage. The instruction and cause of action sunset after 5 years. [Sections 3301 to 3314]	No similar provision.
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CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Enlarges the Federal credit card fraud provisions to include use of a stolen credit card and frauds against credit card companies; penalty: imprisonment for not more than 10 years and/or a fine of the greater of \$10,000 or twice of amount involved in the offense. [Section 4912]	Similar provision. [Section 1302]
No similar provision.	No similar provision.	Expands the U.S. mail fraud statute to include use of private or commercial interstate carriers. [Section 1301]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
FINANCIAL INSTITUTION FRAUD PROSECUTIONS		
No similar provision.	Adds convictions for obstructing examination of a financial institution or engaging in monetary transactions in property derived from specified unlawful activity to the list of convictions which call for a minimum 10 year bar on employment with a federally insured bank. [Section 3702]	No similar provision.
No similar provision.	Prohibits those convicted of crimes of fraud and other crimes of dishonesty from working in a federally insured credit union for 10 years; violations are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$1 million per day in violation. [Section 3703]	No similar provision.
No similar provision.	No similar provision.	Directs the Attorney General to establish a task force for the aggressive prosecution of criminal cases involving savings and loan institutions. [Section 1728]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
SENTENCING PROVISIONS		
No similar provision.	Amends the Federal Sentencing Guidelines to provide for the application of a sentence in the case of a violation of probation or supervised release. [Section 3401]	Similar provision. [Section 1901]
Amends the supervised-release statute to conform with a change made by the Anti-Drug Abuse Act of 1988, which mandated the revocation of probation in the case of anyone found to be in possession of a firearm. [Section 408]	Similar provision. [Section 1225] Also, similar provision in different form, revising the pertinent language of the probation and supervised-release sections of Title 18. [Sections 3403 and 3404]	Similar provisions to Sections 3403 and 3404 of S. 1241. [Sections 1903-1904]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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EXPLOITATION OF MINORS

No similar provision.

Amends Title 18 of the U.S. Code by adding a new section making it a crime punishable by not less than 3 years nor more than 10 years imprisonment for a person 18 years or older to induce a minor to commit a crime. [Section 3503]

No similar provision.

See also, under "Drug Control," "Other Drug Control Provisions," inducing minors to violate the Controlled Substance Act, Section 2509.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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PARENTAL KIDNAPPING

No similar provision.

Makes international parental kidnapping punishable by imprisonment for not more than 3 years and/or a fine of not more than \$250,000. [Section 4101] *See also* Section 4104 under "Sexual Violence and Child Abuse."

Similar provision. [Sections 1421-1423]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

UNITED STATES MARSHALS ASSOCIATION

No similar provision.

Establishes a United States Marshals Association, a charitable and nonprofit corporation charged with elevating and strengthening public knowledge of law enforcement, promoting the exchange of information about law enforcement and justice system issues among private and public institutions and individuals through symposia, studies, and research, studying the history of law enforcement, producing, selling, and distributing educational materials on law enforcement and justice system issues, accepting and administering private gifts or property for the benefit of the U.S. Marshals Service, and promoting law enforcement.
[Section 4202 - 4213]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

ENVIRONMENTAL COMPLIANCE

No similar provision.

Requires sentencing courts to order companies convicted of certain environmental felonies to pay for and implement the recommendations of an environmental compliance audit designed to prevent a recurrence and prepared by a court-appointed expert; the courts are authorized, but not required, to issue similar orders in the case of misdemeanor environmental offenses. [Section 4501]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

MISCELLANEOUS
(Including Maximum Penalty Increases for Violent Crimes)

Assault

No similar provision.

Increases to 10 years the maximum term of imprisonment for assault on a Federal law enforcement officer or a foreign dignitary where injury results and for assault with a deadly weapon in the special maritime or territorial jurisdiction or on officials protected under the congressional and Presidential assassination provisions. [Section 2501]

No similar provision.

No similar provision.

Makes clear that a maximum fine of \$250,000 applies to felony assaults on foreign dignitaries, Federal law enforcement officials, Members of Congress, the President, and within the special maritime and territorial jurisdiction. [Section 2501]

No similar provision.

No similar provision.

Reduces the penalty for simple assault on a Federal law enforcement officer to imprisonment for not more than 1 year and/or a fine of not more than \$100,000. [Section 2501]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Manslaughter		
No similar provision.	Increases the maximum term of imprisonment for involuntary manslaughter within the special maritime and territorial jurisdiction from 3 to 6 years and makes clear that the maximum fine for felonies, \$250,000, applies to manslaughter committed within the special maritime and territorial jurisdiction. [Section 2502]	No similar provision.
Civil Rights		
No similar provision.	Makes clear that the \$250,000 maximum fine applies to civil rights violations involving: conspiracies to violate, deprivation under color of law, denial of Federal benefits, fair housing offenses, or obstruction of religious civil rights; provisions calling for more severe penalties "if bodily injury results" are expanded to include cases where guns, bombs or arson are employed, regardless of whether bodily injury occurs; those carrying more severe penalties where death results are expanded to cases involving kidnapping, attempted kidnapping, rape or attempted rape, regardless of whether death results. [Section 2503]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Forfeiture		
No similar provision.	Declares that the Customs Forfeiture Fund shall be used so that after \$15 million a year has been set aside for current purposes the next \$30 million shall be used for grants to the States for drug treatment programs. [Section 4917]	Authorizes appropriation of 25% of the excess of unobligated funds in the Department of Justice Asset Forfeiture Fund, before any of the excess is transferred for prison construction or the Drug Czar, to be divided among public health service programs with 1/2 of the amount going to grants for drug abuse prevention and treatment and the remainder split with half going to grants for high risk youth and half to grants for treatment of pregnant addicts and their children. [Section 1803]
No similar provision.	Requires that GAO audit the Department of Justice Asset Forfeiture Fund annually and that State and local governments which are the beneficiaries of equitable distribution audit accounts of their receipts annually. [Section 4924]	Requires the Attorney General to include a description of administrative and contract costs within the annual report to Congress on the Asset Forfeiture Fund. [Section 1808]
No similar provision.	Limits to 10% the amount the Attorney General may deduct from State and local equitable shares in Federal drug forfeitures to cover administrative costs. [Section 2506]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	No similar provision.	Permits the Attorney General to (1) sell urban real estate, confiscated in a civil drug forfeiture and valued at less than 40% of the comparable real property, to tax exempt organizations providing crime control, housing or educational services for nominal consideration, [Section 1824]; or (2) transfer real property—suitable for public recreational, historical, or preservation purposes, and confiscated under either the civil or criminal drug forfeiture provisions—to the State, without charge or for a nominal charge. [Section 1510]
No similar provision.	Authorizes the confiscation of conveyances fitted for smuggling. [Section 4653]	No similar provision.
No similar provision.	No similar provision.	Authorizes appropriations from the Asset Forfeiture Fund of \$25 million for 1992, 1993 and 1994 to increase the funding for the Cops on the Beat program payments to the 12 cities with the highest crime index and to adjoining areas. [Section 1825]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Counterfeit Goods Traffic		
No similar provision.	Proscribes software copyright infringement; penalties: imprisonment for not more than 2 years and/or a fine of not more than 250,000 for making or passing less than 50 copies within 6 months, and by imprisonment for not more than 5 years and/a fine of not more than \$250,000 for more than 50 copies. [Section 4905]	No similar provision.
No similar provision.	Raises the maximum prison terms for trafficking in counterfeit merchandise from 15 to 20 for subsequent offenses; increases the maximum fines to \$2 million for an individual and \$5 million for an organization for a first offense and \$5 and \$15 million for subsequent offenses; and adds trafficking to the list of money laundering predicate offenses. [Section 2507]	No similar provision.
Aliens		
No similar provision.	Instructs the Sentencing Commission to promulgate certain sentencing guidelines involving smuggling aliens into this country under a variety of aggravating circumstances. [Section 2510]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
 (Administration bill)

S. 1241
 (As passed by the Senate)

H.R. 3371
 (As passed by the House)

Expansion of Category of Repeat Offenders Subject to Life Imprisonment

No similar provision.

Amends the Controlled Substances Act to include crimes of violence (as well as drug violations) as previous offenses in determining whether certain serious drug law violators are third-time offenders and thus subject to a mandatory life imprisonment sentence, without release. [Section 2508]

No similar provision.

Sentencing and Magistrate Amendments

No similar provisions.

Permits probation for petty offenses and supervised release for juvenile offenders. [Section 4612, 4615]

Similar provision limited to probation. [Section 1941]

No similar provisions.

Authorizes magistrates to try petty offenses and revoke supervised release imposed by a magistrate. [Section 4613, 4614]

Similar provision. [Sections 1942, 1943]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
Gambling		
No similar provision.	No similar provision.	Authorizes the Attorney General, or any professional or amateur sports organization to bring an action to enjoin State lotteries or other State or privately sponsored gambling on professional or amateur sporting contests; exempts parimutuel animal racing, casinos in Nevada and New Jersey, and whichever government sports lottery, if any, came into existence on September 1, 1989 and ended on August 31, 1990. [Section 2102]
No similar provision.	No similar provision.	Authorizes disclosure of FBI criminal records to State gambling regulators for licensing purposes. [Section 1955]
No similar provision.	No similar provision.	Repeals the proscriptions against gambling ships hovering or otherwise operating beyond the territorial waters of the United States. [Section 1722]
White Collar Amendments		
No similar provision.	Proscribes receipt of property stolen during the robbery of the mail or U.S. property; penalty: imprisonment for not more than 10 years and/or a fine of not more than \$250,000. [Section 4621]	Similar provision. [Section 1702]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Outlaws receipt of kidnap proceeds, transported in interstate commerce, or property extorted in violation of several of the minor Federal extortion statutes; penalties: imprisonment for not more than 10 years and/or a fine of not more than \$250,000 (kidnap proceeds) and imprisonment for not more than 3 years and/or a fine of not more than \$250,000 (extortion). [Section 4622]	Similar provision. [Section 1701]
No similar provision.	Expands the section prohibiting obstruction of justice in Federal administrative proceedings to include the civil investigative demand procedures under RICO and the false claims provisions. [Section 4623]	No similar provision.
No similar provision.	Adds obstructing an audit or continuing financial crimes enterprise to the list of predicate offenses under the financial institution rewards section. [Section 4624]	No similar provision.
Sundries		
No similar provision.	Permits espionage offenses committed outside of the United States to be tried in the District of Columbia. [Section 4631]	Similar provision. [Section 1944]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Defines stolen or counterfeit property to generally include property associated with a "sting" in which the defendants believed official representations that the property was stolen or counterfeit. [Section 4651]	Similar provision. [Section 1704]
No similar provision.	Repeals requirement that proceeds from IRS undercover operations be turned over to the Treasury after they are no longer needed for the operations, and replaces it with a provision for the December 31, 1994 sunset of the authority for the special IRS undercover operations. [Section 4655]	No similar provision.
No similar provision.	Amends the exclusion, within the definition of education records entitled to privacy protection, for campus police records which State law requires remain public. [Section 4901]	Similar provision. [Section 1727]
No similar provision.	Instructs the Attorney General and Secretary of HHS to report to the Congress on Battered Women's Syndrome within 1 year. [Section 4903]	No similar provision.
No similar provision.	Expands the Federal wiretap prohibitions to include a proscription against disclosure of law enforcement wiretap information. [Section 4913]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Outlaws the theft of major art works, expanding the normal statute of limitations to 20 years; penalty: imprisonment for not more than 25 years and/or a fine of not more than \$250,000, and criminal forfeiture of the gross proceeds realized from the offense. [Section 4914]	No similar provision.
No similar provision.	Authorizes the Attorney General to reimburse Justice Department employees and former employees for the cost of reasonable attorneys' fees incurred while they were under investigation if they were not later either indicted or disciplined. [Section 4918]	No similar provision.
No similar provision.	Authorizes the appropriation of \$15 million for 1992, \$20 million for 1993, and \$25 million in 1994 to be used for grants to the States for community coalitions on substance abuse. [Section 4921]	No similar provision.
No similar provision.	Authorizes the appropriation of \$50 million a year through 1996 to be used for grants to the States for regional violent crime assistance. [Section 4922]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Directs the Attorney General to expedite the completion of an FBI criminal records system incorporating State criminal history records and clarifies that State fingerprint records should conform to the fingerprint identification system planned for the FBI. [Section 4910]	No similar provision.
No similar provision.	Declares that court for the Eastern District of Pennsylvania shall be held in the city of Lancaster. [Section 1004]	No similar provision.
No similar provision.	No similar provision.	Authorizes the names of prospective jurors and witnesses to be withheld from the defendant in treason and capital cases where disclosure might jeopardize life or safety (subject to due process restrictions). [Sections 2338 and 1911]
No similar provision.	No similar provision.	Prohibits misuse of DEA name or initials in an advertisement or other communication in a manner suggesting endorsement; penalty: imprisonment for not more than 1 year. [Section 1709]
No similar provision.	No similar provision.	Amends various Federal robbery, kidnapping, smuggling and property damage offenses to prohibit attempts to commit those offenses and to make such attempts subject to the same penalties as the completed crimes. [Section 1721]

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
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EXPLOITATION OF ALIENS

No similar provisions.

Establishes civil fines of not more than \$100,000 for those who induce aliens, and those aliens induced, to commit murder, drug and firearms trafficking and crimes of violence, with the revenues realized to be paid into a special fund 90% of which would be available to help enforce the immigration laws. [Sections 4702, 4703]

No similar provisions.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
PUBLIC CORRUPTION		
No similar provision.	Prohibits public corruption when the mails, facilities in interstate commerce, interstate communications, or interstate travel are used, interstate commerce is affected, or—in case of State or local election fraud—when the office deals in more than \$10,000 a year of Federal money. In such cases, it forbids: (1) defrauding State or local citizens of honest services of a public official or employee, (2) committing State or local election fraud, and (3) public officials or employees defrauding State or local citizens of having public affairs conducted on the basis of "complete, true, and accurate material information." Violations are punishable by imprisonment for not more than 10 years and/or a fine of not more than \$250,000. [Section 4802]	No similar provision.
No similar provision.	Makes defrauding inhabitants of the U.S. of honest public service punishable by imprisonment for not more than 10 years and/or a fine of not more than \$250,000. [Section 4802]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
No similar provision.	Punishes public officials who harass, discipline, or coerce public employees in furtherance of public corruption by imprisonment for not more than 5 years and/or a fine of not more than \$250,000; victims have a cause of action for treble damages and attorneys fees. [Section 4802]	No similar provision.
No similar provision.	Includes public corruption on the list of RICO and wiretap predicate offenses. [Section 4803]	No similar provision.
No similar provision.	Proscribes the offense of narcotics and public corruption, i.e., bribery of or by a Federal or State official, employee or juror in connection with illicit drug activities; violations are punishable by imprisonment for not more than 25 years and/or a fine of not more than \$250,000; offense is included on the list of RICO and wiretap predicate offenses. [Section 4805]	No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635
(Administration bill)

S. 1241
(As passed by the Senate)

H.R. 3371
(As passed by the House)

COMPUTER CRIME

No similar provision.

Repeals the portion of the Federal computer fraud section which prohibits unauthorized access to a Federal interest computer resulting in damage or loss of information concerning medical records or involving a loss of \$1,000 or more; replaces the portion with prohibitions against either intentional or reckless transmission, using or in a manner affecting a computer used in interstate commerce of communications of information or a command that results in damage or loss of information concerning medical records or involving a loss of \$1,000 or more; intentional violations are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000, reckless violations by imprisonment for not more than 1 year and/or a fine of not more than \$100,000; violations other than those involving medical records give rise to a private cause of action. [Section 4909]

No similar provision.

CRIME, DRUG, AND GUN CONTROL:
COMPARISON OF MAJOR OMNIBUS BILLS OF THE 102d CONGRESS--Continued

H.R. 1400/S. 635 (Administration bill)	S. 1241 (As passed by the Senate)	H.R. 3371 (As passed by the House)
SCHOOLS		
No similar provision.	No similar provision.	Establishes new authority (Safe Schools Act of 1991) for the Bureau of Justice Assistance (in consultation with the Secretary of Education) to provide grants to local educational agencies to assist those agencies most severely affected by school crime and violence. Sets forth purposes for which funds may be used, requires that the BJA develop a written model in English and Spanish, establishes application and reporting requirements, limits Federal administrative costs to five percent of appropriated funds, limits grants to three years, sets criteria for award of grants, and authorizes \$100 million for each fiscal year 1992, 1993, and 1994. [Section 401-403]
No similar provision.	No similar provision	Amends the Drug-Free Schools Act to allow units of local government, with the concurrence of local educational agencies, to receive grants for drug abuse education programs such as the Drug Abuse Resistance Education (DARE) program. [Section 1807]