

Public Law 99-646
99th Congress

An Act

Nov. 10, 1986
[S. 1236]

To amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.

Criminal Law
and Procedure
Technical
Amendments
Act of 1986.
18 USC 1 note.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. STYLISTIC CORRECTION.

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

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

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

18 USC 3673
note.

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

SEC. 3. CONFORMING REPEAL.

(a) IN GENERAL.—Section 4216 of title 18, United States Code, is repealed.

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

SEC. 4. CROSS REFERENCE CORRECTION.

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

18 USC 3551
note.

SEC. 5. REPEAL OF OBSOLETE PROVISION.

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

SEC. 6. SENTENCING COMMISSION.

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

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

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

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

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

(3) in subsection (t)—

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

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

SEC. 7. PRESENTENCE REPORTS.

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

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

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

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

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the taking effect of section 3552 of title 18, United States Code.

18 USC 3552
note.

SEC. 8. RESTITUTION ORDERS.

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

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

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

(2) by striking out paragraph (2).

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

18 USC 3553
note.

SEC. 9. SENTENCING IN ABSENCE OF APPLICABLE GUIDELINE.

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

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

18 USC 3553
note.

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

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

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

18 USC 3561
note.

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

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

18 USC 3563
note.

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

SEC. 12. MODIFICATION OF CONDITIONS OF PROBATION.

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

(1) by striking out “, after a hearing”;

18 USC app.

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

18 USC app.

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

(1) by inserting “to be” after “relief”;

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

18 USC 3563
note.

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

18 USC app.

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

SEC. 13. CONCURRENCE OF SENTENCE OF PROBATION.

State and local
governments.

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

18 USC 3564
note.

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

SEC. 14. AMENDMENTS RELATING TO SUPERVISED RELEASE.

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

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

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

18 USC 3583
note.

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

SEC. 15. DUTIES OF PROBATION OFFICER.

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

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

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

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

(B) by inserting a comma after “about”.

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

18 USC 3603
note.

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

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

98 Stat. 1987.

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

18 USC 3624
note.

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

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

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

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

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

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

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

18 USC 3624
note.

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

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

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

Post, p. 3600.
Alcohol and
alcoholic
beverages.
Drugs and drug
abuse.
Contracts.

Prisoners.
Health and
medical care.

18 USC 3552.

18 USC 3672
note.

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

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

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

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

Alcohol and
alcoholic
beverages.
Drugs and drug
abuse.
Contracts.

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

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

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

18 USC 3551
note.

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

18 USC 3556
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

98 Stat. 1987.

SEC. 21. JUVENILE DISPOSITIONAL HEARING.

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

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

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

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

and

(4) in subsection (c), by adding the following at the end thereof:

"Section 3624 is applicable to an order placing a juvenile under detention."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date the amendments made by such section 214 take effect. 18 USC 5037 note. 98 Stat. 2013.

SEC. 22. ELIMINATION OF CROSS REFERENCE.

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

42 USC 3401

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

note.
42 USC 257 note.

42 USC 257.

SEC. 23. REDESIGNATION OF SUBSECTIONS.

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

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

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

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

SEC. 24. OFFENDERS WITH MENTAL DISEASE OR DEFECT.

Subdivision (c) of Rule 12.2 of the Federal Rules of Criminal Procedure is amended by inserting “4241 or” before “4242”. 18 USC app.

SEC. 25. CORRECTION OF WRONG WORD USE.

(a) **IN GENERAL.**—Rule 32(c)(2)(B) of the Federal Rules of Criminal Procedure is amended by striking out “than” and inserting “from” in lieu thereof. 18 USC app.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the taking effect of the amendment made by section 215(a)(5) of the Comprehensive Crime Control Act of 1984. 18 USC app.

SEC. 26. SOLICITATION OFFENSE.

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

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

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

SEC. 27. FORFEITURE FUND.

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

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

(2) by inserting a comma before “or”.

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

SEC. 28. INSERTION OF MISSING WORD.

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

SEC. 29. RENUMBERING OF SECTION IN CHAPTER 65.

18 USC 1361 *et seq.*

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

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

SEC. 30. REGISTRATION OF FOREIGN AGENTS.

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

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

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

22 USC 611.

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

District of Columbia.

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

SEC. 31. RENUMBERING OF SECTION IN CHAPTER 25.

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

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

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

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

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

(2) by adding at the end the following:

"513. Securities of the States and private entities."

SEC. 32. ELIMINATION OF SUPERFLUOUS CROSS-REFERENCE.

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

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

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

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

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

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

Ante, p. 1858.

SEC. 34. RENUMBERING OF SECTION IN CHAPTER 1.

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

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

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

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

18 USC 3551
note.

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

(2) in clause (ii)—

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

(B) by striking out “the day after”;

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

(D) so that subclause (IV) reads as follows:

“(IV) section 212(a)(2) takes effect, in the case of the initial sentencing guidelines so promulgated.”

98 Stat. 1987.

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

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

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

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

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

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

SEC. 37. CROSS REFERENCE DETAIL.

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

Kidnapping.

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

SEC. 38. GENERAL DEFINITION OF ORGANIZATION.

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

“§ 18. Organization defined

18 USC 18.

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

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

“18. Organization defined.”

SEC. 39. CREDITING OF MARSHAL'S FEES.

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

- (1) by striking out “Only” and inserting in lieu thereof “(a) Except as otherwise provided by law, only”;
- (2) by striking out “, except as otherwise provided”;
- (3) by inserting “(1)” before “For” the first place it appears;
- (4) by inserting “(2)” before “For” the second place it appears;
- (5) by inserting “(3)” before “For” the third place it appears;
- (6) by inserting “(4)” before “For” the fourth place it appears;
- (7) by inserting “(5)” before “For” the fifth place it appears;
- (8) by inserting “(6)” before “For” the sixth place it appears;
- (9) by inserting “(7)” before “For” the seventh place it appears;
- (10) by inserting “(8)” before “For” the eighth place it appears;
- (11) by inserting “(9)” before “For” the ninth place it appears;
- (12) by inserting “(b)(1)” before “No mileage fees”;
- (13) by inserting “(2)” before “The marshal may require a deposit to cover”;
- (14) by striking out each semicolon that appears at the end of a paragraph and inserting in lieu thereof a period; and
- (15) by adding at the end the following:

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

- “(1) to credit to such Service’s appropriation all fees, commissions, and expenses collected by such Service for—
 - “(A) the service of civil process, including complaints, summonses, subpoenas, and similar process; and
 - “(B) seizures, levies, and sales associated with judicial orders of execution; and
- “(2) to use such credited amounts for the purpose of carrying out such activities.”

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

SEC. 40. CROSS REFERENCE ELIMINATION.

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

SEC. 41. REDESIGNATION OF DUPLICATE SECTIONS AND CHAPTER.

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

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

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

(d) **TABLE OF CHAPTERS.**—The table of chapters at the beginning of part II of title 18, United States Code, is amended by striking out the

28 USC 1921
note.

Ante, p. 899.

Ante, p. 3595.

item relating to chapter 232 which relates to special forfeiture of collateral profits of crime and inserting in lieu thereof the following: "232A. Special forfeiture of collateral profits of crime 3681".

SEC. 42. REDESIGNATION OF SECTION.

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

18 USC 2311 et seq.
98 Stat. 2770.

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

SEC. 43. ACCESSORY AFTER THE FACT.

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

SEC. 44. CORRECTION OF ERRONEOUS CROSS REFERENCES.

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

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

18 USC 3521 et seq.

SEC. 45. CROSS REFERENCE CORRECTION.

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

18 USC note prec. 3481.

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

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

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

(2) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "public official";
(B) by striking out "the Delegate from the District of Columbia," and inserting "Delegate," in lieu thereof;

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

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

(3) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "person"; and
(B) by striking out "he will be" and inserting "such person will be" in lieu thereof; and

(4) in the third undesignated paragraph—

(A) by inserting "(3) the term" before "official act"; and
(B) by striking out "in his official capacity, or in his" and inserting "in such official's official capacity, or in such official's" in lieu thereof;

District of Columbia.

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

(1) by striking out

“(b) Whoever directly”

and inserting in lieu thereof the following:

“(b) Whoever—

“(1) directly”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) by striking out “therefrom—” and inserting “therefrom;” in lieu thereof; and

(5) in the undesignated paragraph—

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

(B) by striking out “\$20,000 or”;

(C) by striking out “whichever is greater;”;

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

(1) by striking out

“(f) Whoever, otherwise”

and inserting in lieu thereof the following:

“(c) Whoever—

“(1) otherwise”;

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

“official duty—

“(A) directly”;

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

(1) by striking out

“(g) Whoever, being”

and inserting in lieu thereof

“(B) being”;

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

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

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

(1) by striking out

“(h) Whoever, directly”

and inserting in lieu thereof the following:

“(2) directly”; and

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

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

(1) by striking out

“(i) Whoever, directly”

and inserting in lieu thereof the following:

“(3) directly”;

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

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

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

(5) by striking out “his absence therefrom—” and inserting “such person’s absence therefrom;” in lieu thereof; and

(6) in the undesignated paragraph—

(A) by striking out “Shall” and inserting “shall”; and

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

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

(1) by striking out

“(j) Subsections (d), (e), (h), and (i)”

and inserting in lieu thereof the following:

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

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

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

“(k) The”

and inserting in lieu thereof the following:

“(e) The”.

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

18 USC 201 note.

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

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

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

(1) in subsection (a)—

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

“indirectly—

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

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

(C) by striking out

“(1) at a time when he”

and inserting in lieu thereof the following:

“(A) at a time when such person”;

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

(E) by striking out

“(2) at a time when he”

and inserting in lieu thereof the following:

“(B) at a time when such person”; and

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

(2) in subsection (b)—

(A) by striking out

“(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives,” and inserting in lieu thereof the following:

“(2) knowingly gives,”; and

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

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

(3) in subsection (c)—

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

“parties—

“(1) in which such employee”;

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

"otherwise; or

"(2) which is pending";

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

(D) section 203 of title 18, United States Code, as amended by this section is further amended so that the margins of each subsection, and of the paragraphs and subparagraphs of each subsection, are flush, indented 2 ems, and indented 4 ems, respectively; and

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

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act. 18 USC 203 note.

SEC. 48. CROSS REFERENCE AND INTERNAL SUBSECTION REDESIGNATION.

Section 1407 of the Victims of Crime Act of 1984 is amended— 42 USC 10604.

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

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

SEC. 49. REPEAL OF SECTION 1410 OF THE VICTIMS OF CRIME ACT OF 1984. 18 USC 3150a.

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

SEC. 50. VICTIM AND WITNESS RELATED AMENDMENTS.

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

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

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

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

(3) by adding at the end the following:

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

SEC. 51. RELEASE PENDING SENTENCE.

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

(1) in subsection (b)(2)—

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

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

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

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

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

18 USC 3142.

18 USC 3143.

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

18 USC 3143
note.

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

SEC. 52. REVISION OF PRISON CONTRABAND PROHIBITION.

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

“§ 1791. Providing or possessing contraband in prison

“(a) **OFFENSE.**—Whoever—

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

“(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object; shall be punished as provided in subsection (b) of this section.

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

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

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

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

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

“(c) **DEFINITIONS.**—As used in this section—

“(1) the term ‘prohibited object’ means—

“(A) a firearm or destructive device;

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

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

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

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

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

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

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

“(4) the term ‘prison’ means a Federal correctional, detention, or penal facility.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 30 days after the date of the enactment of this Act. 18 USC 1791 note.

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

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

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 30 days after the enactment of this Act. 18 USC 1792 note.

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

18 USC app.

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

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

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

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

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

18 USC 3141 et seq.

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

(1) by striking out “who is”;

(2) by striking out “pursuant to section” and inserting “under section” in lieu thereof;

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

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

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

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out “his”; and

(ii) by inserting “of this section” after “subsection

(b)”;

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

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

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

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

(3) in subsection (c)—

(A) by inserting "(1)" before "If the judicial officer";

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

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

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

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

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

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

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

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

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

(4) in subsection (d)—

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

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

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

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

(5) in subsection (e)—

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

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

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

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

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

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

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

(6) in subsection (f)—

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

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

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

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

- (E) in paragraph (2)—
- (i) by striking out "Upon" and inserting "upon" in lieu thereof; and
 - (ii) by inserting "in a case" after "own motion,";
- (F) by striking out "on his own motion" and inserting "sua sponte" in lieu thereof;
- (G) by striking out "whether he is an addict" and inserting "whether such person is an addict" in lieu thereof;
- (H) by striking out "the person" and inserting "such person" in lieu thereof;
- (I) by striking out "he is financially" and inserting "financially" in lieu thereof;
- (J) by striking out "for him"; and
- (K) by striking out "on his own behalf";
- (7) in subsection (g)—
- (A) in paragraph (3)—
 - (i) in subparagraph (A), by striking out "his" and inserting "the person's" in lieu thereof; and
 - (ii) in subparagraph (B), by striking out "he" and inserting "the person" in lieu thereof; and
 - (B) in paragraph (4), by inserting "of this section" after "(c)(2)(L)";
- (8) in subsection (h)—
- (A) by inserting "of this section" after "(c)"; and
 - (B) in paragraph (2)(C), by striking out "the provisions of"; and
- (9) in subsection (i)—
- (A) by inserting "of this section" after "(e)"; and
 - (B) by striking out "his".
- (d) SECTION 3143 AMENDMENTS.—Section 3143 of title 18, United States Code, is amended—
- (1) in subsections (a) and (b)(1), by striking out "pursuant to" each place it appears and inserting "under" in lieu thereof;
 - (2) in subsections (a), (b), and (c), by striking out "the provisions of" each place it appears;
 - (3) in subsection (b), by inserting "of this title" after "(c)" each place it appears;
 - (4) by striking out "he" each place it appears and inserting "such judicial officer" in lieu thereof; and
 - (5) in subsection (c), by inserting "of this title" after "3142".
- (e) SECTION 3144 AMENDMENTS.—Section 3144 of title 18, United States Code, is amended—
- (1) by striking out "subpena" and inserting "subpoena" in lieu thereof; and
 - (2) by inserting "of this title" after "3142".
- (f) SECTION 3146 AMENDMENTS.—Section 3146 of title 18, United States Code, is amended—
- (1) by striking out subsection (a) and all that follows through subsection (b) and inserting in lieu thereof the following:
- "(a) OFFENSE.—Whoever, having been released under this chapter knowingly—
- "(1) fails to appear before a court as required by the conditions of release; or
 - "(2) fails to surrender for service of sentence pursuant to a court order;
- shall be punished as provided in subsection (b) of this section.

“(b) PUNISHMENT.—(1) The punishment for an offense under this section is—

“(A) if the person was released in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction for—

“(i) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, a fine under this title or imprisonment for not more than ten years, or both;

“(ii) an offense punishable by imprisonment for a term of five years or more, a fine under this title or imprisonment for not more than five years, or both;

“(iii) any other felony, a fine under this title or imprisonment for not more than two years, or both; or

“(iv) a misdemeanor, a fine under this chapter or imprisonment for not more than one year, or both; and

“(B) if the person was released for appearance as a material witness, a fine under this chapter or imprisonment for not more than one year, or both.

“(2) A term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense.”;

(2) in subsection (c)—

(A) by striking out “that he” the first place it appears and inserting in lieu thereof “to”; and

(B) by striking out “he appeared” and inserting in lieu thereof “the person appeared”; and

(3) in subsection (d)—

(A) by inserting “of this title” after “3142(b)”;

(B) by striking out “section 3142 (c)(2)(K) or (c)(2)(L)” and inserting “clause (xi) or (xii) of section 3142(c)(1)(B) of this title” in lieu thereof.

(g) SECTION 3147 AMENDMENTS.—Section 3147 of title 18, United States Code, is amended—

(1) by striking out “pursuant to” each place it appears and inserting “under” in lieu thereof; and

(2) by inserting a comma after “for the offense”.

(h) SECTION 3148 AMENDMENTS.—Section 3148 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “of this title” after “3142”;

(2) in subsection (b)—

(A) by striking out “his” the first place it appears and inserting “such person’s” in lieu thereof;

(B) by striking out “his” each other place it appears;

(C) by striking out “he” the first place it appears and inserting “such person” in lieu thereof;

(D) by inserting a comma after “period of release”;

(E) by inserting “of this title” after “3142(g)”;

(F) by striking out “he” the second place it appears and inserting “the judicial officer” in lieu thereof; and

(G) by inserting “of this title” after “3142”; and

(3) in subsection (c)—

(A) by striking out “judge” and inserting “judicial officer” in lieu thereof;

(B) by inserting “of this title” after “401”; and

(C) by striking out “his”.

(i) SECTION 3156 AMENDMENTS.—Section 3156(a) of title 18, United States Code, is amended—

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

(2) by striking out "and" at the end of paragraph (2).

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

18 USC 3141
note.

SEC. 56. CORRECTION OF PRINTING ERROR IN SENTENCING GUIDELINES ACT OF 1986.

Section 994(b)(2) of title 28, United States Code, is amended by striking out "that, if the maximum" and inserting "that, if the minimum" in lieu thereof.

SEC. 57. DISCLOSURES WITH RESPECT TO CERTAIN CONVICTS AND AMENDMENT RELATING TO PAROLE REGIONS.

(a) **DISCLOSURE BY ATTORNEY GENERAL.**—Section 4082 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) The Attorney General shall, upon the request of the head of any law enforcement agency of a State or of a unit of local government in a State, make available as expeditiously as possible to such agency, with respect to prisoners who have been convicted of felony offenses against the United States and who are confined at a facility which is a residential community treatment center located in the geographical area in which such agency has jurisdiction, the following information maintained by the Bureau of Prisons (to the extent that the Bureau of Prisons maintains such information)—

State and local
governments.

"(A) the names of such prisoners;

"(B) the community treatment center addresses of such prisoners;

"(C) the dates of birth of such prisoners;

"(D) the Federal Bureau of Investigation numbers assigned to such prisoners;

"(E) photographs and fingerprints of such prisoners; and

"(F) the nature of the offenses against the United States of which each such prisoner has been convicted and the factual circumstances relating to such offenses.

"(2) Any law enforcement agency which receives information under this subsection shall not disseminate such information outside of such agency."

Classified
information.

(b) **DISCLOSURE BY COMMISSION.**—Section 4203 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

State and local
governments.

"(e)(1) The Commission shall, upon the request of the head of any law enforcement agency of a State or of a unit of local government in a State, make available as expeditiously as possible to such agency, with respect to individuals who are under the jurisdiction of the Commission, who have been convicted of felony offenses against the United States, and who reside, are employed, or are supervised in the geographical area in which such agency has jurisdiction, the following information maintained by the Commission (to the extent that the Commission maintains such information)—

"(A) the names of such individuals;

"(B) the addresses of such individuals;

"(C) the dates of birth of such individuals;

Classified
information.

“(D) the Federal Bureau of Investigation numbers assigned to such individuals;

“(E) photographs and fingerprints of such individuals; and

“(F) the nature of the offenses against the United States of which each such individual has been convicted and the factual circumstances relating to such offense.

“(2) Any law enforcement agency which receives information under this subsection shall not disseminate such information outside of such agency.”.

(c) **PAROLE REGIONS.**—Section 4203(a)(2) of title 18, United States Code, is amended by striking out “, but in no event less than five”.

SEC. 58. PAROLE-RELATED CORRECTIONS.

(a) **NATIONAL APPEALS BOARD.**—Section 4204(a)(5) of title 18, United States Code, is amended by striking out “three” and inserting in lieu thereof “not fewer than three”.

(b) **PERSONAL CONFERENCE WITH REPRESENTATIVE OF COMMISSION.**—Section 4208(g) of title 18, United States Code, is amended by striking out “the Commissioners or examiners conducting the proceeding” and inserting “a representative of the Commission” in lieu thereof.

(c) **CONDITIONS OF PAROLE.**—Section 4209(d)(1) of title 18, United States Code, is amended by adding at the end thereof the following: “Notwithstanding any other provision of this paragraph, the Commission may modify conditions of parole, without regard to such ten-day period, on any such motion if the Commission determines that the immediate modification of conditions of parole is required to prevent harm to the parolee or to the public.”.

(d) **RUNNING OF TERMS.**—Section 4210(b)(2) of title 18, United States Code, is amended—

(1) by striking out “a Federal, State, or local crime” and inserting “any criminal offense” in lieu thereof; and

(2) by striking out “crime” the second place it appears and inserting “offense” in lieu thereof.

(e) **ELIMINATION OF OBSOLETE PROVISION.**—Section 4210 of title 18, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) **REVOCATION OF PAROLE.**—Section 4214(b)(1) of title 18, United States Code, is amended—

(1) by striking out “a Federal, State, or local crime” and inserting in lieu thereof “any criminal offense”; and

(2) by striking out “a crime” and inserting “an offense” in lieu thereof.

(g) **SECTION 3147 AMENDMENTS.**—Section 3147 of title 18, United States Code, is amended by striking out section 4217.

(2) The table of sections at the beginning of chapter 311 of title 18, United States Code, is amended by striking out the item relating to section 4217.

SEC. 59. PROGRAM THEFT AND BRIBERY.

(a) **IN GENERAL.**—Section 666 of title 18, United States Code, is amended to read as follows:

“§ 666. Theft or bribery concerning programs receiving Federal funds

“(a) Whoever, if the circumstance described in subsection (b) of this section exists—

“(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

State and local
governments.
Indians.

“(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

“(i) is valued at \$5,000 or more, and

“(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or

“(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or

“(2) corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

Grants.
Contracts.
Loans.
Insurance.

“(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

Wages.

“(d) As used in this section—

“(1) the term ‘agent’ means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

“(2) the term ‘government agency’ means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program; and

“(3) the term ‘local’ means of or pertaining to a political subdivision within a State.”

SEC. 60. EXTENSION OF CERTAIN PROTECTIONS FOR FAMILY MEMBERS OF CERTAIN OFFICIALS TO THOSE OFFICIALS.

Section 115(a) of title 18, United States Code, is amended—

(1) by striking out “18 U.S.C. 1114, as amended,” and inserting “section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Fed-

eral law enforcement officer, or an official whose killing would be a crime under such section" in lieu thereof;

(2) by striking out "he is"; and

(3) by striking out "his".

SEC. 61. KILLING WITNESSES.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", delay, or prevent" after "influence";

(2) by inserting after the catchline the following:

"(a)(1) Whoever kills or attempts to kill another person, with intent to—

"(A) prevent the attendance or testimony of any person in an official proceeding;

"(B) prevent the production of a record, document, or other object, in an official proceeding; or

"(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years."; and

(3) by redesignating subsections (a) through (f) as subsections (b) through (g) respectively.

SEC. 62. PROTECTION FOR MAJOR PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES.

Section 351 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)" after "Central Intelligence,"; and

(2) in subsection (h), by striking out "official" and inserting "individual" in lieu thereof.

SEC. 63. ADDITION OF FOREIGN COMMERCE TO COMMUNICATION OF THREAT OFFENSES.

Section 875 of title 18, United States Code, is amended by inserting "or foreign" after "interstate" each place it appears.

SEC. 64. TRESPASS ON BUREAU OF PRISONS RESERVATIONS AND LAND.

(a) IN GENERAL.—Chapter 87 of title 18, United States Code, is amended by inserting after section 1792 the following new section:

"§ 1793. Trespass on Bureau of Prisons reservations and land

"Whoever, without lawful authority or permission, goes upon a reservation, land, or a facility of the Bureau of Prisons shall be fined not more than \$500 or imprisoned not more than six months, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 87 of title 18, United States Code, is amended by adding at the end the following new item:

"1793. Trespass on Bureau of Prisons reservations and land."

SEC. 65. ARREST AUTHORITY.

(a) IN GENERAL.—The first sentence of section 3050 of title 18, United States Code, is amended to read as follows:

“An officer or employee of the Bureau of Prisons may—

“(1) make arrests on or off of Bureau of Prisons property without warrant for violations of the following provisions regardless of where the violation may occur: sections 111 (assaulting officers), 751 (escape), and 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;

“(2) make arrests on Bureau of Prisons premises or reservation land of a penal, detention, or correctional facility without warrant for violations occurring thereon of the following provisions: sections 661 (theft), 1361 (depreciation of property), 1363 (destruction of property), 1791 (contraband), 1792 (mutiny and riot), and 1793 (trespass) of title 18, United States Code; and

“(3) arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the Bureau of Prisons if necessary to safeguard security, good order, or government property;

if such officer or employee has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of such person's escaping before an arrest warrant can be obtained.”

(b) STYLE CORRECTION.—The second sentence of section 3050 of title 18, United States Code, is amended by striking out “he” and inserting “such prisoner”.

SEC. 66. AUTHORITY TO EXCHANGE INMATES WITH STATES.

Subsection (a) of section 5003 of title 18, United States Code, is amended to read as follows:

Contracts.

“(a)(1) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available may contract with proper officials of a State or territory, for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or territory.

“(2) Any such contract shall provide—

“(A) for reimbursing the United States in full for all costs or expenses involved;

“(B) for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or territory by designation as provided in section 4082(b) of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract; or

“(C) for compensating the United States by means of a combination of monetary payment and of receipt of persons convicted of criminal offenses in the courts of the United States, according to formulas or conditions which may be negotiated in the contract.

“(3) No such contract shall provide for the receipt of more State or territory prisoners by the United States than are transferred to that State or territory by such contract.”

SEC. 67. AUTHORITY TO ACCEPT DONATIONS AND CONDUCT AUTOPSIES.

(a) **IN GENERAL.**—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

18 USC 4044.

“§ 4044. Donations on behalf of the Bureau of Prisons

“The Attorney General may, in accordance with rules prescribed by the Attorney General, accept in the name of the Department of Justice any form of devise, bequest, gift or donation of money or property for use by the Bureau of Prisons or Federal Prison Industries. The Attorney General may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey such property other than money.

18 USC 4045.
State and local
governments.
Health and
medical care.
Safety.
Religion.

“§ 4045. Authority to conduct autopsies

“A chief executive officer of a Federal penal or correctional facility may, pursuant to rules prescribed by the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death, when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of State and local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 303 of title 18, United States Code, is amended by adding after the item relating to 4043 the following new items:

“4044. Donations on behalf of the Bureau of Prisons.”

“4045. Authority to conduct autopsies.”

SEC. 68. ADDITION OF EXTORTION TO BANK ROBBERY OFFENSE.

Section 2113(a) of title 18, United States Code, is amended by inserting “, or obtains or attempts to obtain by extortion” after “from the person or presence of another”.

SEC. 69. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended to read as follows:

“§ 546. Vacancies

“(a) Except as provided in subsection (b), the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant.

“(b) The Attorney General shall not appoint as United States attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent.

“(c) A person appointed as United States attorney under this section may serve until the earlier of—

“(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

“(2) the expiration of 120 days after appointment by the Attorney General under this section.

“(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.”

SEC. 70. RELOCATION EXPENSES FOR EXCHANGE PARTICIPANTS.

Section 209(e) of title 18, United States Code, is amended by striking out the period at the end and inserting in lieu thereof “or, in the case of participants in overseas assignments, in excess of three hundred and sixty-five days.”

SEC. 71. VICTIMS OF CRIME ACT.

Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subparagraph (A), by striking out “not less than” and inserting in lieu thereof “not more than”; and

(2) in subparagraph (B), by striking out “not more than” and inserting in lieu thereof “not less than”.

SEC. 72. BAIL.

(a) **SUBPARAGRAPH (D) AMENDMENTS.**—Subparagraph (D) of section 3142(f)(1) of title 18, United States Code, is amended—

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

(2) by inserting before the semicolon “, or a combination of such offenses”.

(b) **SUBPARAGRAPH (A) AMENDMENTS.**—Subparagraph (A) of section 3142(f)(2) of title 18, United States Code, is amended by inserting “or” after the semicolon.

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

Safety.

SEC. 73. APPELLATE REVIEW.

(a) **IN GENERAL.**—Section 3742(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking out “it shall” and all that follows through the end of such paragraph, and inserting in lieu thereof “the court shall remand the case for further sentencing proceedings with such instructions as the court considers appropriate;” and

(2) in each of subparagraphs (A) and (B) of paragraph (2), by striking out “and—” and all that follows through the end of the subparagraph and inserting in lieu thereof “the court shall

remand the case for further sentencing proceedings with such instructions as the court considers appropriate;"

SEC. 74. WARRANTS RELATING TO SEIZURE.

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

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

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

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

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

18 USC app.

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

SEC. 75. PROBATIONERS AND PAROLEES.

Section 3522(a) of title 18, United States Code, is amended by striking out "parolees" in the second sentence and inserting in lieu thereof "probationers or parolees, as the case may be".

SEC. 76. STOLEN GOODS.

The first and second paragraphs of section 2315 of title 18 of the United States Code are each amended—

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

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

SEC. 77. STANDARDS FOR IMPOSITION OF RESTITUTION.

(a) **IN GENERAL.**—Subsection (d) of section 3579 of title 18, United States Code, is amended to read as follows:

"(d) To the extent that the court determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution under this section outweighs the need to provide restitution to any victims, the court may decline to make such an order."

18 USC 3579
note.

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

SEC. 78. ENFORCEMENT OF RESTITUTION ORDER.

(a) **IN GENERAL.**—Subsection (h) of section 3579 of title 18, United States Code, is amended by striking out "or" and inserting in lieu thereof "in the manner provided for the collection of fines and penalties by section 3565 or by".

18 USC 3579
note.

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

SEC. 79. CLARIFYING AMENDMENT.

(a) **IN GENERAL.**—Section 3579(a)(1) of title 18, United States Code, is amended by striking out “the offense” and inserting in lieu thereof “such offense”.

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

18 USC 3579
note.

SEC. 80. PRESENTENCE PROCEDURE RELATING TO RESTITUTION.

(a) **IN GENERAL.**—Section 3553(d) of title 18, United States Code, is amended—

(1) by striking out “OR RESTITUTION” in the subsection heading; and

(2) by striking out “or an order of restitution pursuant to section 3556.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

18 USC 3553
note.
98 Stat. 1987.

SEC. 81. NEED FOR RESTITUTION TO BE CONSIDERED AS FACTOR IN SENTENCING.

(a) **IN GENERAL.**—Section 3553(a) of title 18, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (5);

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

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

“(7) the need to provide restitution to any victims of the offense.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

18 USC 3553
note.

SEC. 82. AVAILABILITY OF SECTION 1402 AMOUNTS.

Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking out “Any” and inserting “Except as provided in paragraph (2), any”; and

(3) by adding at the end the following:

“(2) For the purposes of the application of paragraph (1) to any grant under this chapter with respect to fiscal year 1985, there shall be substituted in such paragraph ‘two succeeding fiscal years’ for ‘succeeding fiscal year’ and ‘which period’ for ‘which year’.”

Grants.

SEC. 83. DEFINITION OF ISOMER.

Section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)) is amended in the second and third sentences by striking out “the optical” and inserting in lieu thereof “any optical”.

SEC. 84. AMENDMENT TO SCHEDULE.

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

“(4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any

Drugs and drug
abuse.

compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.”.

SEC. 85. ENFORCEMENT COOPERATION.

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

- (1) by striking out “and” at the end of paragraph (5);
- (2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof “, and”; and
- (3) by adding at the end thereof the following:

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

Contracts.
State and local
governments.

SEC. 86. POWERS OF ENFORCEMENT PERSONNEL.

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

- (1) by inserting “(a)” before “Any officer or employee”;
- (2) by inserting after “Drug Enforcement Administration” the following: “or any State or local law enforcement officer”; and
- (3) by adding at the end thereof the following new subsection:

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

State and local
governments.
Government
organization and
employees.

SEC. 87. AMENDMENTS RELATING TO SEXUAL ABUSE.

(a) **SHORT TITLE.**—This section may be cited as the “Sexual Abuse Act of 1986”.

(b) **DEFINITION OF SEXUAL ABUSE OFFENSES.**—Title 18, United States Code, is amended by inserting after chapter 109 the following new chapter:

Sexual Abuse
Act of 1986.
18 USC 2241
note.

“CHAPTER 109A—SEXUAL ABUSE

“Sec.

“2241. Aggravated sexual abuse.

“2242. Sexual abuse.

“2243. Sexual abuse of a minor or ward.

“2244. Abusive sexual contact.

“2245. Definitions for chapter.

18 USC 2241.

“§ 2241. Aggravated sexual abuse

“(a) **BY FORCE OR THREAT.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly causes another person to engage in a sexual act—

“(1) by using force against that other person; or

“(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

“(b) **BY OTHER MEANS.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

“(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

“(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

Drugs and drug
abuse.
Alcohol and
alcoholic
beverages.

“(A) substantially impairs the ability of that other person to appraise or control conduct; and

“(B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

“(c) **WITH CHILDREN.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

“(d) **STATE OF MIND PROOF REQUIREMENT.**—In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

“§ 2242. Sexual abuse

18 USC 2242.

“Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly—

“(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

“(2) engages in a sexual act with another person if that other person is—

“(A) incapable of appraising the nature of the conduct; or

“(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 2243. Sexual abuse of a minor or ward

18 USC 2243.

“(a) **OF A MINOR.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who—

“(1) has attained the age of 12 years but has not attained the age of 16 years; and

“(2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than five years, or both.

“(b) **OF A WARD.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who is—

“(1) in official detention; and

“(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than one year, or both.

“(c) **DEFENSES.**—(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a

preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

"(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

"(d) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

"(1) the age of the other person engaging in the sexual act; or

"(2) that the requisite age difference existed between the persons so engaging.

18 USC 2244.

"§ 2244. Abusive sexual contact

"(a) SEXUAL CONDUCT IN CIRCUMSTANCES WHERE SEXUAL ACTS ARE PUNISHED BY THIS CHAPTER.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

"(1) section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than five years, or both;

"(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

"(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than one year, or both; or

"(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined not more than \$5,000, imprisoned not more than six months, or both.

"(b) IN OTHER CIRCUMSTANCES.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission shall be fined not more than \$5,000, imprisoned not more than six months, or both.

18 USC 2245.

"§ 2245. Definitions for chapter

"As used in this chapter—

"(1) the term 'prison' means a correctional, detention, or penal facility;

"(2) the term 'sexual act' means—

"(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

"(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

"(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; and

"(3) the term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

"(4) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

"(5) the term 'official detention' means—

"(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

"(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency."

(c) OTHER TITLE 18 AMENDMENTS.—Title 18, United States Code, is amended—

(1) by striking out chapter 99;

(2) in subsection (a) of section 113 by striking out "or rape";

(3) in subsection (b) of section 113 by striking out "rape" and inserting in lieu thereof "a felony under chapter 109A";

(4) in subsection (a) of section 1111 by striking out ", rape" and inserting in lieu thereof "aggravated sexual abuse or sexual abuse";

(5) in section 1153—

(A) in the first paragraph, by striking out "rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape," and inserting in lieu thereof "a felony under chapter 109A,"; and

(B) in each of the second and third paragraphs, by striking out ", involuntary sodomy,";

(6) in paragraph (12) of section 3185 by striking out "Rape;" and inserting in lieu thereof "A felony under chapter 109A of this title,"; and

(7) in the table of chapters at the beginning of part I—

(A) by striking out the item relating to chapter 99; and

(B) by inserting after the item relating to chapter 109 the following new item:

"109A. Sexual Abuse 2241".

(d) NON-TITLE 18 PROVISIONS.—(1) The Public Health Service Act is amended—

(A) in section 1904(a)(1)(G) (42 U.S.C. 300w-3(a)(1)(G)) by striking out "rape victims and for rape prevention" and inserting in lieu thereof "victims of sex offenses and for prevention of sex offenses"; and

18 USC 2031,
2032.

Ante, p. 3620.

94 Stat. 1602.

(B) in section 1905(c)(6) (42 U.S.C. 300w-4(c)(6)) by striking out "rape" and inserting "sex offense" in lieu thereof.

(2) The heading of title VI of the Mental Health Systems Act is amended by striking out "RAPE" and inserting "SEX OFFENSE" in lieu thereof.

(3) The heading for section 601 of the Mental Health Systems Act (42 U.S.C. 9511) is amended by striking out "RAPE" and inserting "SEX OFFENSE" in lieu thereof.

(4) Section 601(a) of the Mental Health Systems Act (42 U.S.C. 9511(a)) is amended by striking out "Rape" and inserting "Sex Offenses" in lieu thereof.

(5) Section 601(a)(1) of the Mental Health Systems Act (42 U.S.C. 9511(a)(1)) is amended—

(A) in subparagraph (B), by striking out "the act of rape" and inserting "sex offenses" in lieu thereof;

(B) in subparagraph (E), by striking out "rape" and inserting "a sex offense" in lieu thereof; and

(C) by striking out "rape" each place it appears other than in subparagraphs (B) and (E) and inserting "sex offenses" in lieu thereof.

(6) Section 601(a)(3) of the Mental Health Systems Act (42 U.S.C. 9511(a)(3)) is amended by striking out "rape" each place it appears and inserting "sex offenses" in lieu thereof.

(7) Section 601(e) of the Mental Health Systems Act (42 U.S.C. 9511(e)) is amended by striking out "rape" the first place it appears and inserting "sex offense" in lieu thereof.

(8) Section 902(k)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472(k)(1)), is amended by striking out "2031, 2032" and inserting in lieu thereof "chapter 109A".

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

18 USC 2241
note.

Approved November 10, 1986.

LEGISLATIVE HISTORY—S. 1236 (H.R. 2713) (H.R. 2998) (H.R. 5241):

HOUSE REPORTS: No. 99-334 accompanying H.R. 2713, No. 99-527 accompanying H.R. 2998, and No. 99-797 accompanying H.R. 5241 (all from Comm. on the Judiciary).

SENATE REPORTS: No. 99-278 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Apr. 17, considered and passed Senate.

Oct. 17, considered and passed House, amended.

Oct. 18, Senate concurred in House amendment.