

91ST CONGRESS
2^D SESSION

H. R. 18279

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1970

MR. RANDALL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

The Organized Crime Control Act of 1970.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Organized Crime Control
4 Act of 1970".

5 STATEMENT OF FINDINGS AND PURPOSE

6 The Congress finds that (1) organized crime in the
7 United States is a highly sophisticated, diversified, and wide-
8 spread activity that annually drains billions of dollars from
9 America's economy by unlawful conduct and the illegal use
10 of force, fraud, and corruption; (2) organized crime derives
11 a major portion of its power through money obtained from

1 such illegal endeavors as syndicated gambling, loan sharking,
2 the theft and fencing of property, the importation and dis-
3 tribution of narcotics and other dangerous drugs, and other
4 forms of social exploitation; (3) this money and power are
5 increasingly used to infiltrate and corrupt legitimate business
6 and labor unions and to subvert and corrupt our democratic
7 processes; (4) organized crime activities in the United States
8 weaken the stability of the Nation's economic system, harm
9 innocent investors and competing organizations, interfere
10 with free competition, seriously burden interstate and foreign
11 commerce, threaten the domestic security, and undermine the
12 general welfare of the Nation and its citizens; and (5) or-
13 ganized crime continues to grow because of defects in the
14 evidence-gathering process of the law inhibiting the develop-
15 ment of the legally admissible evidence necessary to bring
16 criminal and other sanctions or remedies to bear on the
17 unlawful activities of those engaged in organized crime and
18 because the sanctions and remedies available to the Govern-
19 ment are unnecessarily limited in scope and impact.

20 It is the purpose of this Act to seek the eradication of
21 organized crime in the United States by strengthening the
22 legal tools in the evidence-gathering process, by establishing
23 new penal prohibitions, and by providing enhanced sanctions
24 and new remedies to deal with the unlawful activities of those
25 engaged in organized crime.

1 TITLE I—GENERAL IMMUNITY

2 SEC. 101. (a) Title 18, United States Code, is amended
3 by adding immediately after part IV the following new
4 part:

5 "PART V.—IMMUNITY OF WITNESSES

"Sec.

"6001. Definitions.

"6002. Immunity generally.

"6003. Court and grand jury proceedings.

"6004. Certain administrative proceedings.

"6005. Congressional proceedings.

5 "§ 6001. Definitions

6 "As used in this part—

7 " (1) 'agency of the United States' means any
8 executive department (as defined in 80 Stat. 948; 80
9 Stat. 378 (5 U.S.C. sec. 101)), a military department
10 (as defined in 80 Stat. 378 (5 U.S.C. sec. 102)), the
11 Atomic Energy Commission, the China Trade Act regis-
12 trar appointed under 53 Stat. 1432 (15 U.S.C. sec.
13 143), the Civil Aeronautics Board, the Federal ~~Com-~~
14 munications Commission, the Federal Deposit Insurance
15 Corporation, the Federal Maritime Commission, the
16 Federal Power Commission, the Federal Trade Com-
17 mission, the Interstate Commerce Commission, the Na-
18 tional Labor Relations Board, the National Transporta-
19 tion Safety Board, the Railroad Retirement Board, an
20 arbitration board established under 48 Stat. 1193 (45
21 U.S.C. sec. 157), the Securities and Exchange Com-

1 mission, the Subversive Activities Control Board, or a
2 board established under 49 Stat. 31 (15 U.S.C. sec.
3 715d) ;

4 “(2) ‘other information’ includes any book, paper,
5 document, record, recording, or other material;

6 “(3) ‘proceeding before an agency of the United
7 States’ means any proceeding before such an agency
8 with respect to which it is authorized to issue subpoenas
9 and to take testimony or receive other information from
10 witnesses under oath; and

11 “(4) ‘court of the United States’ means any of
12 the following courts: the Supreme Court of the United
13 States, a United States court of appeals, a United
14 States district court established under chapter 5, title
15 28, United States Code, the District Court of Guam,
16 the District Court of the Virgin Islands, the United
17 States Court of Claims, the United States Court of
18 Customs and Patent Appeals, the Tax Court of the
19 United States, the Customs Court, and the Court of
20 Military Appeals.

21 **“§ 6002. Immunity generally**

22 “Whenever a witness refuses, on the basis of his privilege
23 against self-incrimination, to testify or provide other infor-
24 mation in a proceeding before or ancillary to—

25 “(1) a court or grand jury of the United States,

1 “(2) an agency of the United States, or

2 “(3) either House of Congress, a joint committee of
3 the two Houses, or a committee or a subcommittee of
4 either House,

5 and the person presiding over the proceeding communicates
6 to the witness an order issued under this part, the witness
7 may not refuse to comply with the order on the basis of his
8 privilege against self-incrimination. No such testimony or
9 other information so compelled under the order or evidence
10 or other information which is obtained by the exploitation of
11 such testimony may be used against the witness in any
12 criminal case, except a prosecution for perjury, giving a
13 false statement, or otherwise failing to comply with the order.

14 **“§ 6003. Court and grand jury proceedings**

15 “(a) In the case of any individual who has been or may
16 be called to testify or provide other information at any pro-
17 ceeding before or ancillary to a court of the United States, a
18 grand jury of the United States or the Department of Justice,
19 the United States district court for the judicial district in
20 which the proceeding is or may be held shall issue, in accord-
21 ance with subsection (b) of this section, upon the request of
22 the United States attorney for such district, an order requir-
23 ing such individual to give testimony or provide other infor-
24 mation which he refuses to give or provide on the basis of his

1 privilege against self-incrimination, such order to become
2 effective as provided in section 6002 of this chapter.

3 “(b) A United States attorney may, with the approval
4 of the Attorney General, the Deputy Attorney General, or
5 any designated Assistant Attorney General, request an order
6 under subsection (a) of this section when in his judgment—

7 “(1) the testimony or other information from such
8 individual may be necessary to the public interest; and

9 “(2) such individual has refused or is likely to re-
10 fuse to testify or provide other information on the basis
11 of his privilege against self-incrimination.

12 **“§ 6004. Certain administrative proceedings**

13 “(a) In the case of any individual who has been or
14 who may be called to testify or provide other information
15 at any proceeding before an agency of the United States
16 other than the Department of Justice, the agency may issue,
17 in accordance with subsection (b) of this section, an order
18 requiring the individual to give testimony or provide other
19 information which he refuses to give or provide on the basis
20 of his privilege against self-incrimination, such order to
21 become effective as provided in section 6002 of this chapter.

22 “(b) An agency of the United States may issue an order
23 under subsection (a) of this section only if in its judgment—

24 “(1) the testimony or other information from such
25 individual may be necessary to the public interested; and

1 “(2) such individual has refused or is likely to
2 refuse to testify or provide other information on the
3 basis of his privilege against self-incrimination.

4 The agency may issue such an order ten days after the day
5 on which it served the Attorney General with notice of its
6 intention to issue the order or upon approval of the Attorney
7 General.

8 **“§ 6005. Congressional proceedings**

9 “(a) In the case of any individual who has been or
10 may be called to testify or provide other information at any
11 proceeding before either House of Congress, or any commit-
12 tee, or any subcommittee of either House, or any joint com-
13 mittee of the two Houses, a United States district court shall
14 issue, in accordance with subsection (b) of this section, upon
15 the request of a duly authorized representative of the House
16 of Congress or the committee concerned, an order requiring
17 such individual to give testimony or provide other informa-
18 tion which he refuses to give or provide on the basis of his
19 privilege against self-incrimination, such order to become
20 effective as provided in section 6002 of this chapter.

21 “(b) Before issuing an order under subsection (a) of
22 this section, a United States district court shall find that—

23 “(1) in the case of a proceeding before either House
24 of Congress, the request for such an order has been

1 approved by an affirmative vote of a majority of the
2 Members present of that House;

3 “(2) in the case of a proceeding before a committee
4 or a subcommittee of either House of Congress or a
5 joint subcommittee of both Houses, the request for such
6 an order has been approved by an affirmative vote of
7 two-thirds of the members of the full committee; and

8 “(3) ten days or more prior to the day on which the
9 request for such an order was made, the Attorney Gen-
10 eral was served with notice of an intention to request
11 the order.

12 “(c) Upon application of the Attorney General, the
13 United States district court shall defer the issuance of any
14 order under subsection (a) of this section for such period,
15 not longer than twenty days from the date of the request for
16 such order, as the Attorney General may specify.”

17 (b) The table of parts for title 18, United States Code,
18 is amended by adding at the end thereof the following new
19 item:

“V. Immunity of Witness..... 6001.”

20 SEC. 102. The third sentence of paragraph (b) of sec-
21 tion 6 of the Commodity Exchange Act (69 Stat. 160; 7
22 U.S.C. 15) is amended by striking “49 U.S.C. 12, 46, 47,
23 48, relating to the attendance and testimony of witnesses, the
24 production of documentary evidence, and the immunity of

1 witnesses” and by inserting in lieu thereof the following:
2 “(49 U.S.C. § 12), relation to the attendance and testimony
3 of witnesses and the production of documentary evidence,”.

4 SEC. 103. Subsection (f) of section 17 of the United
5 States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f
6 (f)), is repealed.

7 SEC. 104. The second sentence of section 5 of the Act
8 entitled “An Act to regulate the marketing of economic poi-
9 sons and devices, and for other purposes”, approved June 25,
10 1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by insert-
11 ing after “section”, the following language: “, or any evi-
12 dence which is obtained by the exploitation of information,”.

13 SEC. 105. Subsection (f) of section 13 of the Perishable
14 Agricultural Commodities Act, 1930 (46 Stat. 536; 7
15 U.S.C. § 499m(f)), is repealed.

16 SEC. 106. (a) Section 16 of the Cotton Research and
17 Promotion Act (80 Stat. 285; 7 U.S.C. § 2115), is amended
18 by striking “(a)” and by striking subsection (b).

19 (b) The section heading for such section 16 is amended
20 by striking “: Self-Incrimination”.

21 SEC. 107. Clause (10) of subsection (a) of section 7
22 of the Act entitled “An Act to establish a uniform system
23 of bankruptcy throughout the United States”, approved
24 July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25(a)(10)), is

1 amended by inserting after the first use of the term “testi-
2 mony” the following language: “, or any evidence which is
3 obtained by the exploitation of such testimony,”.

4 SEC. 108. The fourth sentence of subsection (d) of sec-
5 tion 10 of the Federal Deposit Insurance Act (64 Stat.
6 882; 12 U.S.C. § 1820 (d)), is repealed.

7 SEC. 109. The seventh paragraph under the center head-
8 ing “DEPARTMENT OF JUSTICE” in the first section of the
9 Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32),
10 is amended by striking “: *Provided, That*” and all that
11 follows in that paragraph and inserting in lieu thereof a
12 period.

13 SEC. 110. The Act of June 30, 1906 (34 Stat. 798; 15
14 U.S.C. § 33), is repealed.

15 SEC. 111. The seventh paragraph of section 9 of the
16 Federal Trade Commission Act (38 Stat. 722; 15 U.S.C.
17 § 49), is repealed.

18 SEC. 112. Subsection (d) of section 21 of the Securities
19 Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u
20 (d)), is repealed.

21 SEC. 113. Subsection (c) of section 22 of the Securities
22 Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v (c)), is repealed.

23 SEC. 114. Subsection (e) of section 18 of the Public
24 Utility Holding Company Act of 1935 (49 Stat. 831; 15
25 U.S.C. § 79r (e)), is repealed.

1 SEC. 115. Subsection (d) of section 42 of the Invest-
2 ment Company Act of 1940 (54 Stat. 842; 15 U.S.C. § 80a-
3 41 (d)), is repealed.

4 SEC. 116. Subsection (d) of section 209 of the Invest-
5 ment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b-
6 9 (d)), is repealed.

7 SEC. 117. Subsection (c) of section 15 of the China
8 Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155 (c)), is
9 repealed.

10 SEC. 118. Subsection (h) of section 14 of the Natural
11 Gas Act (52 Stat. 828; 15 U.S.C. § 717m (h)) is repealed.

12 SEC. 119. The first proviso of section 12 of the Act
13 entitled "An Act to regulate the interstate distribution and
14 sale of packages of hazardous substances intended or suitable
15 for household use," approved July 12, 1960 (74 Stat. 379;
16 15 U.S.C. § 1271), is amended by inserting after "section"
17 the following language: ", or any evidence which is obtained
18 by the exploitation of such information,".

19 SEC. 120. Subsection (e) of section 1415 of the Inter-
20 state Land Sales Full Disclosure Act (82 Stat. 596; 15
21 U.S.C. § 1714 (e)), is repealed.

22 SEC. 121. Subsection (g) of section 307 of the Federal
23 Power Act (49 Stat. 856; 16 U.S.C. § 825f (g)) is repealed.

24 SEC. 122. Subsection (b) of section 835 of title 18,

1 United States Code, is amended by striking the third sen-
2 tence thereof.

3 SEC. 123. (a) Section 895 of title 18, United States
4 Code, is repealed.

5 (b) The table of sections of chapter 42 of such title is
6 amended by striking the item relating to section 895.

7 SEC. 124. (a) Section 1406 of title 18, United States
8 Code, is repealed.

9 (b) The table of sections of chapter 68 of such title is
10 amended by striking the item relating to section 1406.

11 SEC. 125. Section 1954 of title 18, United States Code,
12 is amended by striking “(a) Whoever” and inserting in
13 lieu thereof “Whoever” and by striking subsection (b)
14 thereof.

15 SEC. 126. The second sentence of subsection (b), section
16 2424, title 18, United States Code is amended by striking
17 “but no person” and all that follows in that subsection and
18 inserting in lieu thereof: “but no information contained in
19 the statement or any evidence which is obtained by the exploi-
20 tation of such information may be used against any person
21 making such statement in any criminal case, except a prose-
22 cution for perjury, giving a false statement or otherwise fail-
23 ing to comply with this section.”

24 SEC. 127. (a) Section 2514 of title 18, United States

1 Code, is repealed effective four years after the effective date
2 of this Act.

3 (b) The table of sections of chapter 119 of such title is
4 amended by striking the item relating to section 2514.

5 SEC. 128. (a) Section 3486 of title 18, United States
6 Code is repealed.

7 (b) The table of sections of chapter 223 of such title is
8 amended by striking the item relating to section 3486.

9 SEC. 129. Subsection (e) of section 333 of the Tariff
10 Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333 (e)), is
11 amended by striking “: *Provided, That*” and all that follows
12 in that subsection and inserting in lieu thereof a period.

13 SEC. 130. The first proviso of section 703 of the Federal
14 Food, Drug and Cosmetic Act, approved June 25, 1938 (52
15 Stat. 1057; 21 U.S.C. § 373), is amended by inserting after
16 “section” the following language: “, or any evidence which
17 is obtained by the exploitation of such evidence,”.

18 SEC. 131. (a) Section 4874 of the Internal Revenue
19 Code of 1954 is repealed.

20 (b) The table of sections of part III of subchapter (D)
21 of chapter 39 of such Code is amended by striking the
22 item relating to section 4874.

23 SEC. 132. (a) Section 7493 of the Internal Revenue
24 Code of 1954 is repealed.

1 (b) The table of sections of part III of subchapter (E)
2 of chapter 76 of such Code is amended by striking the
3 item relating to section 7493.

4 SEC. 133. (a) Subchapter (E) of chapter 75 of the
5 Internal Revenue Code of 1954 is repealed.

6 (b) The table of subchapters for chapter 75 of the In-
7 ternal Revenue Code of 1954 is amended by striking the
8 item

“Subchapter E. . . . Immunity.”

9 SEC. 134. Paragraph (3) of section 11 of the Labor
10 Management Relations Act, 1947 (49 Stat. 455; 29 U.S.C.
11 § 161 (3)), is repealed.

12 SEC. 135. The third sentence of section 4 of the Act en-
13 titled “An Act to provide that tolls on certain bridges over
14 navigable waters of the United States shall be just and rea-
15 sonable, and for other purposes”, approved August 21, 1935
16 (49 Stat. 671; 33 U.S.C. § 506), is repealed.

17 SEC. 136. Subsection (f) of section 205 of the Social
18 Security Act (42 U.S.C. § 405 (f)) is repealed.

19 SEC. 137. Paragraph c of section 161 of the Atomic
20 Energy Act of 1954 (68 Stat. 948; 42 U.S.C. § 2201 (c)),
21 is amended by striking the third sentence thereof.

22 SEC. 138. The last sentence of the first paragraph of sub-
23 paragraph (h) of the paragraph designated “Third” of

1 section 7 of the Railway Labor Act (44 Stat. 582; 45
2 U.S.C. § 157), is repealed.

3 SEC. 139. Subsection (c) of section 12 of the Railroad
4 Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C.
5 § 362 (c)), is repealed.

6 SEC. 140. Section 28 of the Shipping Act of 1916 (39
7 Stat. 737; 46 U.S.C. § 827), is repealed.

8 SEC. 141. Subsection (c) of section 214 of the Mer-
9 chant Marine Act, 1936 (49 Stat. 1991; 46 U.S.C.
10 § 1124 (c)), is repealed.

11 SEC. 142. Subsection (i) of section 409 of the Com-
12 munications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409
13 (l)), is repealed.

14 SEC. 143. (a) The second sentence of section 9 of the
15 Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9),
16 is amended by striking “; the claim” and all that follows
17 in that sentence and inserting in lieu thereof a period.

18 (b) Subsection (a) of section 316 of the Interstate
19 Commerce Act (54 Stat. 946; 49 U.S.C. § 916(a)) is
20 amended by striking the comma following “part I” and by
21 striking “, and the Immunity of Witnesses Act (34 Stat.
22 798; 32 Stat. 904, ch. 755, sec. 1),”.

23 (c) Subsection (a) of section 417 of the Interstate
24 Commerce Act (49 U.S.C. § 1017(a)), is amended by

1 striking the comma after “such provisions” and by striking
2 “, and of the Immunity of Witnesses Act (34 Stat. 798;
3 32 Stat. 904, ch. 755, sec. 1),”.

4 SEC. 144. The third sentence of section 3 of the Act
5 entitled “An Act to further regulate Commerce with foreign
6 nations and among the States”, approved February 19, 1903
7 (32 Stat. 848; 49 U.S.C. § 43), is amended by striking
8 “; the claim” and all that follows in that sentence down
9 through and including “*Provided, That the provisions*” and
10 inserting in lieu thereof “. The provisions”.

11 SEC. 145. The first paragraph of the Act of February
12 11, 1893 (27 Stat. 443; 49 U.S.C. § 46), is repealed.

13 SEC. 146. Subsection (i) of section 1004 of the Federal
14 Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484 (i)),
15 is repealed.

16 SEC. 147. The ninth sentence of subsection (c) of sec-
17 tion 13 of the Internal Security Act of 1950 (81 Stat. 798;
18 50 U.S.C. § 792 (c)), is repealed.

19 SEC. 148. Section 1302 of the Second War Powers
20 Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 643a), is
21 amended by striking the fourth sentence thereof.

22 SEC. 149. Paragraph (4) of subsection (a) of section 2
23 of the Act entitled “An Act to expedite national defense, and
24 for other purposes”, approved June 28, 1940 (54 Stat. 676;

1 50 U.S.C. App. § 1152 (a) (4)), is amended by striking the
2 fourth sentence thereof.

3 SEC. 150. Subsection (d) of section 6 of the Export
4 Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026
5 (b)) is repealed.

6 SEC. 151. Subsection (b) of section 705 of the Act of
7 September 8, 1950, to amend the Tariff Act of 1930 (64
8 Stat. 816; 50 U.S.C. § 2155 (b)), is repealed.

9 SEC. 152. In addition to the provisions of law specifi-
10 cally amended or specifically repealed by this title, any other
11 provision of law inconsistent with the provisions of part V
12 of title 18, United States Code (added by title II of this
13 Act), is to that extent amended or repealed.

14 TITLE II—RECALCITRANT WITNESSES

15 SEC. 201. (a) Chapter 119, title 28, United States
16 Code, is amended by adding at the end thereof the following
17 new section:

18 “§ 1826. Recalcitrant witnesses

19 “(a) Whenever a witness in any proceeding before or
20 ancillary to any court or grand jury of the United States
21 refuses without just cause shown to comply with an order of
22 the court to testify or provide other information, including
23 any book, paper, document, record, recording or other mate-
24 rial, the court, upon such refusal, or when such refusal

1 is duly brought to its attention, may summarily order his
2 confinement at a suitable place until such time as the witness
3 is willing to give such testimony or provide such information.
4 No period of such confinement shall exceed the life of the
5 court proceeding or of the term, including extensions, of the
6 grand jury before which such refusal to comply with the
7 court order occurred.

8 “(b) No person confined pursuant to subsection (a)
9 of this section shall be admitted to bail pending the determi-
10 nation of an appeal taken by him from the order for his
11 confinement, unless there is substantial possibility of reversal.
12 Any appeal from an order of confinement under this section
13 shall be disposed of as soon as practicable, but not later than
14 30 days from the filing of such appeal.”

15 (b) The analysis of chapter 119, title 28, United States
16 Code, is amended by adding at the end thereof the following
17 new item:

“1826. Recalcitrant witnesses.”

18 SEC. 202. (a) The first paragraph of section 1073,
19 chapter 49, title 18, United States Code, is amended by in-
20 serting “or (3) to avoid service of, or contempt proceedings
21 for alleged disobedience of, lawful process requiring attend-
22 ance and the giving of testimony or the production of docu-
23 mentary evidence before an agency of a State empowered by
24 the law of such State to conduct investigations of alleged
25 criminal activities,” immediately after “is charged,”.

1 (b) The second paragraph of section 1073, chapter 49,
2 title 18, United States Code, is amended by inserting imme-
3 diately after “held in custody or confinement” a comma and
4 adding “or in which an avoidance of service of process or a
5 contempt referred to in clause (3) of the first paragraph of
6 this section is alleged to have been committed.”.

7 **TITLE III—FALSE DECLARATIONS**

8 **SEC. 301.** (a) Chapter 79, title 18, United States
9 Code, is amended by adding at the end thereof the following
10 new section:

11 **“§ 1623. False declarations before grand jury or court**

12 “(a) Whoever under oath in any proceeding before or
13 ancillary to any court or grand jury of the United States
14 knowingly makes any materially false declaration or makes
15 or uses any other information, including any book, paper,
16 document, record, recording or other material, knowing the
17 same to contain any materially false declaration, shall be
18 fined not more than \$10,000 or imprisoned not more than
19 five years, or both.

20 “(b) This action is applicable whether the conduct
21 occurred within or without the United States.

22 “(c) An indictment or information for violation of this
23 section alleging that the defendant under oath has made con-
24 tradictory declarations material to the point in question in

1 any proceeding before or ancillary to any court or grand
2 jury of the United States, need not specify which declaration
3 is false. In any prosecution under this section, the falsity of
4 a declaration set forth in the indictment or information
5 shall be established sufficient for conviction by proof that the
6 defendant while under oath made manifestly contradictory
7 declarations material to the point in question in any proceed-
8 ing before or ancillary to any court or grand jury. Where the
9 contradictory declarations are made in the same continuous
10 court or grand jury proceeding, an admission by a person in
11 that same continuous court or grand jury proceeding of the
12 falsity of his contradictory declaration shall bar prosecution
13 under this section if, at the time the admission is made, the
14 false declaration has not substantially affected the proceed-
15 ing, or it has not become manifest that such falsity has been
16 or will be exposed.

17 “(d) Proof beyond a reasonable doubt under this sec-
18 tion is sufficient for conviction. It shall not be necessary
19 that such proof be made by any particular number of wit-
20 nesses or by documentary or other type of evidence.”

21 (b) The analysis of chapter 79, title 18, United States
22 Code, is amended by adding at the end thereof the following
23 new item:

“1623. False declarations before grand jury or court.”

1 TITLE IV—PROTECTED FACILITIES FOR
2 HOUSING GOVERNMENT WITNESSES

3 SEC. 401. The Attorney General of the United States
4 is authorized to provide for the security of Government wit-
5 nesses, potential Government witnesses, and the families of
6 Government witnesses and potential witnesses in legal pro-
7 ceedings against any person alleged to have participated
8 in an organized criminal activity.

9 SEC. 402. The Attorney General of the United States
10 is authorized to rent, purchase, or construct protected hous-
11 ing facilities and to otherwise offer to provide for the health,
12 safety, and welfare of witnesses and persons intended to be
13 called as Government witnesses, and the families of wit-
14 nesses and persons intended to be called as Government wit-
15 nesses in legal proceedings instituted against any person
16 alleged to have participated in an organized criminal ac-
17 tivity whenever, in his judgment, testimony from, or a will-
18 ingness to testify by, such a witness would place his life
19 or person, or the life or person of a member of his family
20 or household, in jeopardy. Any person availing himself of
21 an offer by the Attorney General to use such facilities may
22 continue to use such facilities for as long as the Attorney
23 General determines the jeopardy to his life or person
24 continues.

1 or other material not privileged be produced at the same time
2 and place. If a witness is committed for failure to give bail
3 to appear to testify at a trial or hearing, the court on written
4 motion of the witness and upon notice to the parties may
5 direct that his deposition be taken. After the deposition has
6 been subscribed the court may discharge the witness.

7 “(b) The party at whose instance a deposition is to be
8 taken shall give to every party reasonable written notice of
9 the time and place for taking the deposition. The notice shall
10 state the name and address of each person to be examined.
11 On motion of a party upon whom the notice is served, the
12 court for cause shown may extend or shorten the time or
13 change the place for taking the deposition. The officer having
14 custody of a defendant shall be notified of the time and place
15 set for the examination, and shall produce him at the exam-
16 ination and keep him in the presence of the witness during
17 the examination. A defendant not in custody shall have the
18 right to be present at the examination, but his failure, absent
19 good cause shown, to appear after notice and tender of ex-
20 penses shall constitute a waiver of that right and of any
21 objection to the taking and use of the deposition based upon
22 that right.

23 “(c) If a defendant is without counsel, the court shall
24 advise him of his rights and assign counsel to represent him
25 unless the defendant elects to proceed without counsel or is

1 able to obtain counsel of his own choice. If it appears that
2 a defendant cannot bear the expense of the taking of the
3 deposition, the court may direct that the expenses of travel
4 and subsistence of the defendant and his attorney for attend-
5 ance at the examination shall be paid by the Government.
6 In such event the marshal shall make payment accordingly.

7 “(d) A deposition shall be taken and filed in the man-
8 ner provided in civil actions. On request or waiver by the
9 defendant the court may direct that a deposition be taken on
10 written interrogatories in the manner provided in civil actions.
11 Such request shall constitute a waiver of any objection to
12 the taking and use of the deposition based upon its being
13 so taken.

14 “(e) The Government shall make available to the de-
15 fendant for his examination and use at the taking of the
16 deposition any statement of the witness being deposed which
17 is in the possession of the Government and which the Govern-
18 ment would be required to make available to the defendant if
19 the witness were testifying at the trial.

20 “(f) Objections to receiving in evidence a deposition or
21 part thereof may be made as provided in civil actions.”

22 (b) The analysis of chapter 223, title 18, United States
23 Code, is amended by adding at the end thereof the following
24 new item:

“3503. Depositions to preserve testimony.”

1 TITLE VI—LITIGATION CONCERNING
2 SOURCES OF EVIDENCE

3 PART A—SPECIAL FINDINGS

4 SEC. 601. The Congress finds that (1) hearing and
5 reviewing claims that evidence offered in proceedings was
6 obtained by the exploitation of allegedly unlawful acts and is
7 therefore inadmissible in evidence are major causes of undue
8 expense and delay in the administration of justice and distract
9 effort, time, and emphasis of Government officials and the
10 public from fundamental issues; (2) present rules and prac-
11 tices of disclosure incident to hearing and reviewing such
12 claims can and will unduly permit parties to obtain much
13 information unrelated to such claims and otherwise privi-
14 leged, inhibit communication by Government informants,
15 endanger the lives and safety of such informants, Government
16 agents and others, cause unjustified harm to reputations of
17 third persons, compromise national security and other crim-
18 inal and civil investigations, interfere with prosecutions and
19 civil actions, impair Federal-State cooperation in law enforce-
20 ment, and endanger the security of the United States; (3)
21 when such claims concern evidence of events occurring years
22 after the allegedly unlawful acts, those consequences of litiga-
23 tion and disclosure are aggravated and the claims often can-
24 not reliably be determined; and (4) when the allegedly

1 of immunity, or because it was obtained by the exploita-
2 tion of an unlawful act or of evidence given under law-
3 ful compulsion and grant of immunity, shall not be re-
4 quired unless such information may be relevant to a
5 pending claim of such inadmissibility and such disclosure
6 is in the interest of justice; and

7 “(3) no claim shall be considered that evidence of
8 an event is inadmissible on the ground that such evidence
9 was obtained by the exploitation of an unlawful act or
10 of evidence given under lawful compulsion and grant of
11 immunity, if such event occurred more than five years
12 after such allegedly unlawful act or compulsion.

13 “(b) As used in this section—

14 “(1) ‘State’ means any State of the United States,
15 the District of Columbia, the Commonwealth of Puerto
16 Rico, and any territory or possession of the United
17 States; and

18 “(2) ‘unlawful act’ means any act in violation of
19 the Constitution or laws of the United States or any
20 regulation or standard promulgated pursuant thereto.”

21 (b) The analysis of chapter 223, title 18, United States
22 Code, is amended by adding at the end thereof the following
23 new item:

“3504. Litigation concerning sources of evidence.”

24 SEC. 603. This title shall apply to all proceedings,

1 regardless of when commenced, occurring after the date of its
2 enactment. Paragraph (3) of subsection (a) of section 3504,
3 chapter 223, title 18, United States Code, shall not apply to
4 any proceeding in which all information to be relied upon
5 to establish inadmissibility was possessed by the party making
6 such claim and adduced in such proceeding prior to such
7 enactment.

8 TITLE VII—SYNDICATED GAMBLING

9 PART A—SPECIAL FINDINGS

10 SEC. 701. The Congress finds that (1) illegal gambling
11 involves widespread use of, and has an effect upon, interstate
12 commerce and the facilities thereof; (2) illegal gambling is
13 dependent upon facilities of interstate commerce for such pur-
14 poses as obtaining odds, making and accepting bets, and lay-
15 ing off bets; (3) money derived from or used in illegal
16 gambling moves in interstate commerce or is handled through
17 the facilities thereof; (4) paraphernalia for use in illegal
18 gambling moves in interstate commerce; and (5) illegal
19 gambling enterprises are facilitated by the corruption and
20 bribery of State and local officials or employees responsible
21 for the execution or enforcement of criminal laws.

22 PART B—OBSTRUCTION OF STATE OR LOCAL LAW

23 ENFORCEMENT

24 SEC. 702. (a) Chapter 73, title 18, United States Code,
25 is amended by adding at the end thereof the following new
26 section:

1 **“§ 1511. Obstruction of State or local law enforcement**

2 “(a) It shall be unlawful for two or more persons to
3 participate in a scheme to obstruct the enforcement of the
4 criminal laws of a State or political subdivision thereof, with
5 the intent to facilitate an illegal gambling business, if—

6 “(1) one or more of such persons does any act to
7 effect the object of such a scheme;

8 “(2) one or more of such persons is an official or
9 employee, elected, appointed, or otherwise, who is re-
10 sponsible for the enforcement of criminal laws of such
11 State or political subdivision; and

12 “(3) one or more of such persons participates in an
13 illegal gambling business.

14 “(b) As used in this section—

15 “(1) ‘illegal gambling business’ means a gambling
16 business which—

17 “(i) is a violation of the law of a State or
18 political subdivision thereof;

19 “(ii) involves five or more persons who par-
20 ticipate in the gambling activity; and

21 “(iii) has been or remains in operation for a
22 period in excess of thirty days or has a gross reve-
23 nue of \$2,000 in any single day.

24 “(2) ‘gambling’ includes pool-selling, bookmaking,
25 maintaining slot machines, roulette wheels, or dice

1 tables, and conducting lotteries, policy, bolita or num-
2 bers games, or selling chances therein.

3 “(3) ‘State’ means any State of the United States,
4 the District of Columbia, the Commonwealth of Puerto
5 Rico, and any territory or possession of the United
6 States.

7 “(c) This section shall not apply to any bingo game,
8 lottery, or similar game of chance conducted by an organi-
9 zation exempt from tax under paragraph (3) of subsection
10 (c) of section 501 of the Internal Revenue Code of 1954,
11 as amended, if no part of the gross receipts derived from
12 such activity inures to the benefit of any private share-
13 holder, member, or employee of such organization, except
14 as compensation for actual expenses incurred by him in the
15 conduct of such activity.

16 “(d) Whoever violates this section shall be punished
17 by a fine of not more than \$20,000 or imprisonment for
18 not more than five years, or both.”

19 (b) The analysis of chapter 73, title 18, United States
20 Code, is amended by adding at the end thereof the follow-
21 ing new item:

“1511. Obstruction of State or local law enforcement.”

22 **PART C—ILLEGAL GAMBLING BUSINESS**

23 **SEC. 703.** (a) Chapter 95, title 18, United States Code,
24 is amended by adding at the end thereof the following new
25 section:

1 **“§ 1955. Prohibition of illegal gambling businesses**

2 “(a) Whoever participates in an illegal gambling busi-
3 ness shall be fined not more than \$20,000 or imprisoned not
4 more than five years, or both.

5 “(b) As used in this section—

6 “(1) ‘illegal gambling business’ means a gambling
7 business which—

8 “(i) is a violation of the law of a State or
9 political subdivision thereof;

10 “(ii) involves five or more persons who par-
11 ticipate in the gambling activity; and

12 “(iii) has been or remains in operation for a
13 period in excess of thirty days or has a gross reve-
14 nue of \$2,000 in any single day.

15 “(2) ‘gambling’ includes pool-selling, bookmaking,
16 maintaining slot machines, roulette wheels or dice tables,
17 and conducting lotteries, policy, bolita or numbers
18 games, or selling chances therein.

19 “(3) ‘State’ means any State of the United States,
20 the District of Columbia, the Commonwealth of Puerto
21 Rico, and any territory or possession of the United
22 States.

23 “(c) For the purposes of this section, if it is found that
24 a gambling business has five or more persons who participate
25 in such business and such business operates for two or more

1 successive days, the probability shall have been established
2 that such business receives gross revenue in excess of \$2,000
3 in any single day.

4 “(d) Any property, including money, used in violation
5 of the provisions of this section may be seized and forfeited
6 to the United States. All provisions of law relating to the
7 seizure, summary and judicial forfeiture procedures, and con-
8 demnation of vessels, vehicles, merchandise, and baggage for
9 violation of the customs laws; the disposition of such vessels,
10 vehicles, merchandise and baggage or the proceeds from such
11 sale; the remission or mitigation of such forfeitures; and the
12 compromise of claims and the award of compensation to in-
13 formers in respect of such forfeitures shall apply to seizures
14 and forfeitures incurred or alleged to have been incurred
15 under the provisions of this section, insofar as applicable and
16 not inconsistent with such provisions. Such duties as are
17 imposed upon the collector of customs or any other person in
18 respect to the seizure and forfeiture of vessels, vehicles,
19 merchandise, and baggage under the customs laws shall be
20 performed with respect to seizures and forfeitures of property
21 used or intended for use in violation of this section by such
22 officers, agents, or other persons as may be designated for
23 that purpose by the Attorney General.

24 “(e) This section shall not apply to any bingo game,
25 lottery, or similar game of chance conducted by an organiza-

1 tion exempt from tax under paragraph (3) of subsection (c)
 2 of section 501 of the Internal Revenue Code of 1954, as
 3 amended, if no part of the gross receipts derived from such
 4 activity inures to the benefit of any private shareholder, mem-
 5 ber, or employee of such organization except as compensation
 6 for actual expenses incurred by him in the conduct of such
 7 activity.”

8 (b) The analysis of chapter 95, title 18, United States
 9 Code, is amended by adding at the end thereof the following
 10 new item:

“1955. Prohibition of illegal gambling businesses.”

11 PART D—COMMISSION TO REVIEW NATIONAL POLICY
 12 TOWARD GAMBLING
 13 ESTABLISHMENT

14 SEC. 704. (a) There is hereby established two years
 15 after the effective date of this Act a Commission on the
 16 Review of the National Policy Toward Gambling.

17 (b) The Commission shall be composed of fifteen mem-
 18 bers appointed as follows:

19 (1) four appointed by the President of the Senate
 20 from Members of the Senate, of whom two shall be mem-
 21 bers of the majority party, and two shall be members of
 22 the minority party;

23 (2) four appointed by the Speaker of the House of

1 require by subpoena or otherwise the attendance and testimony
2 of such witnesses and the production of such books, records,
3 correspondence, memorandums, papers and documents as the
4 Commission or such subcommittee or member may deem ad-
5 visable. Any member of the Commission may administer
6 oaths or affirmations to witnesses appearing before the Com-
7 mission or before such subcommittee or member. Subpenas
8 may be issued under the signature of the Chairman or any
9 duly designated member of the Commission, and may be
10 served by any person designated by the Chairman or such
11 member.

12 (b) In the case of contumacy or refusal to obey a sub-
13 pena issued under subsection (a) by any person who resides,
14 is found, or transacts business within the jurisdiction of any
15 district court of the United States, the district court, at the
16 request of the Chairman of the Commission, shall have juris-
17 diction to issue to such person an order requiring such person
18 to appear before the Commission or a subcommittee or mem-
19 ber thereof, there to produce evidence if so ordered, or there
20 to give testimony touching the matter under inquiry. Any
21 failure of any such person to obey any such order of the court
22 may be punished by the court as a contempt thereof.

23 (c) The Commission shall be "an agency of the United
24 States" under subsection (1), section 6001, title 18, United

1 States Code for the purpose of granting immunity to
2 witnesses.

3 (d) Each department, agency, and instrumentality of
4 the executive branch of the Government including independ-
5 ent agencies, is authorized and directed to furnish to the
6 Commission, upon request made by the Chairman, on a
7 reimbursable basis or otherwise, such statistical data, reports,
8 and other information as the Commission deems necessary
9 to carry out its functions under this title. The Chairman is
10 further authorized to call upon the departments, agencies, and
11 other offices of the several States to furnish, on a reimbursable
12 basis or otherwise, such statistical data, reports, and other
13 information as the Commission deems necessary to carry
14 out its functions under this title.

15 COMPENSATION AND EXEMPTION OF MEMBERS

16 SEC. 707. (a) A member of the Commission who is a
17 Member of Congress or a member of the Federal judiciary
18 shall serve without additional compensation, but shall be
19 reimbursed for travel, subsistence, and other necessary ex-
20 penses incurred in the performance of duties vested in the
21 Commission.

22 (b) A member of the Commission who is not a member
23 of Congress or a member of the Federal judiciary shall re-
24 ceive \$100 per diem when engaged in the actual perform-

1 **“Chapter 96.—RACKETEER INFLUENCED AND**
 2 **CORRUPT ORGANIZATIONS**

“Sec.

“1961. Definitions.

“1962. Prohibited racketeering activities.

“1963. Criminal penalties.

“1964. Civil remedies.

“1965. Venue and process.

“1966. Expedition of actions.

“1967. Evidence.

“1968. Civil investigative demand.

3 **“§ 1961. Definitions**

4 “As used in this chapter—

5 “(1) ‘racketeering activity’ means (A) any act or
 6 threat involving murder, kidnaping, gambling, arson,
 7 robbery, bribery, extortion, or dealing in narcotic or other
 8 dangerous drugs, which is chargeable under State law
 9 and punishable by imprisonment for more than one year;
 10 (B) any act which is indictable under any of the follow-
 11 ing provisions of title 18, United States Code: Section
 12 201 (relating to bribery), section 224 (relating to sports
 13 bribery), sections 471, 472, and 473 (relating to coun-
 14 terfeiting), section 659 (relating to theft from interstate
 15 shipment), section 664 (relating to embezzlement from
 16 pension and welfare funds), sections 891–894 (relating
 17 to extortionate credit transactions), section 1084 (relat-
 18 ing to the transmission of gambling information), section
 19 1341 (relating to mail fraud), section 1343 (relating to
 20 wire fraud), section 1503 (relating to obstruction of

1 justice), section 1510 (relating to obstruction of criminal
2 investigations), section 1511 (relating to the obstruction
3 of State or local law enforcement), section 1951 (relat-
4 ing to interference with commerce, robbery, or extor-
5 tion), section 1952 (relating to racketeering), section
6 1953 (relating to interstate transportation of wagering
7 paraphernalia), section 1954 (relating to unlawful wel-
8 fare fund payments), section 1955 (relating to the pro-
9 hibition of illegal gambling businesses), sections 2314
10 and 2315 (relating to interstate transportation of stolen
11 property), sections 2421-24 (relating to white slave
12 traffic), (C) any act which is indictable under title 29,
13 United States Code, section 186 (dealing with restric-
14 tions on payments and loans to labor organizations) or
15 section 501 (c) (relating to embezzlement from union
16 funds), or (D) any offense involving bankruptcy fraud,
17 fraud in the sale of securities, or the manufacture, im-
18 portation, receiving, concealment, buying, selling, or
19 otherwise dealing in narcotic or other dangerous drugs,
20 punishable under any law of the United States;

21 “(2) ‘State’ means any State of the United States,
22 the District of Columbia, the Commonwealth of Puerto
23 Rico, any territory or possession of the United States,
24 any political subdivision, or any department, agency, or
25 instrumentality thereof;

1 “(3) ‘person’ includes any individual or entity ca-
2 pable of holding a legal or beneficial interest in property;

3 “(4) ‘enterprise’ includes any individual, partner-
4 ship, corporation, association, or other legal entity, and
5 any union or group of individuals associated in fact
6 although not a legal entity;

7 “(5) ‘pattern of racketeering activity’ requires at
8 least two acts of racketeering activity, one of which
9 occurred after the effective date of this chapter;

10 “(6) ‘unlawful debt’ means a debt (A) which is
11 unenforceable under State or Federal law in whole or
12 in part as to principal or interest because of the laws
13 relating to gambling or usury, and (B) which was in-
14 curred in connection with the business of gambling or the
15 business of lending money or a thing of value at a usuri-
16 ous rate, where the usurious rate is at least twice the
17 permitted rate;

18 “(7) ‘racketeering investigator’ means any attorney
19 or investigator so designated by the Attorney General
20 and charged with the duty of enforcing or carrying into
21 effect this chapter;

22 “(8) ‘racketeering investigation’ means an inquiry
23 conducted by any racketeering investigator for the pur-
24 pose of ascertaining whether any person has been in-
25 volved in any violation of this chapter or of any final

1 order, judgment, or decree of any court of the United
2 States, duly entered in any case or proceeding arising
3 under this chapter;

4 “(9) ‘documentary material’ includes any book,
5 paper, document, record, recording, or other material;
6 and

7 “(10) ‘Attorney General’ includes the Attorney
8 General of the United States, the Deputy Attorney
9 General of the United States, any Assistant Attorney
10 General of the United States, or any employee of the
11 Department of Justice or any employee of any depart-
12 ment or agency of the United States so designated by
13 the Attorney General to carry out the powers con-
14 ferred on the Attorney General by this chapter. Any
15 department or agency so designated may use in in-
16 vestigations authorized by this chapter either the in-
17 vestigative provisions of this chapter or the investiga-
18 tive power of such department or agency otherwise
19 conferred by law.

20 **“§ 1962. Prohibited activities**

21 “(a) It shall be unlawful for any person who has re-
22 ceived any income derived, directly or indirectly, from a
23 pattern of racketeering activity or through collection of an
24 unlawful debt in which such person has participated as a
25 principal within the meaning of section 2, title 18, United

1 States Code, to use or invest, directly or indirectly, any part
2 of such income, or the proceeds of such income, in acquisition
3 of any interest in, or the establishment or operation of, any
4 enterprise which is engaged in, or the activities of which
5 affect, interstate or foreign commerce. A purchase of securi-
6 ties on the open market for purposes of investment, and
7 without the intention of controlling or participating in the
8 control of the issuer, or of assisting another to do so, shall not
9 be unlawful under this subsection if the securities of the issuer
10 held by the purchaser, the members of his immediate family,
11 and his or their accomplices in any pattern or racketeering
12 activity or the collection of an unlawful debt after such pur-
13 chase do not amount in the aggregate to one percent of the
14 outstanding securities of any one class, and do not confer,
15 either in law or in fact, the power to elect one or more direc-
16 tors of the issuer.

17 “(b) It shall be unlawful for any person through a
18 pattern of racketeering activity or through collection of an
19 unlawful debt to acquire or maintain, directly or indirectly,
20 any interest in or control of any enterprise which is engaged
21 in, or the activities of which affect, interstate or foreign
22 commerce.

23 “(c) It shall be unlawful for any person employed by
24 or associated with any enterprise engaged in, or the ac-
25 tivities of which affect, interstate or foreign commerce, to

1 conduct or participate, directly or indirectly, in the conduct
2 of such enterprise's affairs through a pattern of racketeering
3 activity or collection of unlawful debt.

4 “(d) It shall be unlawful for any person to conspire
5 to violate any of the provisions of subsections (a), (b), or
6 (c) of this section.

7 “(e) A violation of this section shall be deemed to con-
8 tinue so long as the person who committed the violation
9 continues to receive any benefit from the violation.

10 **“§ 1963. Criminal penalties**

11 “(a) Whoever violates any provision of section 1962
12 of this chapter shall be fined not more than \$25,000 or im-
13 prisoned not more than twenty years, or both, and shall
14 forfeit to the United States (1) any interest he has acquired
15 or maintained in violation of section 1962, and (2) any
16 interest in, security of, claim against, or property or con-
17 tractual right of any kind affording a source of influence
18 over, any enterprise which he has established, operated, con-
19 trolled, conducted, or participated in the conduct of, in
20 violation of section 1962.

21 “(b) In any action brought by the United States under
22 this section, the district courts of the United States shall
23 have jurisdiction to enter such restraining orders or pro-
24 hibitions, or to take such other actions, including, but not
25 limited to, the acceptance of satisfactory performance bonds,

1 in connection with any property or other interest subject
2 to forfeiture under this section, as it shall deem proper.

3 “(c) Upon conviction of a person under this section, the
4 court shall authorize the Attorney General to seize all prop-
5 erty or other interest declared forfeited under this section
6 upon such terms and conditions as the court shall deem
7 proper. If a property right or other interest is not exercisable
8 or transferable for value by the United States, it shall ex-
9 pire, and shall not revert to the convicted person. All pro-
10 visions of law relating to the disposition of property, or the
11 proceeds from the sale thereof, or the remission or mitigation
12 of forfeitures for violation of the customs laws, and the com-
13 promise of claims and the award of compensation to in-
14 formers in respect of such forfeitures shall apply to for-
15 feitures incurred, or alleged to have been incurred, under
16 the provisions of this section, insofar as applicable and not
17 inconsistent with the provisions hereof. Such duties as are
18 imposed upon the collector of customs or any other person
19 with respect to the disposition of property under the customs
20 laws shall be performed under this chapter by the Attorney
21 General. The United States shall dispose of all such property
22 as soon as commercially feasible, making due provision for
23 the rights of innocent persons.

24 **“§ 1964. Civil remedies**

25 “(a) The district courts of the United States shall have

1 jurisdiction to prevent and restrain violations of section 1962
2 of this chapter by issuing appropriate orders, including, but
3 not limited to: ordering any person to divest himself of any
4 interest, direct or indirect, in any enterprise; imposing rea-
5 sonable restrictions on the future activities or investments of
6 any person, including, but not limited to, prohibiting any
7 person from engaging in the same type of endeavor as the
8 enterprise engaged in, the activities of which affect interstate
9 or foreign commerce; or ordering dissolution or reorganiza-
10 tion of any enterprise, making due provision for the rights
11 of innocent persons.

12 “(b) The Attorney General may institute proceedings
13 under this section. In any action brought by the United
14 States under this section, the court shall proceed as soon as
15 practicable to the hearing and determination thereof. Pend-
16 ing final determination thereof, the court may at any time
17 enter such restraining orders or prohibitions, or take such
18 other actions, including the acceptance of satisfactory per-
19 formance bonds, as it shall deem proper.

20 “(c) A final judgment or decree rendered in favor of
21 the United States in any criminal proceeding brought by the
22 United States under this chapter shall estop the defendant
23 from denying the essential allegations of the criminal offense
24 in any subsequent civil proceeding brought by the United
25 States.

1 **“§ 1965. Venue and process**

2 “(a) Any civil action or proceeding under this chapter
3 against any person may be instituted in the district court of
4 the United States for any district in which such person
5 resides, is found, has an agent, or transacts his affairs.

6 “(b) In any action under section 1964 of this chapter in
7 any district court of the United States in which it is shown
8 that the ends of justice require that other parties residing in
9 any other district be brought before the court, the court may
10 cause such parties to be summoned, and process for that
11 purpose may be served in any judicial district of the United
12 States by the marshal thereof.

13 “(c) In any civil or criminal action or proceeding insti-
14 tuted by the United States under this chapter in the district
15 court of the United States for any judicial district, subpoenas
16 issued by such court to compel the attendance of witnesses
17 may be served in any other judicial district, except that in
18 any civil action or proceeding no such subpoena shall be issued
19 for service upon any individual who resides in another dis-
20 trict at a place more than one hundred miles from the place
21 at which such court is held without approval given by a judge
22 of such court upon a showing of good cause.

23 “(d) All other process in any action or proceeding
24 under this chapter may be served on any person in any

1 judicial district in which such person resides, is found, has an
2 agent, or transacts his affairs.

3 **“§ 1966. Expedition of actions**

4 “In any civil action instituted under this chapter by the
5 United States in any district court of the United States, the
6 Attorney General may file with the clerk of such court a cer-
7 tificates stating that in his opinion the case is of general pub-
8 lic importance. A copy of that certificate shall be furnished
9 immediately by such clerk to the chief judge or in his absence
10 to the presiding district judge of the district in which such
11 action is pending. Upon receipt of such copy, such judge shall
12 designate immediately a judge of that district to hear and
13 determine such action. The judge so designated shall assign
14 such action for hearing as soon as practicable, participate in
15 the hearings and determination thereof, and cause such ac-
16 tion to be expedited in every way.

17 **“§ 1967. Evidence**

18 “In any proceeding ancillary to or in any civil action
19 instituted by the United States under this chapter the pro-
20 ceedings shall be open to the public, and no order closing
21 any such proceeding shall be made or enforced.

22 **“§ 1968. Civil investigative demand**

23 “(a) Whenever the Attorney General has reason to be-
24 lieve that any person or enterprise may be in possession, cus-

1 today, or control of any documentary materials relevant to a
2 racketeering investigation, he may, prior to the institution of a
3 civil or criminal proceeding thereon, issue in writing, and
4 cause to be served upon such person, a civil investigative de-
5 mand requiring such person to produce such material for
6 examination.

7 “(b) Each such demand shall—

8 “(1) state the nature of the conduct constituting the
9 alleged racketeering violation which is under investiga-
10 tion and the provision of law applicable thereto;

11 “(2) describe the class or classes of documentary
12 material produced thereunder with such definiteness and
13 certainty as to permit such material to be fairly
14 identified;

15 “(3) state that the demand is returnable forthwith
16 or prescribe a return date which will provide a reason-
17 able period of time within which the material so de-
18 manded may be assembled and made available for in-
19 spection and copying or reproduction; and

20 “(4) identify the custodian to whom such material
21 shall be made available.

22 “(c) No such demand shall—

23 “(1) contain any requirement which would be held
24 to be unreasonable if contained in a subpoena duces tecum
25 issued by a court of the United States in aid of a grand

1 jury investigation of such alleged racketeering violation;

2 or

3 “(2) require the production of any documentary
4 evidence which would be privileged from disclosure if
5 demanded by a subpoena duces tecum issued by a court
6 of the United States in aid of a grand jury investigation
7 of such alleged racketeering violation.

8 “(d) Service of any such demand or any petition filed
9 under this section may be made upon a person by—

10 “(1) delivering a duly executed copy thereof to any
11 partner, executive officer, managing agent, or general
12 agent thereof, or to any agent thereof authorized by
13 appointment or by law to receive service of process on
14 behalf of such person, or upon any individual person;

15 “(2) delivering a duly executed copy thereof to the
16 principal office or place of business of the person to be
17 served; or

18 “(3) depositing such copy in the United States
19 mail, by registered or certified mail duly addressed to
20 such person at its principal office or place of business.

21 “(e) A verified return by the individual serving any
22 such demand or petition setting forth the manner of such
23 service shall be prima facie proof of such service. In the case
24 of service by registered or certified mail, such return shall

1 be accompanied by the return post office receipt of delivery
2 of such demand.

3 “(f) (1) The Attorney General shall designate a racket-
4 eering investigator to serve as racketeer document custodian,
5 and such additional racketeering investigators as he shall de-
6 termine from time to time to be necessary to serve as depu-
7 ties to such officer.

8 “(2) Any person upon whom any demand issued under
9 this section has been duly served shall make such material
10 available for inspection and copying or reproduction to the
11 custodian designated therein at the principal place of business
12 of such person, or at such other place as such custodian and
13 such person thereafter may agree and prescribe in writing
14 or as the court may direct, pursuant to this section on the
15 return date specified in such demand, or on such later date
16 as such custodian may prescribe in writing. Such person may
17 upon wirtten agreement between such persons and the cus-
18 todian substitute for copies of all or any part of such material
19 originals thereof.

20 “(3) The custodian to whom any documentary ma-
21 terial is so delivered shall take physical possession thereof,
22 and shall be responsible for the use made thereof and for the
23 return thereof pursuant to this chapter. The custodian may
24 cause the preparation of such copies of such documentary
25 material as may be required for official use under regulations

1 which shall be promulgated by the Attorney General. While
2 in the possession of the custodian, no material so produced
3 shall be available for examination, without the consent of the
4 person who produced such material, by any individual other
5 than the Attorney General. Under such reasonable terms and
6 conditions as the Attorney General shall prescribe, docu-
7 mentary material while in the possession of the custodian
8 shall be available for examination by the person who pro-
9 duced such material or any duly authorized representatives
10 of such person.

11 “(4) Whenever any attorney has been designated to
12 appear on behalf of the United States before any court or
13 grand jury in any case or proceeding involving any alleged
14 violation of this chapter, the custodian may deliver to such
15 attorney such documentary material in the possession of the
16 custodian as such attorney determines to be required for use
17 in the presentation of such case or proceeding on behalf of
18 the United States. Upon the conclusion of any such case or
19 proceeding, such attorney shall return to the custodian any
20 documentary material so withdrawn which has not passed
21 into the control of such court or grand jury through the in-
22 troduction thereof into the record of such case or proceeding.

23 “(5) Upon the completion of—

24 “(i) the racketeering investigation for which any

1 documentary material was produced under this chapter,
2 and

3 “(ii) any case or proceeding arising from such
4 investigation,

5 the custodian shall return to the person who produced such
6 material all such material other than copies thereof made
7 by the Attorney General pursuant to this subsection which
8 has not passed into the control of any court or grand jury
9 through the introduction thereto into the record of such
10 case or proceeding.

11 “(6) When any documentary material has been pro-
12 duced by any person under this section for use in any racket-
13 eering investigation, and no such case or proceeding arising
14 therefrom has been instituted within a reasonable time after
15 completion of the examination and analysis of all evidence
16 assembled in the course of such investigation, such person
17 shall be entitled, upon written demand made upon the At-
18 torney General, to the return of all documentary material
19 other than copies thereof made pursuant to this subsection so
20 produced by such person.

21 “(7) In the event of the death, disability, or separation
22 from service of the custodian of any documentary material
23 produced under any demand issued under this section or the
24 official relief of such custodian from responsibility for the cus-

1 tody and control of such material, the Attorney General
2 shall promptly—

3 “(i) designate another racketeering investigator to
4 serve as custodian thereof, and

5 “(ii) transmit notice in writing to the person who
6 produced such material as to the identity and address
7 of the successor so designated.

8 Any successor so designated shall have with regard to such
9 materials all duties and responsibilities imposed by this sec-
10 tion upon his predecessor in office with regard thereto, ex-
11 cept that he shall not be held responsible for any default or
12 dereliction which occurred before his designation as cus-
13 todian.

14 “(g) Whenever any person fails to comply with any civil
15 investigative demand duly served upon him under this section
16 or whenever satisfactory copying or reproduction of any such
17 material cannot be done and such person refuses to surrender
18 such material, the Attorney General may file, in the district
19 court of the United States for any judicial district in which
20 such person resides, is found, or transacts business, and serve
21 upon such person a petition for an order of such court for the
22 enforcement of this section, except that if such person trans-
23 acts business in more than one such district such petition shall
24 be filed in the district in which such person maintains his prin-

1 cipal place of business, or in such other district in which such
2 person transacts business as may be agreed upon by the
3 parties to such petition.

4 “(h) Within twenty days after the service of any such
5 demand upon any person, or at any time before the return
6 date specified in the demand, whichever period is shorter,
7 such person may file, in the district court of the United States
8 for the judicial district within which such person resides,
9 is found, or transacts business, and serve upon such cus-
10 todian a petition for an order of such court modifying or
11 setting aside such demand. The time allowed for compli-
12 ance with the demand in whole or in part as deemed proper
13 and orderd by the court shall not run during the pendency
14 of such petition in the court. Such petition shall specify each
15 ground upon which the petitioner relies in seeking such relief,
16 and may be based upon any failure of such demand to comply
17 with the provisions of this section or upon any constitutional
18 or other legal right or privilege of such person.

19 “(i) At any time during which any custodian is in
20 custody or control of any documentary material delivered
21 by any person in compliance with any such demand, such
22 person may file, in the district court of the United States for
23 the judicial district within which the office of such custodian
24 is situated, and serve upon such custodian a petition for
25 an order of such court requiring the performance by such

1 custodian of any duty imposed upon him by this section.

2 “(j) Whenever any petition is filed in any district court
3 of the United States under this section, such court shall have
4 jurisdiction to hear and determine the matter so presented,
5 and to enter such order or orders as may be required to carry
6 into effect the provisions of this section.”

7 (b) The table of contents of part I, title 18, United
8 States Code, is amended by adding immediately after

“95. Racketeering ----- 1951”

9 the following new item:

“96. Racketeer Influenced and Corrupt Organizations----- 1961”

10 SEC. 802. (a) Paragraph (c), subsection (1), section
11 2516, title 18, United States Code, is amended by inserting
12 at the end thereof between the parenthesis and the semicolon
13 “, section 1963 (violations with respect to racketeer influ-
14 enced and corrupt organizations)”.

15 (b) Subsection (3), section 2517, title 18, United
16 States Code, is amended by striking “criminal proceedings
17 in any court of the United States or of any State or in any
18 Federal or State grand jury proceeding” and inserting in
19 lieu thereof “proceeding held under the authority of the
20 United States or of any State or political subdivision thereof”.

21 SEC. 803. The third paragraph, section 1505, title 18,
22 United States Code, is amended by inserting “or section 1968
23 of this title” after “Act” and before “willfully”.

1 SEC. 804. (a) The provisions of this title shall be
2 liberally construed to effectuate its remedial purposes.

3 (b) Nothing in this title shall supersede any provision
4 of Federal, State, or other law imposing criminal penalties
5 or affording civil remedies in addition to those provided
6 for in this title.

7 (c) Nothing contained in this title shall impair the
8 authority of any attorney representing the United States to—

9 (1) lay before any grand jury impaneled by any
10 district court of the United States any evidence concern-
11 ing any alleged racketeering violation of law;

12 (2) invoke the power of any such court to compel
13 the production of any evidence before any such grand
14 jury; or

15 (3) institute any proceeding to enforce any order
16 or process issued in execution of such power or to
17 punish disobedience of any such order or process by
18 any person.

19 **TITLE IX—DANGEROUS SPECIAL OFFENDER**

20 **SENTENCING**

21 SEC. 901. (a) Chapter 227, title 18, United States
22 Code, is amended by adding at the end thereof the following
23 new sections:

24 **“§ 3575. Increased sentence for dangerous special offenders**

25 “(a) Whenever an attorney charged with the prosecu-

1 tion of a defendant in a court of the United States for an
2 alleged felony committed when the defendant was over the
3 age of twenty-one years has reason to believe that the de-
4 fendant is a dangerous special offender such attorney, a
5 reasonable time before trial or acceptance by the court of a
6 plea of guilty or nolo contendere, may sign and file with
7 the court, and may amend, a notice (1) specifying that the
8 defendant is a dangerous special offender who upon convic-
9 tion for such felony is subject to the imposition of a sentence
10 under subsection (b) of this section, and (2) setting out
11 with particularity the reasons why such attorney believes
12 the defendant to be a dangerous special offender. In no case
13 shall the fact that the defendant is alleged to be a dangerous
14 special offender be an issue upon the trial of such felony
15 or in any manner be disclosed to the jury.

16 “(b) Upon any plea of guilty or nolo contendere or
17 verdict or finding of guilty of the defendant of such felony, the
18 court shall, before sentence is imposed, hold a hearing before
19 the court alone. The court shall fix a time for the hearing, and
20 notice thereof shall be given to the defendant and the United
21 States at least ten days prior thereto. In connection with the
22 hearing, the defendant and the United States shall be in-
23 formed of the substance of such parts of the presentence re-
24 port as the court intends to rely upon, except where there are

1 placed in the record compelling reasons for withholding par-
2 ticular information, and shall be entitled to assistance of coun-
3 sel, compulsory process, and cross-examination of such wit-
4 nesses as appear at the hearing. A duly authenticated copy of
5 a former judgment or commitment shall be prima facie evi-
6 dence of such former judgment or commitment. If it appears
7 by a preponderance of the information, including information
8 submitted during the trial of such felony and the sentencing
9 hearing and so much of the presentence report as the court
10 relies upon, that the defendant is a dangerous special offender,
11 the court shall sentence the defendant to imprisonment for a
12 term not to exceed thirty years. Otherwise it shall sentence
13 the defendant in accordance with the law prescribing pen-
14 alties for such felony. The court shall place in the record its
15 findings, including an identification of the information relied
16 upon in making such findings, and its reasons for the sen-
17 tence imposed.

18 “(c) This section shall not prevent the imposition and
19 execution of a sentence of death or of imprisonment for life
20 or for a term exceeding thirty years upon any person con-
21 victed of an offense so punishable.

22 “(d) Notwithstanding any other provision of this sec-
23 tion, the court shall not sentence a dangerous special offender
24 to less than any mandatory minimum penalty prescribed by
25 law for such felony.

1 “(e) A defendant is a special offender for purposes of
2 this section if—

3 “(1) on two or more previous occasions the defend-
4 ant has been convicted in a court of the United States,
5 a State, the District of Columbia, the Commonwealth of
6 Puerto Rico, a territory or possession of the United
7 States, any political subdivision, or any department,
8 agency, or instrumentality thereof for an offense punish-
9 able in such court by death or imprisonment in excess of
10 one year, and for one or more of such convictions the
11 defendant has been imprisoned prior to the commission
12 of such felony; or

13 “(2) the defendant committed such felony as part of
14 a pattern of conduct which was criminal under applicable
15 laws of any jurisdiction, which constituted a substantial
16 source of his income, and in which he manifested special
17 skill or expertise; or

18 “(3) such felony was, or the defendant committed
19 such felony in furtherance of, a conspiracy with three or
20 more other persons to engage in a pattern of conduct
21 criminal under applicable laws of any jurisdiction, and
22 the defendant did, or agreed that he would, initiate, or-
23 ganize, plan, finance, direct, manage, or supervise all or
24 part of such conspiracy or conduct, or give or receive a
25 bribe or use force as all or part of such conduct.

1 A conviction shown to be invalid or for which the defendant
2 has been pardoned on the ground of innocence shall be disre-
3 garded for purposes of paragraph (1) of this subsection.
4 In determining under paragraph (1) of this subsection
5 whether the defendant has been convicted on two or more
6 previous occasions, conviction for offenses charged in separ-
7 ate counts of a single charge of pleading, or in separate
8 charges or pleadings tried in a single trial, shall be deemed to
9 be conviction on a single occasion. In support of findings
10 under paragraph (2) of this subsection, it may be shown that
11 the defendant has had in his own name or under his control
12 income or property not explained as derived from a source
13 other than such conduct.

14 “(f) A defendant is dangerous for purposes of this sec-
15 tion if a period of confinement longer than that provided for
16 such felony is required for the protection of the public from
17 further criminal conduct by the defendant.

18 “(g) The time for taking an appeal from a conviction
19 for which sentence is imposed after proceedings under this
20 section shall be measured from imposition of the original
21 sentence.

22 **“§ 3576. Review of sentence**

23 “With respect to any sentence imposed on the defendant
24 after proceedings under section 3575, a review may be taken
25 by the defendant or the United States or both to a court of

1 appeals. Any review by the United States shall be taken at
2 least five days before expiration of the time for taking a
3 review or appeal by the defendant and shall be diligently
4 prosecuted. The sentencing court may, with or without
5 motion and notice, extend the time for taking a review for a
6 period not to exceed thirty days from the expiration of the
7 time otherwise prescribed by law. The court shall not
8 extend the time for taking a review by the United States
9 after the time has expired. A court extending the time for
10 taking a review by the United States shall extend the time
11 for taking a review or appeal by the defendant for the same
12 period. The court of appeals may, after considering the
13 record, including the presentence report, information sub-
14 mitted during the trial of such felony and the sentencing
15 hearing, and the findings and reasons of the sentencing
16 court, affirm the sentence, impose or direct the imposition
17 of any sentence which the sentencing court could originally
18 have imposed, or remand for further sentencing proceedings
19 and imposition of sentence, except that a sentence may
20 be increased or otherwise changed to the disadvantage of
21 the defendant only on review taken by the United States
22 and after hearing. Any withdrawal of review taken by the
23 United States shall foreclose change to the disadvantage but
24 not change to the advantage of the defendant. Any review

1 taken by the United States may be dismissed on a showing
2 of abuse of the right of the United States to take such
3 review.

4 **“§ 3577. Use of information for sentencing**

5 “No limitation shall be placed on the information con-
6 cerning the background, character, and conduct of a person
7 convicted of an offense which a court of the United States
8 may receive and consider for the purpose of imposing an
9 appropriate sentence.

10 **“§ 3578. Conviction records**

11 “(a) There is established within the Federal Bureau of
12 Investigation of the Department of Justice a central reposi-
13 tory for written judgments of conviction.

14 “(b) Upon the conviction of a defendant in a court of
15 the United States, the District of Columbia, the Common-
16 wealth of Puerto Rico, a territory or possession of the United
17 States, any political subdivision, or any department, agency,
18 or instrumentality thereof for an offense punishable in such
19 court by death or imprisonment in excess of one year, the
20 court shall cause to be affixed to a copy of the written judg-
21 ment of conviction the fingerprints of the defendant together
22 with certification by the court that the copy is a true copy of
23 the written judgment of conviction and that the fingerprints
24 are those of the defendant, and shall cause the copy to be for-
25 warded to the central repository.

1 “(c) Copies maintained in the central repository shall
2 not be public records. Attested copies thereof—

3 “(1) may be furnished for law enforcement pur-
4 poses on request of a court or law enforcement or cor-
5 rections officer of the United States, the District of
6 Columbia, the Commonwealth of Puerto Rico, a territory
7 or possession of the United States, any political sub-
8 division, or any department, agency, or instrumentality
9 thereof;

10 “(2) may be furnished for law enforcement pur-
11 poses on request of a court or law enforcement or cor-
12 rections officer of a State, any political subdivision, or
13 any department, agency, or instrumentality thereof, if
14 a statute of such State requires that, upon the conviction
15 of a defendant in a court of the State or any political
16 subdivision thereof for an offense punishable in such
17 court by death or imprisonment in excess of one year, the
18 court cause to be affixed to a copy of the written judg-
19 ment of conviction the fingerprints of the defendant to-
20 gether with certification by the court that the copy is a
21 true copy of the written judgment of conviction and that
22 the fingerprints are those of the defendant, and cause the
23 copy to be forwarded to the central repository; and

24 “(3) shall be admissible in any court of the United
25 States, the District of Columbia, the Commonwealth of

1 Puerto Rico, a territory or possession of the United
2 States, any political subdivision, or any department,
3 agency, or instrumentality thereof.”

4 (b) The analysis of chapter 227, title 18, United States
5 Code, is amended by adding at the end thereof the following
6 new items:

“3575. Increased sentence for dangerous special offenders.

“3576. Review of sentence.

“3577. Use of information for sentencing.

“3578. Conviction records.”

7 SEC. 902. Section 3148, chapter 207, title 18, United
8 States Code, is amended by adding “or sentence review under
9 section 3576 of this title” immediately after “sentence”.

10 TITLE X—GENERAL PROVISIONS

11 SEC. 1001. If the provisions of any part of this Act or
12 the application thereof to any person or circumstances be
13 held invalid, the provisions of the other parts and their
14 application to other persons or circumstances shall not be
15 affected thereby.

91ST CONGRESS
2^D SESSION

H. R. 18279

A BILL

The Organized Crime Control Act of 1970.

By Mr. RANDALL

JUNE 30, 1970

Referred to the Committee on the Judiciary