

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 2001

—————  
JULY 10, 2001.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 2137]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2137) to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2137, introduced by Chairman F. James Sensenbrenner, Jr., makes over 60 clerical and technical corrections to title 18, United States Code, and other criminal laws. This bipartisan legislation resulted from extensive consultation between the majority and minority and the Office of Legislative Counsel and the Office of Law Revision Counsel. This legislation is cosponsored by Representative

John Conyers, Jr., Ranking Minority Member, Committee on the Judiciary; Representative Lamar Smith, Chairman, Subcommittee on Crime; and Representative Robert C. Scott, Ranking Minority Member, Subcommittee on Crime.

#### BACKGROUND AND NEED FOR THE LEGISLATION

The last half of the 20th century saw an explosion of Federal criminal statutes. According to a study conducted by the Task Force on Federalization of Criminal Law of the Criminal Law Section of the American Bar Association, “[m]ore than 40% of the Federal criminal provisions enacted since the Civil War have been enacted since 1970.” This explosion of lawmaking has resulted in numerous technical mistakes which litter the criminal code. This legislation corrects those mistakes. H.R. 2137 will make it easier to utilize the various criminal statutes that are improved by these amendments.

#### HEARINGS

Because of the noncontroversial nature of this legislation, the Committee did not hold any hearings on H.R. 2137.

#### COMMITTEE CONSIDERATION

On June 26, 2001, the Committee met in open session and ordered favorably reported the bill H.R. 2137, by voice vote, a quorum being present.

#### VOTES OF THE COMMITTEE

The Committee took no rollcall votes on H.R. 2137.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### PERFORMANCE GOALS AND OBJECTIVES

H.R. 2137 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House of Representatives is inapplicable.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2137, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 3, 2001.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2137, the Criminal Law Technical Amendments Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker and Melissa Zimmerman, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.  
Ranking Member

*H.R. 2137—Criminal Law Technical Amendments Act of 2001*

H.R. 2137 would make several technical amendments to numerous sections of title 18 of the United States Code, and to other Federal criminal laws including spelling corrections, punctuation changes, syntax revisions, and removing duplicate and erroneous references. CBO estimates that implementing H.R. 2137 would have no impact on the Federal budget because all of the bill's provisions are technical in nature.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2137 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Lanette J. Walker and Melissa Zimmerman, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 1. SHORT TITLE.

This section provides that the short title of the act shall be the "Criminal Law Technical Amendments Act of 2001."

SECTION 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW  
AND PROCEDURE.

This section makes over 60 separate technical changes to various criminal statutes by correcting missing and incorrect words, mar-

gins, punctuation, redundancies, outmoded fine amounts, cross references, and other technical and clerical errors.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**TITLE 18, UNITED STATES CODE**

\* \* \* \* \*

**PART I—CRIMES**

Chap.		Sec.
<b>1.</b>	<b>General provisions .....</b>	<b>1</b>
	* * * * *	
<b>123.</b>	<b>Prohibition on release and use of certain personal information from State motor vehicle records .....</b>	<b>[2271] 2721</b>
	* * * * *	

**CHAPTER 7—ASSAULT**

\* \* \* \* \*

**§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member**

(a) \* \* \*

\* \* \* \* \*

(b)(1) \* \* \*

(2) A kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section shall be punished as provided in section 1201 of this title for the kidnapping **[** attempted kidnapping, or conspiracy to kidnap of a person**]** *or attempted kidnapping of, or a conspiracy to kidnap, a person* described in section 1201(a)(5) of this title.

\* \* \* \* \*

**CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST**

\* \* \* \* \*

**§ 205. Activities of officers and employees in claims against and other matters affecting the Government**

(a) \* \* \*

\* \* \* \* \*

(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or [groups's] *group's* members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

\* \* \* \* \*

**CHAPTER 19—CONSPIRACY**

\* \* \* \* \*

**§ 372. Conspiracy to impede or injure officer**

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined [not more than \$5,000] *under this title* or imprisoned not more than six years, or both.

\* \* \* \* \*

**CHAPTER 25—COUNTERFEITING AND FORGERY**

\* \* \* \* \*

**§ 492. Forfeiture of counterfeit paraphernalia**

All counterfeits of any coins or obligations or other securities of the United States or of any foreign government, or any articles, devices, and other things made, possessed, or used in violation of this chapter or of sections 331–333, 335, 336, 642 or 1720, of this title, or any material or apparatus used or fitted or intended to be used, in the making of such counterfeits, articles, devices or things, found in the possession of any person without authority from the Secretary of the Treasury or other proper officer, shall be forfeited to the United States.

Whoever, having the custody or control of any such counterfeits, material, apparatus, articles, devices, or other things, fails or refuses to surrender possession thereof upon request by any authorized agent of the Treasury Department, or other proper officer, shall be fined [not more than \$100] *under this title* or imprisoned not more than one year, or both.

Whenever, except as hereinafter in this section provided, any person interested in any article, device, or other thing, or material or apparatus seized under this section files with the Secretary of the Treasury, before the disposition thereof, a petition for the re-

mission or mitigation of such forfeiture, the Secretary of the Treasury, if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or the mitigation of such forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just.

If the seizure involves offenses other than offenses against the coinage, currency, obligations or securities of the United States or any foreign government, the petition for the remission or mitigation of forfeiture shall be referred to the Attorney General, who may remit or mitigate the forfeiture upon such terms as he deems reasonable and just.

\* \* \* \* \*

**§ 510. Forging endorsements on Treasury checks or bonds or securities of the United States**

(a) \* \* \*

\* \* \* \* \*

(c) If the face value of the Treasury check or bond or security of the United States or the aggregate face value, if more than one Treasury check or bond or security of the United States, does not exceed \$500, in any of the above-mentioned offenses, the penalty shall be a fine [of] under this title or imprisonment for not more than one year, or both.

\* \* \* \* \*

**CHAPTER 26—CRIMINAL STREET GANGS**

\* \* \* \* \*

**§ 521. Criminal street gangs**

(a) DEFINITIONS.—

“conviction” includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

\* \* \* \* \*

“State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

\* \* \* \* \*

**CHAPTER 31—EMBEZZLEMENT AND THEFT**

\* \* \* \* \*

**§ 665. Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations**

(a) \* \* \*

\* \* \* \* \*

(c) Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job

Training Partnership Act or title I of the Workforce Investment Act of 1998, or the regulations thereunder, shall be punished by [a fine of not more than \$5,000] *a fine under this title*, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

\* \* \* \* \*

**CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES**

\* \* \* \* \*

**§ 709. False advertising or misuse of names to indicate Federal agency**

Whoever, except as permitted by the laws of the United States, uses the words “national”, “Federal”, “United States”, “reserve”, or “Deposit Insurance” as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

\* \* \* \* \*

[A person who] *Whoever*, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words “Drug Enforcement Administration” or the initials “DEA” or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration; *or*

\* \* \* \* \*

**CHAPTER 35—ESCAPE AND RESCUE**

\* \* \* \* \*

**§ 752. Instigating or assisting escape**

(a) Whoever rescues or attempts to rescue or instigates, aids or assists the escape, or attempt to escape, of any person arrested upon a warrant or other process issued under any law of the United States, or committed to the custody of the Attorney General or to any institution or facility by his direction, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined [not more than \$5,000] *under this title* or imprisoned not more than five years, or both; or, if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

\* \* \* \* \*

**CHAPTER 44—FIREARMS**

\* \* \* \* \*

**§ 924. Penalties**

(a) \* \* \*

\* \* \* \* \*

(e)(1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined [not more than \$25,000] *under this title* and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

\* \* \* \* \*

**§ 929. Use of restricted ammunition**

(a) \* \* \*

\* \* \* \* \*

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed. [No person sentenced under this section shall be eligible for parole during the term of imprisonment imposed herein.]

\* \* \* \* \*

**CHAPTER 46—FORFEITURE**

\* \* \* \* \*

**§ 981. Civil forfeiture**

(a) \* \* \*

\* \* \* \* \*

(d) For purposes of this section, the provisions of the customs laws relating to the seizure, summary and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the [proceeds from the sale of this section] *proceeds from the sale of such property under this section*, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et seq.), insofar as they are applicable and not inconsistent with the provisions of this section, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, the Sec-

retary of the Treasury, or the Postal Service, as the case may be. The Attorney General shall have sole responsibility for disposing of petitions for remission or mitigation with respect to property involved in a judicial forfeiture proceeding.

\* \* \* \* \*

**§ 982. Criminal forfeiture**

(a)(1) \* \* \*

\* \* \* \* \*

(8) The [Court] court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

(A) \* \* \*

\* \* \* \* \*

**CHAPTER 47—FRAUD AND FALSE STATEMENTS**

\* \* \* \* \*

**§ 1029. Fraud and related activity in connection with access devices**

(a) \* \* \*

\* \* \* \* \*

(c) PENALTIES.—

(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

(A) in the case of an offense that does not occur after a conviction for another offense under this section—

(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

(ii) if the offense is under paragraph (4), (5), (8), or (9)[,] of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

\* \* \* \* \*

(e) As used in this section—

(1) \* \* \*

\* \* \* \* \*

(8) the term “scanning receiver” means a device or apparatus that can be used to intercept a wire or electronic communication in violation of chapter 119 or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument;

\* \* \* \* \*

**§ 1030. Fraud and related activity in connection with computers**

(a) \* \* \*

\* \* \* \* \*

(c) The punishment for an offense under subsection (a) or (b) of this section is—

(1) \* \* \*

\* \* \* \* \*

(2)(A) a fine under this title or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(2), (a)(3), (a)(5)(C), or (a)(6) of this section which does not occur after a conviction for another offense under this section, or an attempt to commit an offense punishable under this subparagraph; **[and]**

(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(2), if—

(i) the offense was committed for purposes of commercial advantage or private financial gain;

(ii) the offense was committed in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

(iii) the value of the information obtained exceeds \$5,000; *and*

(C) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2), (a)(3) or (a)(6) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

(3)(A) \* \* \*

(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C), or (a)(7) of this section which occurs after a conviction for another offense under this section, or an attempt to commit an offense punishable under this subparagraph **[; and]**.

\* \* \* \* \*

(e) As used in this section—

(1) \* \* \*

\* \* \* \* \*

(4) the term “financial institution” means—

(A) \* \* \*

\* \* \* \* \*

(I) an organization operating under section 25 or section 25(a) of the Federal Reserve Act **[.]**;

\* \* \* \* \*

(7) the term “department of the United States” means the legislative or judicial branch of the Government or one of the

executive departments enumerated in section 101 of title 5;  
[and]

\* \* \* \* \*

**§ 1032. Concealment of assets from conservator, receiver, or liquidating agent of financial institution**

Whoever—

(1) knowingly conceals or endeavors to conceal an asset or property from the Federal Deposit Insurance Corporation, acting as conservator or receiver or in the Corporation’s corporate capacity with respect to any asset acquired or liability assumed by the Corporation under section 11, 12, or 13[,] of the Federal Deposit Insurance Act, the Resolution Trust Corporation, any conservator appointed by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, or the National Credit Union Administration Board, acting as conservator or liquidating agent;

\* \* \* \* \*

**CHAPTER 50A—GENOCIDE**

\* \* \* \* \*

**§ 1091. Genocide**

(a) \* \* \*

\* \* \* \* \*

(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an offense under subsection (a) is—

(1) in the case of an offense under subsection (a)(1)[,] a fine of not more than \$1,000,000 and imprisonment for life; and

\* \* \* \* \*

**CHAPTER 63—MAIL FRAUD**

\* \* \* \* \*

**§ 1345. Injunctions against fraud**

(a)(1) If a person is—

(A) violating or about to violate this chapter or section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title;

(B) committing or about to commit a banking law violation (as defined in section 3322(d) of this title)[,]; or

(C) committing or about to commit a Federal health care offense[.];

the Attorney General may commence a civil action in any Federal court to enjoin such violation.

\* \* \* \* \*

**CHAPTER 69—NATIONALITY AND CITIZENSHIP**

\* \* \* \* \*

**§ 1425. Procurement of citizenship or naturalization unlawfully**

(a) Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of any person, or documentary or other evidence of naturalization or of citizenship; or

(b) Whoever, whether for himself or another person not entitled thereto, knowingly issues, procures or obtains or applies for or otherwise attempts to procure or obtain naturalization, or citizenship, or a declaration of intention to become a citizen, or a certificate of arrival or any certificate or evidence of nationalization or citizenship, documentary or otherwise, or duplicates or copies of any of the foregoing—

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **[to facility]** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

**§ 1426. Reproduction of naturalization or citizenship papers**

(a) \* \* \*

\* \* \* \* \*

(h) Whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof—

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **[to facility]** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

**§ 1427. Sale of naturalization or citizenship papers**

Whoever unlawfully sells or disposes of a declaration of intention to become a citizen, certificate of naturalization, certificate of citizenship or copies or duplicates or other documentary evidence of naturalization or citizenship, shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **[to facility]** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense) or both.

\* \* \* \* \*

**CHAPTER 73—OBSTRUCTION OF JUSTICE**

\* \* \* \* \*

**§ 1513. Retaliating against a witness, victim, or an informant**

(a) \* \* \*

\* \* \* \* \*

[(d) There is extraterritorial Federal jurisdiction over an offense under this section.]

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(d) *There is extraterritorial Federal jurisdiction over an offense under this section.*

\* \* \* \* \*

**CHAPTER 75—PASSPORTS AND VISAS**

\* \* \* \* \*

**§ 1541. Issuance without authority**

Whoever, acting or claiming to act in any office or capacity under the United States, or a State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed [to facility] *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

For purposes of this section, the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

**§ 1542. False statement in application and use of passport**

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **【to facility】** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

**§ 1543. Forgery or false use of passport**

Whoever falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **【to facility】** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

**§ 1544. Misuse of passport**

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or

Whoever willfully and knowingly uses or attempts to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or

Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **【to facility】** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

\* \* \* \* \*

**§ 1546. Fraud and misuse of visas, permits, and other documents**

(a) Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed **[to facility]** *to facilitate* such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

\* \* \* \* \*

CHAPTER 83—POSTAL SERVICE

\* \* \* \* \*

§ 1716. Injurious articles as nonmailable

(a) \* \* \*

\* \* \* \* \*

(j)(1) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, unless in accordance with the rules and regulations authorized to be prescribed by the Postal Service, shall be fined under this title or imprisoned not more than one year, or both.

(2) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, whether or not transmitted in accordance with the rules and regulations authorized to be prescribed by the Postal Service, with intent to kill or injure another, or injure the mails or other property, shall be fined [not more than \$10,000] under this title or imprisoned not more than twenty years, or both.

(3) Whoever is convicted of any crime prohibited by this section, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

[(j)] (k) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

\* \* \* \* \*

CHAPTER 90—PROTECTION OF TRADE SECRETS

\* \* \* \* \*

Sec. 1831. Economic espionage.

\* \* \* \* \*

1837. [Conduct] Applicability to conduct outside the United States.

\* \* \* \* \*

§ 1836. Civil proceedings to enjoin violations

(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of [this section] this chapter.

(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under [this subsection] this section.

\* \* \* \* \*

CHAPTER 93—PUBLIC OFFICERS AND EMPLOYEES

\* \* \* \* \*

**§ 1920. False statement or fraud to obtain Federal [employee's] employees' compensation**

(a) \* \* \*

\* \* \* \* \*

**§ 1924. Unauthorized removal and retention of classified documents or material**

(a) Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined [not more than \$1,000,] *under this title* or imprisoned for not more than one year, or both.

\* \* \* \* \*

**CHAPTER 95—RACKETEERING**

\* \* \* \* \*

**§ 1956. Laundering of monetary instruments**

(a) \* \* \*

\* \* \* \* \*

(c) As used in this section—

(1) \* \* \*

\* \* \* \* \*

(7) the term “specified unlawful activity” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978);

(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for

procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006 (relating to fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnapping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), or section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services), [.] section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code, [.] a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to

criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than \$5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming), or any felony violation of the Foreign Corrupt Practices Act; [or]

ENVIRONMENTAL CRIMES

(E) a felony violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Ocean Dumping Act (33 U.S.C. 1401 et seq.), the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or the Resources Conservation and Recovery Act (42 U.S.C. 6901 et seq.)**[.];** or

(F) **[Any]** any act or activity constituting an offense involving a Federal health care offense.

\* \* \* \* \*

CHAPTER 97—RAILROADS

\* \* \* \* \*

§ 1992. Wrecking trains

(a) \* \* \*

\* \* \* \* \*

(b) Whoever is convicted of a violation of subsection (a) that has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

Whoever is convicted of any such violation involving a train that, at the time the violation occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term **[or]** of years not less than 30, or for life.

\* \* \* \* \*

CHAPTER 101—RECORDS AND REPORTS

\* \* \* \* \*

§ 2075. Officer failing to make returns or reports

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined **[not more than \$1,000]** *under this title*.

\* \* \* \* \*

**CHAPTER 103—ROBBERY AND BURGLARY**

\* \* \* \* \*

**§ 2113. Bank robbery and incidental crimes**

(a) \* \* \*

\* \* \* \* \*

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than ten years, or both; or

Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined [not more than \$1,000] *under this title* or imprisoned not more than one year, or both.

\* \* \* \* \*

**CHAPTER 109—SEARCHES AND SEIZURES**

\* \* \* \* \*

**§ 2236. Searches without warrant**

Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined *under this title* for a first offense [not more than \$1,000]; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any person—

(a) serving a warrant of arrest; or

(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or

(c) making a search at the request or invitation or with the consent of the occupant of the premises.

\* \* \* \* \*

**CHAPTER 113—STOLEN PROPERTY**

\* \* \* \* \*

**§ 2311. Definitions**

As used in this chapter:

“Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

“Cattle” means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof;

“Livestock” means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof[.];

“Money” means the legal tender of the United States or of any foreign country, or any counterfeit thereof;

“Motor vehicle” includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

“Securities” includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; valid or blank motor vehicle title; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise; or, in general, any instrument commonly known as a “security”, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing;

“Tax stamp” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a State, or evidence of the discharge thereof;

“Value” means the face, par, or market value, whichever is the greatest, and the aggregate value of all goods, wares, and merchandise, securities, and money referred to in a single indictment shall constitute the value thereof.

\* \* \* \* \*

**CHAPTER 113B—TERRORISM**

\* \* \* \* \*

**§ 2332b. Acts of terrorism transcending national boundaries**

(a) \* \* \*

\* \* \* \* \*

(g) DEFINITIONS.—As used in this section—

(1) \* \* \*

\* \* \* \* \*

(5) the term “Federal crime of terrorism” means an offense that—

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

(B) is a violation of—

(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional,

cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear materials), 842 (m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844 (f) or (i) (relating to arson and bombing of certain property), 930(c) (*relating to certain killings in Federal facilities*), 956 (relating to conspiracy to injure property of a foreign government), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 1992 (*relating to wrecking trains*), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), [2332c,] 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

\* \* \* \* \*

#### § 2332d. Financial transactions

(a) OFFENSE.—Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405) as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

\* \* \* \* \*

#### § 2339A. Providing material support to terrorists

(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for,

or in carrying out, a violation of section 32, 37, 81, 175, 351, 831, 842 (m) or (n), 844 (f) or (i), 903(c), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 1992, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, [2332c,] or 2340A of this title or section 46502 of title 49, or in preparation for, or in carrying out, the concealment [or] of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.

\* \* \* \* \*

**CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS**

\* \* \* \* \*

**§ 2510. Definitions**

As used in this chapter—

(1) \* \* \*

\* \* \* \* \*

(10) “communication common carrier” [shall have the same meaning which is given the term “common carrier” by section 153(h) of title 47 of the United States Code;] *has the meaning given that term in section 3 of the Communications Act of 1934;*

\* \* \* \* \*

**§ 2516. Authorization for interception of wire, oral, or electronic communications**

(1) The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) \* \* \*

\* \* \* \* \*

(o) any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms); or

[(p) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or]

(p) any conspiracy to commit any offense described in any subparagraph of this paragraph.

\* \* \* \* \*

**PART II—CRIMINAL PROCEDURE**

\* \* \* \* \*

**CHAPTER 213—LIMITATIONS**

\* \* \* \* \*

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

Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of section 32 (aircraft destruction), section 37 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2332a (use of weapons of mass destruction), *section 2332b* (acts of terrorism transcending national boundaries), or section 2340A (torture) of this title or section 46502, 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

\* \* \* \* \*

**CHAPTER 223—WITNESSES AND EVIDENCE**

Sec.

3481. Competency of accused.

\* \* \* \* \*

**[3503. Depositions to preserve testimony.]**

\* \* \* \* \*

**[§ 3503. Depositions to preserve testimony**

[(a) Whenever due to exceptional circumstances it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved, the court at any time after the filing of an indictment or information may upon motion of such party and notice to the parties order that the testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness. A motion by the Government to obtain an order under this section shall contain certification by the Attorney General or his designee that the

legal proceeding is against a person who is believed to have participated in an organized criminal activity.

[(b) The party at whose instance a deposition is to be taken shall give to every party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time or change the place for taking the deposition. The officer having custody of a defendant shall be notified of the time and place set for the examination, and shall produce him at the examination and keep him in the presence of the witness during the examination. A defendant not in custody shall have the right to be present at the examination, but his failure, absent good cause shown, to appear after notice and tender of expenses shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right.

[(c) If a defendant is without counsel, the court shall advise him of his rights and assign counsel to represent him unless the defendant elects to proceed without counsel or is able to obtain counsel of his own choice. Whenever a deposition is taken at the instance of the Government, or whenever a deposition is taken at the instance of a defendant who appears to be unable to bear the expense of the taking of the deposition, the court may direct that the expenses of travel and subsistence of the defendant and his attorney for attendance at the examination shall be paid by the Government. In such event the marshal shall make payment accordingly.

[(d) A deposition shall be taken and filed in the manner provided in civil actions, provided that (1) in no event shall a deposition be taken of a party defendant without his consent, and (2) the scope of examination and cross-examination shall be such as would be allowed in the trial itself. On request or waiver by the defendant the court may direct that a deposition be taken on written interrogatories in the manner provided in civil actions. Such request shall constitute a waiver of any objection to the taking and use of the deposition based upon its being so taken.

[(e) The Government shall make available to the defendant for his examination and use at the taking of the deposition any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available to the defendant if the witness were testifying at the trial.

[(f) At the trial or upon any hearing, a part or all of a deposition, so far as otherwise admissible under the rules of evidence, may be used if it appears: That the witness is dead; or that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or that the witness is unable to attend or testify because of sickness or infirmity; or that the witness refuses in the trial or hearing to testify concerning the subject of the deposition or part offered; or that the party offering the deposition has been unable to procure the attendance of the witness by subpoena. Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse

party may require him to offer all of it which is relevant to the part offered and any party may offer other parts.

[(g) Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions.]

\* \* \* \* \*

**CHAPTER 227—SENTENCES**

\* \* \* \* \*

**SUBCHAPTER A—GENERAL PROVISIONS**

\* \* \* \* \*

**§ 3553. Imposition of a sentence**

(a) \* \* \*

\* \* \* \* \*

(e) LIMITED AUTHORITY TO IMPOSE A SENTENCE BELOW A STATUTORY MINIMUM.—Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.

\* \* \* \* \*

**SUBCHAPTER B—PROBATION**

\* \* \* \* \*

**§ 3563. Conditions of probation**

(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

(1) \* \* \*

(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2) [ , (b)(3), or (b)(13) ] or (b)(12), unless the court finds on the record that extraordinary circumstances exist that would make such a condition plainly unreasonable, in which event the court shall impose one or more of the other conditions set forth under subsection (b);

\* \* \* \* \*

**SUBCHAPTER D—IMPRISONMENT**

\* \* \* \* \*

**§ 3583. Inclusion of a term of supervised release after imprisonment**

(a) \* \* \*

\* \* \* \* \*

(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the de-

fendant not commit another Federal, State, or local crime during the term of supervision and that the defendant not unlawfully possess a controlled substance. The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant. The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994). The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000. The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test. The court may order, as a further condition of supervised release, to the extent that such condition—

(1) \* \* \*

\* \* \* \* \*

any condition set forth as a discretionary condition of probation in **[section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20)] paragraphs (1) through (9) and (11) through (19) of section 3563(b)**, and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain

outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

\* \* \* \* \*

**CHAPTER 228—DEATH SENTENCE**

\* \* \* \* \*

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

(a) \* \* \*

\* \* \* \* \*

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

(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), [section 36] section 37 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2332a (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 46502 of title 49, United States Code (aircraft piracy).

\* \* \* \* \*

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

(a) \* \* \*

\* \* \* \* \*

(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32[(c)] of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggra-

vating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial, or at the trial judge's discretion. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. For the purposes of the preceding sentence, the fact that a victim, as defined in section 3510, attended or observed the trial shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

\* \* \* \* \*

**CHAPTER 229—POSTSENTENCE ADMINISTRATION**

\* \* \* \* \*

**SUBCHAPTER B—FINES**

\* \* \* \* \*

**§ 3612. Collection of unpaid fine or restitution**

(a) \* \* \*

\* \* \* \* \*

(f) INTEREST ON FINES AND RESTITUTION.—

(1) \* \* \*

(2) COMPUTATION.—Interest on a fine shall be computed—

(A) daily (from the first day on which the defendant is liable for interest under paragraph (1)); and

(B) at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[.] the first day on which the defendant is liable for interest under paragraph (1).

\* \* \* \* \*

**CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS**

\* \* \* \* \*

**§ 3664. Procedure for issuance and enforcement of order of restitution**

(a) \* \* \*

\* \* \* \* \*

(o) A sentence that imposes an order of restitution is a final judgment notwithstanding the fact that—

(1) such a sentence can subsequently be—

(A) corrected under Rule 35 of the Federal Rules of Criminal Procedure and section 3742 of chapter 235 of this title;

(B) appealed and modified under section 3742;

(C) amended under [section 3664(d)(3)] *subsection (d)(5)*; or

\* \* \* \* \*

**PART III—PRISONS AND PRISONERS**

\* \* \* \* \*

**CHAPTER 306—TRANSFER TO OR FROM FOREIGN COUNTRIES**

\* \* \* \* \*

**§ 4104. Transfer of offenders on probation**

(a) \* \* \*

\* \* \* \* \*

(d) The probation may be revoked in accordance with [section 3653 of this title and rule 32(f) of] *section 3565 of this title and the applicable provisions of the Federal Rules of Criminal Procedure*. A violation of the conditions of probation shall constitute grounds for revocation. If probation is revoked the suspended sentence imposed by the sentencing court shall be executed.

\* \* \* \* \*

**SECTION 60003(a)(13) OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994**

(Public Law 103–322)

**SEC. 60003. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.**

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

(1) \* \* \*

\* \* \* \* \*

(13) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking “a fine of not more than

[\$1,000,000 or imprisonment] \$1,000,000 and imprisonment for life,” and inserting “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both;”.

\* \* \* \* \*

**SECTION 726 THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996**

**SEC. 726. ADDITION OF TERRORISM OFFENSES TO THE MONEY LAUNDERING STATUTE.**

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) \* \* \*

(2) in subparagraph (D)—

(A) \* \* \*

\* \* \* \* \*

(C) by inserting after “[section] 798 (relating to espionage),” the following: “section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),”;

\* \* \* \* \*

(E) by inserting after “[section] 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” the following: “section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),”;

\* \* \* \* \*

(G) by inserting after “section 1708 ([relating to] theft from the mail),” the following: “section 1751 (relating to Presidential assassination),”;

\* \* \* \* \*

**ECONOMIC ESPIONAGE ACT OF 1996**

**TITLE VI—TECHNICAL AND MINOR AMENDMENTS**

**SEC. 601. GENERAL TECHNICAL AMENDMENTS.**

(a) \* \* \*

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

[(1) Section 3286 of title 18, United States Code, is amended—

[(A) by striking “2331” and inserting “2332”;

[(B) by striking “2339” and inserting “2332a”; and  
 [(C) by striking “36” and inserting “37”.

[(2) Section 2339A(b) of title 18, United States Code, is amended—

[(A) by striking “2331” and inserting “2332”;  
 [(B) by striking “2339” and inserting “2332a”;  
 [(C) by striking “36” and inserting “37”; and  
 [(D) by striking “of an escape” and inserting “or an escape”.]

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking “that title” and inserting “this title”.

[(4) Section 2423(b) of title 18, United States Code, is amended by striking “2245” and inserting “2246”.]

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) \* \* \*

\* \* \* \* \*

(3) Section [247(d)] 247(e) of title 18, United States Code, is amended by striking “notification” and inserting “certification”.

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) \* \* \*

[(2) in paragraph (n), by striking “and” where it appears after the semicolon and inserting “or”.]

\* \* \* \* \*

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) \* \* \*

[(2) Section 1114 of title 18, United States Code, is amended by striking “1112.” and inserting “1112.”.]

\* \* \* \* \*

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

[(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.]

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended in the item relating to the chapter redesignated by paragraph (1)—

[(A) by striking “113B” and inserting “113C”; and]

\* \* \* \* \*

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

[(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

[(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

[(A) by striking “and” at the end of paragraph (3); and

[(B) by striking the period at the end of paragraph (4) and inserting “; and”.]

\* \* \* \* \*

**SEC. 602. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.**

(a) \* \* \*

\* \* \* \* \*

[(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.]

\* \* \* \* \*

**SEC. 604. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103-322.**

(a) \* \* \*

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) \* \* \*

\* \* \* \* \*

[(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).]

\* \* \* \* \*

**SEC. 605. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.**

(a) \* \* \*

\* \* \* \* \*

[(r) CORRECTION OF WORD USAGE.—Section 247(d) of title 18, United States Code, is amended by striking “notification” and inserting “certification”.]

\* \* \* \* \*

**SEC. 607. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.**

(a) \* \* \*

\* \* \* \* \*

(g) Section 1716 of title 18, United States Code, is amended—

(1) \* \* \*

(2) in subsection (g)(3) by striking “the municipal government of the District of Columbia or of the government of any State or [territory] Territory, or any county, city, or other political subdivision of a State” and inserting “any State, or any political subdivision of a State”; and

\* \* \* \* \*

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) \* \* \*

[(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).]

\* \* \* \* \*

**CONTROLLED SUBSTANCES ACT**

\* \* \* \* \*

**TITLE II—CONTROL AND ENFORCEMENT**

\* \* \* \* \*

**PART D—OFFENSES AND PENALTIES**

**PROHIBITED ACTS A—PENALTIES**

SEC. 401. (a) \* \* \*

\* \* \* \* \*

(d)(1) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured, distributed, or dispensed shall be sentenced to a term of imprisonment for not more than 10 years [and shall be fined not more than \$10,000] or *fined under title 18, United States Code, or both.*

(2) If any person commits such a violation after 1 or more prior convictions for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years [and shall be fined not more than \$20,000] or *fined under title 18, United States Code, or both.*

\* \* \* \* \*

**PROHIBITED ACTS B—PENALTIES**

SEC. 402. (a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

(2)(A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparagraph (B) of this paragraph, be sentenced to imprisonment of not more than one year or a fine [of not more than \$25,000] *under title 18, United States Code, or both.*

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine [of \$50,000] *under title 18, United States Code, or both.*

(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection

(a) shall, with respect to the first such violation, be subject to a civil penalty of not more than \$250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than \$250,000 or double the last previously imposed penalty, whichever is greater.

\* \* \* \* \*

PROHIBITED ACTS C—PENALTIES

SEC. 403. (a) \* \* \*

\* \* \* \* \*

(d)(1) Except as provided in paragraph (2), any person who violates this section shall be sentenced to a term of imprisonment of not more than 4 years, a fine [of not more than \$30,000] *under title 18, United States Code*, or both; except that if any person commits such a violation after one or more prior convictions of him for violation of this section, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 8 years, a fine [of not more than \$60,000] *under title 18, United States Code*, or both.

(2) Any person who, with the intent to manufacture or to facilitate the manufacture of methamphetamine, violates paragraph (6) or (7) of subsection (a), shall be sentenced to a term of imprisonment of not more than 10 years, a fine [of not more than \$30,000] *under title 18, United States Code*, or both; except that if any person commits such a violation after one or more prior convictions of that person—

- (A) for a violation of paragraph (6) or (7) of subsection (a);
  - (B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or
  - (C) under any other law of the United States or any State relating to controlled substances or listed chemicals,
- has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine [of not more than \$60,000] *under title 18, United States Code*, or both.

\* \* \* \* \*

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

\* \* \* \* \*

FORFEITURES

SEC. 511. (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) \* \* \*

\* \* \* \* \*

(10) Any drug paraphernalia (as defined in section [1822 of the Mail Order Drug Paraphernalia Control Act] 422).

\* \* \* \* \*



**SECTION 583 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998**

WAR CRIMES PROSECUTION

SEC. 583. [Section 2401] *Section 2441* of title 18, United States Code (Public Law 104-192; the War Crimes Act of 1996) is amended as follows—

(1) \* \* \*

\* \* \* \* \*

**SECTION 115 OF THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998**

(Public Law 105-119)

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

(1) \* \* \*

\* \* \* \* \*

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—  
(A) \* \* \*

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with “The results of a drug test” and all that follows through the end of such [paragraph] *subsection* and inserting that matter [at the end of] *following* section 3563.

(ii) The matter inserted by [subparagraph (A)] *clause (i)* at the end of section 3563 is amended—

(I) \* \* \*

\* \* \* \* \*

MARKUP TRANSCRIPT

**BUSINESS MEETING**

**TUESDAY, JUNE 26, 2001**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:35 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

Pursuant to notice, I now call up the bill, H.R. 2137, a bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure for purposes of markup and move its favorable recommendation to the House.

[The bill, H.R. 2137, follows:]

107TH CONGRESS  
1ST SESSION

# H. R. 2137

To make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2001

Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. SCOTT) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Criminal Law Tech-  
5 nical Amendments Act of 2001”.

6 **SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL**  
7 **LAW AND PROCEDURE.**

8 (a) MISSING AND INCORRECT WORDS.—

1           (1) CORRECTION OF GARBLED SENTENCE.—  
2           Section 510(c) of title 18, United States Code, is  
3           amended by striking “fine of under this title” and  
4           inserting “fine under this title”.

5           (2) INSERTION OF MISSING WORDS.—Section  
6           981(d) of title 18, United States Code, is amended  
7           by striking “proceeds from the sale of this section”  
8           and inserting “proceeds from the sale of such prop-  
9           erty under this section”.

10          (3) CORRECTION OF INCORRECT WORD.—Sec-  
11          tions 1425 through 1427, 1541 through 1544 and  
12          1546(a) of title 18, United States Code, are each  
13          amended by striking “to facility” and inserting “to  
14          facilitate”.

15          (4) CORRECTING ERRONEOUS AMENDATORY  
16          LANGUAGE ON EXECUTED AMENDMENT.—Effective  
17          on the date of the enactment of Public Law 103-  
18          322, section 60003(a)(13) of such public law is  
19          amended by striking “\$1,000,000 or imprisonment”  
20          and inserting “\$1,000,000 and imprisonment”.

21          (5) INSERTION OF MISSING WORD.—Section  
22          3286 of title 18, United States Code, is amended by  
23          inserting “section” before “2332b”.

24          (6) CORRECTION OF REFERENCE TO SHORT  
25          TITLE OF LAW.—That section 2332d(a) of title 18,

1 United States Code, which relates to financial trans-  
2 actions is amended by inserting “of 1979” after  
3 “Export Administration Act”.

4 (7) ELIMINATION OF TYPO.—Section 1992(b)  
5 of title 18, United States Code, is amended by strik-  
6 ing “term or years” and inserting “term of years”.

7 (8) SPELLING CORRECTION.—Section 2339A(a)  
8 of title 18, United States Code, is amended by strik-  
9 ing “or an escape” and inserting “of an escape”.

10 (9) SECTION 3553.—Section 3553(e) of title 18,  
11 United States Code, is amended by inserting “a” be-  
12 fore “minimum”.

13 (10) MISSPELLING IN SECTION 205.—Section  
14 205(d)(1)(B) of title 18, United States Code, is  
15 amended by striking “groups’s” and inserting  
16 “group’s”.

17 (11) CONFORMING CHANGE AND INSERTING  
18 MISSING WORD IN SECTION 709.—The paragraph in  
19 section 709 of title 18, United States Code, that be-  
20 gins with “A person who” is amended—

21 (A) by striking “A person who” and insert-  
22 ing “Whoever”; and

23 (B) by inserting “or” after the semicolon  
24 at the end.

1           (12) ERROR IN LANGUAGE BEING STRICKEN.—  
2       Effective on the date of its enactment, section  
3       726(2) of the Antiterrorism and Effective Death  
4       Penalty Act of 1996 (Public Law 104–132) is  
5       amended—

6           (A) in subparagraphs (C) and (E), by  
7       striking “section” the first place it appears; and

8           (B) in subparagraph (G), by striking “re-  
9       lating to” the first place it appears.

10       (b) MARGINS, PUNCTUATION, AND SIMILAR ER-  
11       RORS.—

12           (1) MARGIN ERROR.—Section 1030(c)(2) of  
13       title 18, United States Code, is amended so that the  
14       margins of subparagraph (B) and each of its  
15       clauses, are moved 2 ems to the left.

16           (2) CORRECTING CAPITALIZATION IN LAN-  
17       GUAGE TO BE STRICKEN.—Effective on the date of  
18       its enactment, section 607(g)(2) of the Economic  
19       Espionage Act of 1996 is amended by striking “ter-  
20       ritory” and inserting “Territory”.

21           (3) CORRECTING PARAGRAPHING.—The mate-  
22       rial added to section 521(a) of title 18, United  
23       States Code, by section 607(q) of the Economic Es-  
24       pionage Act of 1996 is amended to appear as a  
25       paragraph indented 2 ems from the left margin.

1           (4) SUBSECTION PLACEMENT CORRECTION.—  
2           Section 1513 of title 18, United States Code, is  
3           amended by transferring subsection (d) so that it  
4           appears following subsection (c).

5           (5) INSERTION OF PARENTHETICAL DESCRIPTIONS.—Section 2332b(g)(5)(B)(i) of title 18,  
6           United States Code, is amended—  
7           

8                   (A) by inserting “(relating to certain  
9                   killings in Federal facilities)” after “930(c)”;

10                   (B) by inserting “(relating to wrecking  
11                   trains)” after “1992”; and

12                   (C) by striking “2332c.”.

13           (6) CORRECTION TO ALLOW FOR INSERTION OF  
14           NEW SUBPARAGRAPH AND CORRECTION OF ERRO-  
15           NEOUS INDENTATION.—Section 1956(e)(7) of title  
16           18, United States Code, is amended—

17                   (A) in subparagraph (B)(ii), by moving the  
18                   margin 2 ems to the right;

19                   (B) by striking “or” at the end of subpara-  
20                   graph (D);

21                   (C) by striking the period at the end of  
22                   subparagraph (E) and inserting “; or”; and

23                   (D) in subparagraph (F), by striking  
24                   “Any” and inserting “any”.

1           (7) CORRECTION OF CONFUSING SUBDIVISION  
2 DESIGNATION.—Section 1716 of title 18, United  
3 States Code, is amended—

4           (A) in the first undesignated paragraph, by  
5 inserting “(j)(1)” before “Whoever”;

6           (B) in the second undesignated  
7 paragraph—

8           (i) by striking “not more than  
9 \$10,000” and inserting “under this title”;  
10 and

11           (ii) by inserting “(2)” at the begin-  
12 ning of that paragraph;

13           (C) by inserting “(3)” at the beginning of  
14 the third undesignated paragraph; and

15           (D) by redesignating subsection (j) as sub-  
16 section (k).

17           (8) PUNCTUATION CORRECTION IN SECTION  
18 1091.—Section 1091(b)(1) of title 18, United States  
19 Code, is amended by striking “subsection (a)(1),”  
20 and inserting “subsection (a)(1)”.

21           (9) PUNCTUATION CORRECTION IN SECTION  
22 2311.—Section 2311 of title 18, United States Code,  
23 is amended by striking the period after “carcasses  
24 thereof” the second place that term appears and in-  
25 serting a semicolon.

1           (10) SYNTAX CORRECTION.—Section 115(b)(2)  
2 of title 18, United States Code, is amended by strik-  
3 ing “; attempted kidnapping, or conspiracy to kid-  
4 nap of a person” and inserting “or attempted kid-  
5 napping of, or a conspiracy to kidnap, a person”.

6           (11) CORRECTING CAPITALIZATION IN SECTION  
7 982.—Section 982(a)(8) of title 18, United States  
8 Code, is amended by striking “Court” and inserting  
9 “court”.

10          (12) PUNCTUATION CORRECTIONS IN SECTION  
11 1029.—Section 1029 of title 18, United States Code,  
12 is amended—

13           (A) in subsection (c)(1)(A)(ii), by striking  
14 “(9),” and inserting “(9)”; and

15           (B) in subsection (e), by adding a semi-  
16 colon at the end of paragraph (8).

17          (13) CORRECTIONS OF CONNECTORS AND  
18 PUNCTUATION IN SECTION 1030.—Section 1030 of  
19 title 18, United States Code, is amended—

20           (A) by striking “and” at the end of sub-  
21 section (c)(2)(A);

22           (B) by inserting “and” at the end of sub-  
23 section (c)(2)(B)(iii);

24           (C) by striking “; and” at the end of sub-  
25 section (c)(3)(B) and inserting a period;

1 (D) by striking the period at the end of  
2 subsection (e)(4)(I) and inserting a semicolon;  
3 and

4 (E) by striking “and” at the end of sub-  
5 section (e)(7).

6 (14) CORRECTION OF PUNCTUATION IN SEC-  
7 TION 1032.—Section 1032(1) of title 18, United  
8 States Code, is amended by striking “13,” and in-  
9 serting “13”.

10 (15) CORRECTION OF PUNCTUATION IN SEC-  
11 TION 1345.—Section 1345(a)(1) of title 18, United  
12 States Code, is amended.—

13 (A) in subparagraph (B), by striking “,  
14 or” and inserting “; or”; and

15 (B) in subparagraph (C), by striking the  
16 period and inserting a semicolon.

17 (16) CORRECTION OF PUNCTUATION IN SEC-  
18 TION 3612.—Section 3612(f)(2)(B) of title 18,  
19 United States Code, is amended by striking “pre-  
20 ceding.” and inserting “preceding”.

21 (17) CORRECTION OF INDENTATION IN CON-  
22 TROLLED SUBSTANCES ACT.—Section 402(c)(2) of  
23 the Controlled Substances Act (21 U.S.C. 842(c)(2))  
24 is amended by moving the margin of subparagraph  
25 (C) 2 ems to the left.

1 (c) ELIMINATION OF REDUNDANCIES.—

2 (1) ELIMINATION OF REDUNDANT PROVI-  
3 SION.—Section 2516(1) of title 18, United States  
4 Code, is amended—

5 (A) by striking the first paragraph (p);  
6 and

7 (B) by inserting “or” at the end of para-  
8 graph (o).

9 (2) ELIMINATION OF DUPLICATE AMEND-  
10 MENTS.—Effective on the date of its enactment,  
11 paragraphs (1), (2), and (4) of section 601(b), para-  
12 graph (2) of section 601(d), paragraph (2) of section  
13 601(f), paragraphs (1) and (2)(A) of section 601(j),  
14 paragraphs (1) and (2) of section 601(k), subsection  
15 (d) of section 602, paragraph (4) of section 604(b),  
16 subsection (r) of section 605, and paragraph (2) of  
17 section 607(j) of the Economic Espionage Act of  
18 1996 are repealed.

19 (3) ELIMINATION OF EXTRA COMMA.—Section  
20 1956(e)(7)(D) of title 18, United States Code, is  
21 amended—

22 (A) by striking “Code,,” and inserting  
23 “Code,;” and

24 (B) by striking “services),,” and inserting  
25 “services),”.

1           (4) REPEAL OF SECTION GRANTING DUPLICA-  
2 TIVE AUTHORITY.—

3           (A) Section 3503 of title 18, United States  
4 Code, is repealed.

5           (B) The table of sections at the beginning  
6 of chapter 223 of title 18, United States Code,  
7 is amended by striking the item relating to sec-  
8 tion 3503.

9           (5) ELIMINATION OF OUTMODED REFERENCE  
10 TO PAROLE.—Section 929(b) of title 18, United  
11 States Code, is amended by striking the last sen-  
12 tence.

13 (d) CORRECTION OF OUTMODED FINE AMOUNTS.—

14           (1) IN TITLE 18, UNITED STATES CODE.—

15           (A) IN SECTION 492.—Section 492 of title  
16 18, United States Code, is amended by striking  
17 “not more than \$100” and inserting “under  
18 this title”

19           (B) IN SECTION 665.—Section 665(c) of  
20 title 18, United States Code, is amended by  
21 striking “a fine of not more than \$5,000” and  
22 inserting “a fine under this title”.

23           (C) IN SECTIONS 1924, 2075, 2113(b), AND  
24 2236.—

1 (i) Section 1924(a) of title 18, United  
2 States Code, is amended by striking “not  
3 more than \$1,000,” and inserting “under  
4 this title”.

5 (ii) Sections 2075 and 2113(b) of title  
6 18, United States Code, are each amended  
7 by striking “not more than \$1,000” and  
8 inserting “under this title”.

9 (iii) Section 2236 of title 18, United  
10 States Code, is amended by inserting  
11 “under this title” after “warrant, shall be  
12 fined”, and by striking “not more than  
13 \$1,000”

14 (D) IN SECTION 372 AND 752.—Sections  
15 372 and 752(a) of title 18, United States Code,  
16 are each amended by striking “not more than  
17 \$5,000” and inserting “under this title”.

18 (E) IN SECTION 924(e)(1).—Section  
19 924(e)(1) of title 18, United States Code, is  
20 amended by striking “not more than \$25,000”  
21 and inserting “under this title”.

22 (2) IN THE CONTROLLED SUBSTANCES ACT.—

23 (A) IN SECTION 401.—Section 401(d) of  
24 the Controlled Substances Act (21 U.S.C.  
25 841(d)) is amended—

1 (i) in paragraph (1), by striking “and  
2 shall be fined not more than \$10,000” and  
3 inserting “or fined under title 18, United  
4 States Code, or both”; and

5 (ii) in paragraph (2), by striking “and  
6 shall be fined not more than \$20,000” and  
7 inserting “or fined under title 18, United  
8 States Code, or both”.

9 (B) IN SECTION 402.—Section 402(c)(2) of  
10 the Controlled Substances Act (21 U.S.C.  
11 842(c)) is amended—

12 (i) in subparagraph (A), by striking  
13 “of not more than \$25,000” and inserting  
14 “under title 18, United States Code”; and

15 (ii) in subparagraph (B), by striking  
16 “of \$50,000” and inserting “under title  
17 18, United States Code”.

18 (C) IN SECTION 403.—Section 403(d) of  
19 the Controlled Substances Act (21 U.S.C.  
20 843(d)) is amended—

21 (i) by striking “of not more than  
22 \$30,000” each place that term appears  
23 and inserting “under title 18, United  
24 States Code”; and

1 (ii) by striking “of not more than  
2 \$60,000” each place it appears and insert-  
3 ing “under title 18, United States Code”.

4 (e) CROSS REFERENCE CORRECTIONS.—

5 (1) CROSS REFERENCE CORRECTIONS OCCA-  
6 SIONED BY ENACTMENT OF INTERVENING LAW.—

7 (A) SECTION 3583.—Section 3583(d) of  
8 title 18, United States Code, is amended by  
9 striking “section 3563(b)(1) through (b)(10)  
10 and (b)(12) through (b)(20)” and inserting  
11 “paragraphs (1) through (9) and (11) through  
12 (19) of section 3563(b)”.

13 (B) SECTION 3563.—Section 3563(a)(2) of  
14 title 18, United States Code, is amended by  
15 striking “, (b)(3), or (b)(13)” and inserting “or  
16 (b)(12)”.

17 (2) SECTION 3664.—Section 3664(o)(1)(C) of  
18 title 18, United States Code, is amended by striking  
19 “section 3664(d)(3)” and inserting “subsection  
20 (d)(5)”.

21 (3) CHAPTER 228.—Section 3592(c)(1) of title  
22 18, United States Code, is amended by striking  
23 “section 36” and inserting “section 37”.

24 (4) CORRECTING ERRONEOUS CROSS REF-  
25ERENCE IN CONTROLLED SUBSTANCES ACT.—Sec-

1 tion 511(a)(10) of the Controlled Substances Act  
2 (21 U.S.C. 881(a)(10)) is amended by striking  
3 “1822 of the Mail Order Drug Paraphernalia Con-  
4 trol Act” and inserting “422”.

5 (5) CORRECTION TO REFLECT CROSS REF-  
6 ERENCE CHANGE MADE BY OTHER LAW.—Effective  
7 on the date of its enactment, section 601(c)(3) of  
8 the Economic Espionage Act of 1996 is amended by  
9 striking “247(d)” and inserting “247(e)”.

10 (6) TYPOGRAPHICAL AND TYPEFACE ERROR IN  
11 TABLE OF CHAPTERS.—The item relating to chapter  
12 123 in the table of chapters at the beginning of part  
13 I of title 18, United States Code, is amended—

14 (A) by striking “2271” and inserting  
15 “2721”; and

16 (B) so that the item appears in bold face  
17 type.

18 (7) SECTION 4104.—Section 4104(d) of title 18,  
19 United States Code, is amended by striking “section  
20 3653 of this title and rule 32(f) of” and inserting  
21 “section 3565 of this title and the applicable provi-  
22 sions of”.

23 (8) ERROR IN AMENDATORY LANGUAGE.—Ef-  
24 fective on the date of its enactment, section 583 of  
25 the Foreign Operations, Export Financing, and Re-

1       lated Programs Appropriations Act, 1998 (111 Stat.  
2       2436) is amended by striking “Section 2401” and  
3       inserting “Section 2441”.

4           (9) ERROR IN CROSS REFERENCE TO COURT  
5       RULES.—The first sentence of section 3593(e) of  
6       title 18, United States Code, is amended by striking  
7       “rule 32(c)” and inserting “rule 32”.

8           (10) SECTION 1836.—Section 1836 of title 18,  
9       United States Code, is amended—

10           (A) in subsection (a), by striking “this sec-  
11       tion” and inserting “this chapter”; and

12           (B) in subsection (b), by striking “this  
13       subsection” and inserting “this section”.

14           (11) CORRECTION OF ERRONEOUS CITE IN  
15       CHAPTER 119.—Section 2510(10) of title 18, United  
16       States Code, is amended by striking “shall have”  
17       and all that follows through “United States Code;”  
18       and inserting “has the meaning given that term in  
19       section 3 of the Communications Act of 1934;”.

20           (12) ELIMINATION OF OUTDATED CITE IN SEC-  
21       TION 2339A.—Section 2339A(a) of title 18, United  
22       States Code, is amended by striking “2332e.”.

23           (13) CORRECTION OF REFERENCES IN AMEND-  
24       ATORY LANGUAGE.—Effective the date of its enact-

1       ment, section 115(a)(8)(B) of Public Law 105-119  
2       is amended.—

3               (A) in clause (i)—

4                     (i) by striking “at the end of” and in-  
5                     serting “following”; and

6                     (ii) by striking “paragraph” the sec-  
7                     ond place it appears and inserting “sub-  
8                     section”; and

9               (B) in clause (ii), by striking “subpara-  
10              graph (A)” and inserting “clause (i)”.

11       (f) TABLES OF SECTIONS CORRECTIONS.—

12               (1) CONFORMING TABLE OF SECTIONS TO  
13       HEADING OF SECTION.—The item relating to section  
14       1837 in the table of sections at the beginning of  
15       chapter 90 of title 18, United States Code, is  
16       amended by striking “Conduct” and inserting “Ap-  
17       plicability to conduct”.

18               (2) CONFORMING HEADING TO TABLE OF SEC-  
19       TIONS ENTRY.—The heading of section 1920 of title  
20       18, United States Code, is amended by striking  
21       “**employee’s**” and inserting “**employees**”.

○

Chairman SENSENBRENNER. Without objection, the bill will be considered as read and open for amendment at any point.

The Chair recognizes himself for 5 minutes.

The last half of the 20th century saw an explosion of Federal criminal statutes. According to a study conducted by the Task Force on Federalization of Criminal Law of the Criminal Law Section of the American Bar Association, more than 40 percent of the Federal criminal provisions enacted since the Civil War have been enacted since 1970. This explosion of lawmaking has resulted in numerous technical mistakes which litter the criminal code.

This bill makes over 60 separate clerical and technical changes to various criminal statutes by correcting missing and incorrect words, margins, punctuations, redundancies, outmoded fine amounts, and cross-references. These and other changes will make it easier to apply these important statutes.

This bill is bipartisan legislation, which resulted from extensive consultation between the majority and minority, and suggestions from the offices of legislative counsel and law revision counsel. I would like to thank all involved in the process of reviewing the minutiae of the code to put this legislation together.

Let me also say that yesterday majority staff handling this issue received an informal memorandum from the Justice Department, asking that additional technical corrections be included in the bill. Because we have not had enough time to review these suggestions, we will not be including them as an amendment here today.

However, I would like to continue to work with Mr. Conyers, Mr. Scott, and Mr. Smith of Texas on these with the intention of including these suggestions in the bill which are truly clerical and technical.

I will now yield to the gentleman from Michigan for whatever comments he wishes to make.

Mr. CONYERS. Thank you, Mr. Chairman.

I ask unanimous consent to enter the statement of our colleague from Virginia, Mr. Bobby Scott, on this matter.

Chairman SENSENBRENNER. Without objection.

Mr. CONYERS. Thank you.

Chairman SENSENBRENNER. Without objection, all Members may insert opening statements in the record at this point.

Are there amendments?

Hearing none, the question occurs on the motion to report the bill, H.R. 2137, favorably as amended.

Do we have a—

A reporting quorum is not present. Without objection, the previous question is ordered and further proceedings on this bill will be postponed.

And would the staff please serve subpoenas on the missing Members? [Laughter.]

[Intervening Business.]

A reporting quorum is present. The Committee now returns to the pending unfinished business upon which the previous question was ordered on H.R. 2137.

The question is on the motion to report favorably the bill H.R. 2137.

Those in favor will say aye.

Those opposed will say no.

The ayes appear to have it. The ayes have it.

Without objection, the Chair is authorized to move to go to conference pursuant to House rules.

Without objection, the staff is directed to make any technical and conforming changes.

All Members will be given 2 days, under House rules, in which to submit additional dissenting, supplemental, or minority views.

This concludes the purpose for which this markup has been called, and the Committee stands adjourned.

[Whereupon, at 10:40 p.m., the Committee was adjourned.]

