

S. 30

[Report No. 91-1549]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1970

Referred to the Committee on the Judiciary

SEPTEMBER 30, 1970

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Relating to the control of organized crime in the United States.

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 1969."

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—SPECIAL GRAND JURY~~

2 ~~SEC. 101. (a) Title 18, United States Code, is~~
3 ~~amended by adding immediately after chapter 215 the fol-~~
4 ~~lowing new chapter:~~

5 ~~“Chapter 216.—SPECIAL GRAND JURY~~

~~“Sec.~~

~~“3331. Summoning and term.~~

~~“3332. Powers and duties.~~

~~“3333. Reports.~~

~~“3334. General provisions.~~

6 ~~“§ 3331. Summoning and term~~

7 ~~“(a) In addition to such other grand juries as shall be~~
8 ~~called from time to time, each district court which is located~~
9 ~~in a judicial district containing more than four million~~
10 ~~inhabitants or in which the Attorney General, the Deputy~~
11 ~~Attorney General or any designated Assistant Attorney~~
12 ~~General, certifies in writing to the chief judge of the district~~
13 ~~that in his judgment a special grand jury is necessary be-~~
14 ~~cause of criminal activity in the district shall order a special~~
15 ~~grand jury to be summoned at least once in each period~~
16 ~~of eighteen months unless another special grand jury is then~~
17 ~~-serving. The grand jury shall serve for a term of eighteen~~
18 ~~months unless an order for its discharge is entered earlier~~
19 ~~by the court upon a determination of the grand jury by~~
20 ~~majority vote that its business has been completed. If, at the~~
21 ~~end of such term or any extension thereof, a grand jury~~
22 ~~determines by majority vote that its business has not been~~

1 ~~completed, the court shall enter an order extending such~~
2 ~~term for an additional period of six months. No special~~
3 ~~grand jury term so extended shall exceed thirty-six months,~~
4 ~~except as provided in subsection (e) of section 3333 of this~~
5 ~~chapter.~~

6 ~~“(b) If a district court within any judicial circuit fails~~
7 ~~to extend the term of a special grand jury upon application~~
8 ~~made by the grand jury pursuant to subsection (a) of this~~
9 ~~section, or enters an order for the discharge of such grand~~
10 ~~jury before it determines that it has completed its business,~~
11 ~~the grand jury, upon the affirmative vote of a majority of its~~
12 ~~members, may apply to the chief judge of the circuit for an~~
13 ~~order for the continuance of the term of the grand jury. Upon~~
14 ~~the making of such an application by the grand jury, the~~
15 ~~term thereof shall continue until the entry upon such appli-~~
16 ~~cation by the chief judge of the circuit of an appropriate~~
17 ~~order in conformity with the provisions of subsection (a) of~~
18 ~~this section. No special grand jury term so extended shall~~
19 ~~exceed thirty-six months, except as provided in subsection~~
20 ~~(e) of section 3333 of this chapter.~~

21 ~~“§ 3332. Powers and duties~~

22 ~~“(a) Each special grand jury when impaneled shall~~
23 ~~elect by majority vote a foreman and a deputy foreman from~~
24 ~~among its members.~~

25 ~~“(b) It shall be the duty of each such grand jury im-~~

1 ~~paneled within any judicial district to inquire into offenses~~
2 ~~against the criminal laws of the United States alleged to have~~
3 ~~been committed within that district which are brought to the~~
4 ~~attention of the grand jury by the court or by any person.~~

5 ~~“(c) Whenever the special grand jury impaneled within~~
6 ~~any judicial district determines by majority vote that the~~
7 ~~volume of business of the grand jury exceeds the capacity of~~
8 ~~the grand jury to discharge its obligations, the grand jury~~
9 ~~may apply to the district court to impanel an additional~~
10 ~~special grand jury for that district. Upon any such applica-~~
11 ~~tion and a showing of need, such court shall order an addi-~~
12 ~~tional grand jury to be impaneled. If the district court~~
13 ~~declines to hear such an application, or to grant such appli-~~
14 ~~cation after hearing, the grand jury may apply to the chief~~
15 ~~judge of the circuit for an order impaneling an additional~~
16 ~~special grand jury for that district. Such chief judge shall~~
17 ~~hear and determine such application at the earliest practicable~~
18 ~~time, and shall have jurisdiction to enter thereon such orders~~
19 ~~as may be required to provide for the impaneling of an addi-~~
20 ~~tional grand jury within the judicial district for which such~~
21 ~~application was made.~~

22 ~~“(d) Whenever the special grand jury determines by~~
23 ~~majority vote that any attorney or investigative officer or~~
24 ~~agent appearing on behalf of the United States before the~~

1 ~~grand jury for the presentation of evidence with respect to~~
2 ~~any matter has not performed or is not performing his duties~~
3 ~~diligently or effectively, the grand jury may transmit to the~~
4 ~~Attorney General in writing a statement of the reasons for~~
5 ~~such determination, together with a request for the designa-~~
6 ~~tion by the Attorney General of another attorney or investi-~~
7 ~~gative officer or agent to appear before the grand jury for~~
8 ~~that purpose. Upon receipt of any such request, the Attorney~~
9 ~~General shall promptly cause inquiry to be made as to the~~
10 ~~merits of the allegations made by the grand jury and shall~~
11 ~~take whatever action he finds appropriate to provide for the~~
12 ~~United States' prompt and effective representation before~~
13 ~~such grand jury.~~

14 **~~§ 3333. Reports~~**

15 ~~“(a) A special grand jury impaneled by any district~~
16 ~~court, with the concurrence of a majority of its members, may,~~
17 ~~upon completion of its original term, or each extension~~
18 ~~thereof, submit to the court a report—~~

19 ~~“(1) concerning noncriminal misconduct, malfea-~~
20 ~~sance or misfeasance in office by a public officer or em-~~
21 ~~ployee as the basis for a recommendation of removal or~~
22 ~~disciplinary action; or~~

23 ~~“(2) stating that after investigation of a public~~
24 ~~officer or employee it finds no misconduct, malfeasance or~~
25 ~~misfeasance, or neglect in office by him, provided that~~

1 such public officer or employee has requested the submis-
2 sion of such report; or

3 ~~“(3) proposing recommendations for legislative,~~
4 ~~executive, or administrative action in the public interest~~
5 ~~based upon stated findings; or~~

6 ~~“(4) regarding organized crime conditions in the~~
7 ~~district.~~

8 ~~“(b) The court to which such report is submitted shall~~
9 ~~examine it and the minutes of the special grand jury and, ex-~~
10 ~~cept as otherwise provided in subsections (c) and (d) of this~~
11 ~~section, shall make an order accepting and filing such report~~
12 ~~as a public record only if the court is satisfied that it complies~~
13 ~~with the provisions of subsection (a) of this section and that—~~

14 ~~“(1) the report is based upon facts revealed in the~~
15 ~~course of an investigation authorized by subsection (b)~~
16 ~~of section 3332 and is supported by the preponderance~~
17 ~~of the evidence; and~~

18 ~~“(2) when the report is submitted pursuant to para-~~
19 ~~graph (1) of subsection (a) of this section, each person~~
20 ~~named therein and any reasonable number of witnesses~~
21 ~~in his behalf as designated by him to the foreman of the~~
22 ~~grand jury were afforded an opportunity to testify before~~
23 ~~the grand jury prior to the filing of such report, and~~
24 ~~when the report is submitted pursuant to paragraphs~~

1 ~~(3) or (4) of subsection (a) of this section, it is not~~
2 ~~critical of an identified person.~~

3 ~~“(c) (1) An order accepting a report pursuant to para-~~
4 ~~graph (1) of subsection (a) of this section and the report~~
5 ~~shall be sealed by the court and shall not be filed as a public~~
6 ~~record, subject to subpoena or otherwise made public (i) until~~
7 ~~at least thirty-one days after a copy of the order and report~~
8 ~~are served upon each public officer or employee named therein~~
9 ~~and an answer has been filed or the time for filing an answer~~
10 ~~has expired, or (ii) if an appeal is taken, until all rights of~~
11 ~~review of the public officer or employee named therein have~~
12 ~~expired or terminated in an order accepting the report. No~~
13 ~~order accepting a report pursuant to paragraph (1) of sub-~~
14 ~~section (a) of this section shall be entered until thirty days~~
15 ~~after the delivery of such report to the public officer or body~~
16 ~~pursuant to paragraph (3) of subsection (c) of this section.~~
17 ~~The court may issue such orders as it shall deem appropriate~~
18 ~~to prevent unauthorized publication of a report. Unauthor-~~
19 ~~ized publication may be punished as contempt of the court.~~

20 ~~“(2) Such public officer or employee may file with the~~
21 ~~clerk a verified answer to such a report not later than twenty~~
22 ~~days after service of the order and report upon him. Upon a~~
23 ~~showing of good cause, the court may grant such public offi-~~
24 ~~cer or employee an extension of time within which to file such~~
25 ~~answer and may authorize such limited publication of the~~

1 ~~report as may be necessary to prepare such answer. Such an~~
2 ~~answer shall plainly and concisely state the facts and law~~
3 ~~constituting the defense of the public officer or employee to~~
4 ~~the charges in said report, and, except for those parts thereof~~
5 ~~which the court determines to have been inserted scandal-~~
6 ~~ously, prejudiciously, or unnecessarily, such answer shall be-~~
7 ~~come an appendix to the report.~~

8 ~~“(3) Upon the expiration of the time set forth in para-~~
9 ~~graph (1) of subsection (c) of this section, the United States~~
10 ~~attorney shall deliver a true copy of such report, and the~~
11 ~~appendix, if any, for appropriate action to each public officer~~
12 ~~or body having jurisdiction, responsibility or authority over~~
13 ~~each public officer or employee named in the report.~~

14 ~~“(d) Upon the submission of a report pursuant to sub-~~
15 ~~section (a) of this section, if the court finds that the filing of~~
16 ~~such report as a public record may prejudice fair considera-~~
17 ~~tion of a pending criminal matter, it shall order such report~~
18 ~~sealed and such report shall not be subject to subpoena or~~
19 ~~public inspection during the pendency of such criminal~~
20 ~~matter, except upon order of the court.~~

21 ~~“(e) Whenever the court to which a report is sub-~~
22 ~~mitted pursuant to paragraph (1) of subsection (a) of this~~
23 ~~section is not satisfied that the report complies with the pro-~~
24 ~~visions of subsection (b) of this section, it may direct that~~

1 ~~additional testimony be taken before the same grand jury,~~
 2 ~~or it shall make an order sealing such report, and it shall~~
 3 ~~not be filed as a public record, subject to subpoena or other-~~
 4 ~~wise made public until the provisions of subsection (b) of~~
 5 ~~this section are met. A special grand jury term may extend~~
 6 ~~beyond thirty six months in order that such additional testi-~~
 7 ~~mony may be taken or the provisions of subsection (b) of~~
 8 ~~this section may be met.~~

9 ~~“(f) As used in this section, ‘public officer or employee’~~
 10 ~~means any officer or employee of the United States, any~~
 11 ~~State, the District of Columbia, the Commonwealth of Puerto~~
 12 ~~Rico, any territory or possession of the United States, or~~
 13 ~~any political subdivision, or any department, agency, or~~
 14 ~~instrumentality thereof.~~

15 ~~“§ 3334. General provisions~~

16 ~~“The provisions of chapter 215, title 18, United States~~
 17 ~~Code, and the Federal Rules of Criminal procedure appli-~~
 18 ~~cable to regular grand juries shall apply to special grand~~
 19 ~~juries to the extent not inconsistent with sections 3331, 3332,~~
 20 ~~or 3333 of this chapter.~~

21 ~~(b) The table of contents of part II, title 18, United~~
 22 ~~States Code, is amended by adding immediately after~~

~~“215. Grand Jury-----3321”~~

23 ~~the following new item:~~

~~“216. Special Grand Jury-----3331.”~~

1 ~~SEC. 102. (a) Subsection (a), section 3500, chapter~~
 2 ~~223, title 18, United States Code, is amended by striking~~
 3 ~~“to an agent of the Government” following “the defendant”.~~

4 ~~(b) Subsection (d), section 3500, chapter 223, title 18,~~
 5 ~~United States Code, is amended by striking “paragraph”~~
 6 ~~following “the court under” and inserting in lieu thereof~~
 7 ~~“subsection”.~~

8 ~~(c) Paragraph (1), subsection (c), section 3500,~~
 9 ~~chapter 223, title 18, United States Code, is amended by~~
 10 ~~striking the “or” following the semicolon.~~

11 ~~(d) Paragraph (2), subsection (c), section 3500,~~
 12 ~~chapter 223, title 18, United States Code, is amended by~~
 13 ~~striking “to an agent of the Government” after “said~~
 14 ~~witness” and by striking the period at the end thereof and~~
 15 ~~inserting in lieu thereof: “; or (3) a statement, however~~
 16 ~~taken or recorded, or a transcription thereof, if any, made~~
 17 ~~by said witness to a grand jury.”.~~

18 ~~TITLE II—GENERAL IMMUNITY~~

19 ~~SEC. 201. (a) Title 18, United States Code, is amended~~
 20 ~~by adding immediately after part IV the following new~~
 21 ~~part:~~

22 ~~“PART V. IMMUNITY OF WITNESSES~~

~~“Sec.~~

~~“6001. Definitions.~~

~~“6002. Immunity generally.~~

~~“6003. Court and grand jury proceedings.~~

~~“6004. Certain administrative proceedings.~~

~~“6005. Congressional proceedings.~~

1 ~~“§ 6001. Definitions~~

2 ~~“As used in this part—~~

3 ~~“(1) ‘agency of the United States’ means any~~
4 ~~executive department (as defined in 80 Stat. 948; 80~~
5 ~~Stat. 378 (5 U.S.C. sec. 101)), a military department~~
6 ~~(as defined in 80 Stat. 378 (5 U.S.C. sec. 102)), the~~
7 ~~Atomic Energy Commission, the China Trade Act regis-~~
8 ~~trar appointed under 53 Stat. 1432 (15 U.S.C. sec.~~
9 ~~143), the Civil Aeronautics Board, the Federal Com-~~
10 ~~munications Commission, the Federal Deposit Insurance~~
11 ~~Corporation, the Federal Maritime Commission, the~~
12 ~~Federal Power Commission, the Federal Trade Com-~~
13 ~~mission, the Interstate Commerce Commission, the Na-~~
14 ~~tional Labor Relations Board, the National Transporta-~~
15 ~~tion Safety Board, the Railroad Retirement Board, an~~
16 ~~arbitration board established under 48 Stat. 1193 (45~~
17 ~~U.S.C. sec. 157), the Securities and Exchange Com-~~
18 ~~mission, the Subversive Activities Control Board, or a~~
19 ~~board established under 49 Stat. 31 (15 U.S.C. sec.~~
20 ~~715d);~~

21 ~~“(2) ‘other information’ includes any book, paper,~~
22 ~~document, record, recording, or other material;~~

23 ~~“(3) ‘proceeding before an agency of the United~~
24 ~~States’ means any proceeding before such an agency~~
25 ~~with respect to which it is authorized to issue subpoenas~~

1 ~~and to take testimony or receive other information from~~
2 ~~witnesses under oath; and~~

3 ~~“(4) ‘court of the United States’ means any of~~
4 ~~the following courts: the Supreme Court of the United~~
5 ~~States, a United States court of appeals, a United~~
6 ~~States district court established under chapter 5, title~~
7 ~~28, United States Code, the District Court of Guam,~~
8 ~~the District Court of the Virgin Islands, the United~~
9 ~~States Court of Claims, the United States Court of~~
10 ~~Customs and Patent Appeals, the Tax Court of the~~
11 ~~United States, the Customs Court, and the Court of~~
12 ~~Military Appeals.~~

13 ~~“§ 6002. Immunity generally~~

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

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

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

19 ~~“(3) either House of Congress, a joint committee of~~
20 ~~the two Houses, or a committee or a subcommittee of~~
21 ~~either House,~~

22 ~~and the person presiding over the proceeding communicates~~
23 ~~to the witness an order issued under this part, the witness~~
24 ~~may not refuse to comply with the order on the basis of his~~
25 ~~privilege against self incrimination. No such testimony or~~

1 ~~other information so compelled under the order or evidence~~
2 ~~or other information which is obtained by the exploitation of~~
3 ~~such testimony may be used against the witness in any~~
4 ~~criminal case, except a prosecution for perjury, giving a~~
5 ~~false statement, or otherwise failing to comply with the order.~~

6 ~~“§ 6003. Court and grand jury proceedings~~

7 ~~“(a) In the case of any individual who has been or may~~
8 ~~be called to testify or provide other information at any pro-~~
9 ~~ceeding before or ancillary to a court of the United States, a~~
10 ~~grand jury of the United States or the Department of Justice,~~
11 ~~the United States district court for the judicial district in~~
12 ~~which the proceeding is or may be held shall issue, in accord-~~
13 ~~ance with subsection (b) of this section, upon the request of~~
14 ~~the United States attorney for such district, an order requir-~~
15 ~~ing such individual to give testimony or provide other infor-~~
16 ~~mation which he refuses to give or provide on the basis of his~~
17 ~~privilege against self incrimination, such order to become~~
18 ~~effective as provided in section 6002 of this chapter.~~

19 ~~“(b) A United States attorney may, with the approval~~
20 ~~of the Attorney General, the Deputy Attorney General, or~~
21 ~~any designated Assistant Attorney General, request an order~~
22 ~~under subsection (a) of this section when in his judgment—~~

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

25 ~~“(2) such individual has refused or is likely to re-~~

1 ~~fuse to testify or provide other information on the basis~~
2 ~~of his privilege against self incrimination.~~

3 ~~“§ 6004. Certain administrative proceedings-~~

4 ~~“(a) In the case of any individual who has been or~~
5 ~~who may be called to testify or provide other information~~
6 ~~at any proceeding before an agency of the United States other~~
7 ~~than the Department of Justice, the agency may issue, in ac-~~
8 ~~cordance with subsection (b) of this section, an order requir-~~
9 ~~ing the individual to give testimony or provide other informa-~~
10 ~~tion which he refuses to give or provide on the basis of his~~
11 ~~privilege against self incrimination, such order to become~~
12 ~~effective as provided in section 6002 of this chapter.~~

13 ~~“(b) An agency of the United States may issue an order~~
14 ~~under subsection (a) of this section only if in its judgment-~~

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

17 ~~“(2) such individual has refused or is likely to~~
18 ~~refuse to testify or provide other information on the~~
19 ~~basis of his privilege against self incrimination.~~

20 ~~The agency may issue such an order ten days after the day~~
21 ~~on which it served the Attorney General with notice of its-~~
22 ~~intention to issue the order or upon approval of the Attorney~~
23 ~~General.~~

24 ~~“§ 6005. Congressional proceedings-~~

25 ~~“(a) In the case of any individual who has been or~~

1 ~~may be called to testify or provide other information at any~~
2 ~~proceeding before either House of Congress, or any commit-~~
3 ~~tee, or any subcommittee of either House, or any joint com-~~
4 ~~mittee of the two Houses, a United States district court shall~~
5 ~~issue, in accordance with subsection (b) of this section, upon~~
6 ~~the request of a duly authorized representative of the House~~
7 ~~of Congress or the committee concerned, an order requiring~~
8 ~~such individual to give testimony or provide other informa-~~
9 ~~tion which he refuses to give or provide on the basis of his~~
10 ~~privilege against self-incrimination, such order to become~~
11 ~~effective as provided in section 6002 of this chapter.~~

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

14 ~~“(1) in the case of a proceeding before either House~~
15 ~~of Congress, the request for such an order has been~~
16 ~~approved by an affirmative vote of a majority of the~~
17 ~~Members present of that House;~~

18 ~~“(2) in the case of a proceeding before a committee~~
19 ~~or a subcommittee of either House of Congress or a~~
20 ~~joint committee of both Houses, the request for such an~~
21 ~~order has been approved by an affirmative vote of two-~~
22 ~~thirds of the members of the full committee; and~~

23 ~~“(3) ten days or more prior to the day on which the~~
24 ~~request for such an order was made, the Attorney Gen-~~

1 ~~eral was served with notice of an intention to request~~
 2 ~~the order.~~

3 ~~“(c) Upon application of the Attorney General, the~~
 4 ~~United States district court shall defer the issuance of any~~
 5 ~~order under subsection (a) of this section for such period,~~
 6 ~~not longer than twenty days from the date of the request for~~
 7 ~~such order, as the Attorney General may specify.”~~

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

~~“V. Immunity of Witness-----6001.”~~

11 ~~SEC. 202. The third sentence of paragraph (b) of sec-~~
 12 ~~tion 6 of the Commodity Exchange Act (69 Stat. 160; 7~~
 13 ~~U.S.C. 15) is amended by striking “49 U.S.C. 12, 46, 47,~~
 14 ~~48, relating to the attendance and testimony of witnesses, the~~
 15 ~~production of documentary evidence, and the immunity of~~
 16 ~~witnesses” and by inserting in lieu thereof the following:~~
 17 ~~“(49 U.S.C. § 12), relating to the attendance and testimony~~
 18 ~~of witnesses and the production of documentary evidence.”~~

19 ~~SEC. 203. Subsection (f) of section 17 of the United~~
 20 ~~States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f~~
 21 ~~(f)), is repealed.~~

22 ~~SEC. 204. The second sentence of section 5 of the Act~~

1 ~~entitled "An Act to regulate the marketing of economic poi-~~
 2 ~~sons and devices, and for other purposes", approved June 25,~~
 3 ~~1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by insert-~~
 4 ~~ing after "section", the following language: ", or any evi-~~
 5 ~~dence which is obtained by the exploitation of information,".~~

6 ~~SEC. 205. Subsection (f) of section 13 of the Perishable~~
 7 ~~Agricultural Commodities Act, 1930 (46 Stat. 536; 7 U.S.C.~~
 8 ~~§ 499m (f)), is repealed.~~

9 ~~SEC. 206. (a) Section 16 of the Cotton Research and~~
 10 ~~Promotion Act (80 Stat. 285; 7 U.S.C. § 2115), is amended~~
 11 ~~by striking "(a)" and by striking subsection (b).~~

12 ~~(b) The section heading for such section 16 is amended~~
 13 ~~by striking ": Self-Incrimination".~~

14 ~~SEC. 207. Clause (10) of subsection (a) of section 7~~
 15 ~~of the Act entitled "An Act to establish a uniform system~~
 16 ~~of bankruptcy throughout the United States", approved~~
 17 ~~July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25 (a) (10)), is~~
 18 ~~amended by inserting after the first use of the term "testi-~~
 19 ~~mony" the following language: ", or any evidence which is~~
 20 ~~obtained by the exploitation of such testimony,".~~

21 ~~SEC. 208. The fourth sentence of subsection (d) of sec-~~
 22 ~~tion 10 of the Federal Deposit Insurance Act (64 Stat. 882;~~
 23 ~~12 U.S.C. § 1820 (d)), is repealed.~~

24 ~~SEC. 209. The seventh paragraph under the center head-~~
 25 ~~ing "DEPARTMENT OF JUSTICE" in the first section of the~~

1 ~~Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32),~~
2 ~~is amended by striking “: *Provided, That*” and all that~~
3 ~~follows in that paragraph and inserting in lieu thereof a~~
4 ~~period.~~

5 ~~SEC. 210. The Act of June 30, 1906 (34 Stat. 798; 15~~
6 ~~U.S.C. § 33), is repealed.~~

7 ~~SEC. 211. The seventh paragraph of section 9 of the~~
8 ~~Federal Trade Commission Act (38 Stat. 722; 15 U.S.C.~~
9 ~~§ 49), is repealed.~~

10 ~~SEC. 212. Subsection (d) of section 21 of the Securities~~
11 ~~Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u~~
12 ~~(d)), is repealed.~~

13 ~~SEC. 213. Subsection (c) of section 22 of the Securities~~
14 ~~Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v(c)), is repealed.~~

15 ~~SEC. 214. Subsection (c) of section 18 of the Public~~
16 ~~Utility Holding Company Act of 1935 (49 Stat. 831; 15~~
17 ~~U.S.C. § 79r(c)), is repealed.~~

18 ~~SEC. 215. Subsection (d) of section 42 of the Invest~~
19 ~~ment Company Act of 1940 (54 Stat. 842; 15 U.S.C. § 80a-~~
20 ~~41(d)), is repealed.~~

21 ~~SEC. 216. Subsection (d) of section 209 of the Invest~~
22 ~~ment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b-~~
23 ~~9(d)), is repealed.~~

24 ~~SEC. 217. Subsection (c) of section 15 of the China~~

1 ~~Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155 (c)), is~~
2 ~~repealed.~~

3 ~~SEC. 218. Subsection (h) of section 14 of the Natural~~
4 ~~Gas Act (52 Stat. 828; 15 U.S.C. § 717m (h)), is repealed.~~

5 ~~SEC. 219. The first proviso of section 12 of the Act~~
6 ~~entitled "An Act to regulate the interstate distribution and~~
7 ~~sale of packages of hazardous substances intended or suitable~~
8 ~~for household use," approved July 12, 1960 (74 Stat. 379;~~
9 ~~15 U.S.C. § 1271), is amended by inserting after "section"~~
10 ~~the following language: ", or any evidence which is obtained~~
11 ~~by the exploitation of such information,".~~

12 ~~SEC. 220. Subsection (e) of section 1415 of the Inter-~~
13 ~~state Land Sales Full Disclosure Act (82 Stat. 596; 15~~
14 ~~U.S.C. § 1714 (e)), is repealed.~~

15 ~~SEC. 221. Subsection (g) of section 307 of the Federal~~
16 ~~Power Act (49 Stat. 856; 16 U.S.C. § 825f (g)), is~~
17 ~~repealed.~~

18 ~~SEC. 222. Subsection (b) of section 835 of title 18,~~
19 ~~United States Code, is amended by striking the third sen-~~
20 ~~tence thereof.~~

21 ~~SEC. 223. (a) Section 895 of title 18, United States~~
22 ~~Code, is repealed.~~

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

1 ~~SEC. 224. (a) Section 1406 of title 18, United States~~
2 ~~Code, is repealed.~~

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

5 ~~SEC. 225. Section 1954 of title 18, United States Code,~~
6 ~~is amended by striking "(a) Whoever" and inserting in~~
7 ~~lieu thereof "Whoever" and by striking subsection (b)~~
8 ~~thereof.~~

9 ~~SEC. 226. The second sentence of subsection (b), section~~
10 ~~2424, title 18, United States Code is amended by striking~~
11 ~~"but no person" and all that follows in that subsection and~~
12 ~~inserting in lieu thereof: "but no information contained in~~
13 ~~the statement or any evidence which is obtained by the exploi-~~
14 ~~tation of such information may be used against any person~~
15 ~~making such statement in any criminal case, except a prose-~~
16 ~~cution for perjury, giving a false statement or otherwise fail-~~
17 ~~ing to comply with this section."~~

18 ~~SEC. 227. (a) Section 2514 of title 18, United States~~
19 ~~Code, is repealed effective four years after the effective date~~
20 ~~of this Act.~~

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

23 ~~SEC. 228. (a) Section 3486 of title 18, United States~~
24 ~~Code is repealed.~~

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

3 ~~SEC. 229. Subsection (e) of section 333 of the Tariff~~
4 ~~Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333 (e)), is~~
5 ~~amended by striking “: Provided, That” and all that follows~~
6 ~~in that subsection and inserting in lieu thereof a period.~~

7 ~~SEC. 230. The first proviso of section 703 of the Federal~~
8 ~~Food, Drug and Cosmetic Act, approved June 25, 1938 (52~~
9 ~~Stat. 1057; 21 U.S.C. § 373), is amended by inserting after~~
10 ~~“section” the following language: “, or any evidence which~~
11 ~~is obtained by the exploitation of such evidence,”.~~

12 ~~SEC. 231. (a) Section 4874 of the Internal Revenue~~
13 ~~Code of 1954 is repealed.~~

14 ~~(b) The table of sections of part III of subchapter (D)~~
15 ~~of chapter 39 of such Code is amended by striking the~~
16 ~~item relating to section 4874.~~

17 ~~SEC. 232. (a) Section 7493 of the Internal Revenue~~
18 ~~Code of 1954 is repealed.~~

19 ~~(b) The table of sections of part III of subchapter (E)~~
20 ~~of chapter 76 of such Code is amended by striking the~~
21 ~~item relating to section 7493.~~

22 ~~SEC. 233. (a) Subchapter (E) of chapter 75 of the~~
23 ~~Internal Revenue Code of 1954 is repealed.~~

24 ~~(b) The table of subchapters for chapter 75 of the In-~~

1 ~~Internal Revenue Code of 1954 is amended by striking the~~
2 ~~item—~~

~~“Subchapter E. . . . Immunity.”~~

3 ~~SEC. 234. Paragraph (3) of section 11 of the Labor~~
4 ~~Management Relations Act, 1947 (49 Stat. 455; 29 U.S.C.~~
5 ~~§ 161 (3)), is repealed.~~

6 ~~SEC. 235. The third sentence of section 4 of the Act en-~~
7 ~~titled “An Act to provide that tolls on certain bridges over~~
8 ~~navigable waters of the United States shall be just and rea-~~
9 ~~sonable, and for other purposes”, approved August 21, 1935-~~
10 ~~(49 Stat. 671; 33 U.S.C. § 506), is repealed.~~

11 ~~SEC. 236. Subsection (f) of section 205 of the Social~~
12 ~~Security Act (42 U.S.C. § 405 (f)) is repealed.~~

13 ~~SEC. 237. Paragraph c of section 161 of the Atomic~~
14 ~~Energy Act of 1954 (68 Stat. 948; 42 U.S.C. § 2201 (c)),~~
15 ~~is amended by striking the third sentence thereof.~~

16 ~~SEC. 238. The last sentence of the first paragraph of sub-~~
17 ~~paragraph (h) of the paragraph designated “Third” of~~
18 ~~section 7 of the Railway Labor Act (44 Stat. 582; 45-~~
19 ~~U.S.C. § 157), is repealed.~~

20 ~~SEC. 239. Subsection (c) of section 12 of the Railroad~~
21 ~~Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C.~~
22 ~~§ 362 (c)), is repealed.~~

1 ~~SEC. 240. Section 28 of the Shipping Act of 1916 (39~~
2 ~~Stat. 737; 46 U.S.C. § 827), is repealed.~~

3 ~~SEC. 241. Subsection (c) of section 214 of the Merchant~~
4 ~~Marine Act, 1936 (49 Stat. 1991; 46 U.S.C. § 1124 (c)),~~
5 ~~is repealed.~~

6 ~~SEC. 242. Subsection (i) of section 409 of the Com-~~
7 ~~munications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409~~
8 ~~(1)), is repealed.~~

9 ~~SEC. 243. (a) The second sentence of section 9 of the~~
10 ~~Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9), is~~
11 ~~amended by striking “; the claim” and all that follows~~
12 ~~in that sentence and inserting in lieu thereof a period.~~

13 ~~(b) Subsection (a) of section 316 of the Interstate~~
14 ~~Commerce Act (54 Stat. 946; 49 U.S.C. § 916 (a)) is~~
15 ~~amended by striking the comma following “part I” and by~~
16 ~~striking “, and the Immunity of Witnesses Act (34 Stat.~~
17 ~~798; 32 Stat. 904, ch. 755, sec. 1),”.~~

18 ~~(c) Subsection (a) of section 417 of the Interstate~~
19 ~~Commerce Act (49 U.S.C. § 1017 (a)), is amended by~~
20 ~~striking the comma after “such provisions” and by striking~~
21 ~~“, and of the Immunity of Witnesses Act (34 Stat. 798;~~
22 ~~32 Stat. 904, ch. 755, sec. 1),”.~~

23 ~~SEC. 244. The third sentence of section 3 of the Act~~
24 ~~entitled “An Act to further regulate Commerce with foreign~~
25 ~~nations and among the States”, approved February 19, 1903~~

1 ~~(32 Stat. 848; 49 U.S.C. § 43), is amended by striking~~
2 ~~“; the claim” and all that follows in that sentence down~~
3 ~~through and including “Provided, That the provisions” and~~
4 ~~inserting in lieu thereof “. The provisions”.~~

5 ~~SEC. 245. The first paragraph of the Act of February~~
6 ~~11, 1893 (27 Stat. 443; 49 U.S.C. § 46), is repealed.~~

7 ~~SEC. 246. Subsection (i) of section 1004 of the Federal~~
8 ~~Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484 (i)),~~
9 ~~is repealed.~~

10 ~~SEC. 247. The ninth sentence of subsection (e) of sec-~~
11 ~~tion 13 of the Internal Security Act of 1950 (81 Stat. 798;~~
12 ~~50 U.S.C. § 792 (c)), is repealed.~~

13 ~~SEC. 248. Section 1302 of the Second War Powers~~
14 ~~Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 643a), is~~
15 ~~amended by striking the fourth sentence thereof.~~

16 ~~SEC. 249. Paragraph (4) of subsection (a) of section 2~~
17 ~~of the Act entitled “An Act to expedite national defense, and~~
18 ~~for other purposes”, approved June 28, 1940 (54 Stat. 676;~~
19 ~~50 U.S.C. App. § 1152 (a) (4)), is amended by striking the~~
20 ~~fourth sentence thereof.~~

21 ~~SEC. 250. Subsection (d) of section 6 of the Export~~
22 ~~Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026~~
23 ~~(b)) is repealed.~~

24 ~~SEC. 251. Subsection (b) of section 705 of the Act of~~

1 ~~September 8, 1950, to amend the Tariff Act of 1930 (64-~~
2 ~~Stat. 816; 50 U.S.C. § 2155 (b)), is repealed.~~

3 ~~SEC. 252. In addition to the provisions of law specifi-~~
4 ~~cally amended or specifically repealed by this title, any other~~
5 ~~provision of law inconsistent with the provisions of part V~~
6 ~~of title 18, United States Code (added by title II of this~~
7 ~~Act), is to that extent amended or repealed.~~

8 ~~TITLE III—RECALCITRANT WITNESSES~~

9 ~~SEC. 301. (a) Chapter 119, title 28, United States~~
10 ~~Code, is amended by adding at the end thereof the following~~
11 ~~new section:-~~

12 ~~“§ 1826. Recalcitrant witnesses~~

13 ~~“(a) Whenever a witness in any proceeding before or~~
14 ~~ancillary to any court or grand jury of the United States~~
15 ~~refuses without just cause shown to comply with an order of~~
16 ~~the court to testify or provide other information, including~~
17 ~~any book, paper, document, record, recording or other mate-~~
18 ~~rial, the court, upon such refusal, or when such refusal~~
19 ~~is duly brought to its attention, may summarily order his~~
20 ~~confinement at a suitable place until such time as the witness~~
21 ~~is willing to give such testimony or provide such information.~~
22 ~~No period of such confinement shall exceed the life of the~~
23 ~~court proceeding or of the term, including extensions, of the~~
24 ~~grand jury before which such refusal to comply with the~~
25 ~~court order occurred.~~

1 ~~“(b) No person confined pursuant to subsection (a)~~
2 ~~of this section shall be admitted to bail pending the determina-~~
3 ~~tion of an appeal taken by him from the order for his con-~~
4 ~~finement, unless there is substantial possibility of reversal.~~
5 ~~Any appeal from an order of confinement under this section~~
6 ~~shall be disposed of as soon as practicable, but not later than~~
7 ~~30 days from the filing of such appeal.”~~

8 ~~(b) The analysis of chapter 119, title 28, United States~~
9 ~~Code, is amended by adding at the end thereof the following~~
10 ~~new item:~~

~~“1826. Recalcitrant witnesses.”~~

11 ~~SEC. 302. (a) The first paragraph of section 1073,~~
12 ~~chapter 49, title 18, United States Code, is amended by in-~~
13 ~~serting “or (3) to avoid service of, or contempt proceedings~~
14 ~~for alleged disobedience of, lawful process requiring attend-~~
15 ~~ance and the giving of testimony or the production of docu-~~
16 ~~mentary evidence before an agency of a State empowered by~~
17 ~~the law of such State to conduct investigations of alleged~~
18 ~~criminal activities,” immediately after “is charged,”~~

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

1 ~~TITLE IV FALSE DECLARATIONS~~

2 ~~SEC. 401. (a) Chapter 79, title 18, United States~~
3 ~~Code, is amended by adding at the end thereof the following~~
4 ~~new section:~~

5 ~~“§ 1623. False declarations before grand jury or court~~

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

14 ~~“(b) This section is applicable whether the conduct oc-~~
15 ~~curred within or without the United States.~~

16 ~~“(c) An indictment or information for violation of this~~
17 ~~section alleging that the defendant under oath has made con-~~
18 ~~tradictory declarations material to the point in question in~~
19 ~~any proceeding before or ancillary to any court or grand~~
20 ~~jury of the United States, need not specify which declaration~~
21 ~~is false. In any prosecution under this section, the falsity of~~
22 ~~a declaration set forth in the indictment or information~~
23 ~~shall be established sufficient for conviction by proof that the~~
24 ~~defendant while under oath made manifestly contradictory~~
25 ~~declarations material to the point in question in any proceed-~~

~~ing before or ancillary to any court or grand jury. Where the
 contradictory declarations are made in the same continuous
 court or grand jury proceeding, an admission by a person in
 that same continuous court or grand jury proceeding of the
 falsity of his contradictory declaration shall bar prosecution
 under this section if, at the time the admission is made, the
 false declaration has not substantially affected the proceed-
 ing, or it has not become manifest that such falsity has been
 or will be exposed.~~

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

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

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

~~TITLE V PROTECTED FACILITIES FOR
 HOUSING GOVERNMENT WITNESSES~~

~~Sec. 501. The Attorney General of the United States
 is authorized to provide for the security of Government wit-
 nesses, potential Government witnesses, and the families of
 Government witnesses and potential witnesses in legal pro-
 ceedings against any person alleged to have participated
 in an organized criminal activity.~~

1 ~~SEC. 502. The Attorney General of the United States~~
2 ~~is authorized to rent, purchase, or construct protected hous-~~
3 ~~ing facilities and to otherwise offer to provide for the health,~~
4 ~~safety, and welfare of witnesses and persons intended to be~~
5 ~~called as Government witnesses, and the families of wit-~~
6 ~~nesses and persons intended to be called as Government wit-~~
7 ~~nesses in legal proceedings instituted against any person~~
8 ~~alleged to have participated in an organized criminal ac-~~
9 ~~tivity whenever, in his judgment, testimony from, or a will-~~
10 ~~ingness to testify by, such a witness would place his life~~
11 ~~or person, or the life or person of a member of his family~~
12 ~~or household, in jeopardy. Any person availing himself~~
13 ~~of an offer by the Attorney General to use such facilities may~~
14 ~~continue to use such facilities for as long as the Attorney~~
15 ~~General determines the jeopardy to his life or person~~
16 ~~continues.~~

17 ~~SEC. 503. As used in this title, 'Government' means~~
18 ~~the United States, any State, the District of Columbia, the~~
19 ~~Commonwealth of Puerto Rico, any territory or possession~~
20 ~~of the United States, any political subdivision, or any de-~~
21 ~~partment, agency, or instrumentality thereof. The offer of~~
22 ~~facilities to witnesses may be conditioned by the Attorney~~
23 ~~General upon reimbursement in whole or in part to the~~
24 ~~United States by any State or any political subdivision, or~~
25 ~~any department, agency, or instrumentality thereof of the~~
26 ~~cost of maintaining and protecting such witnesses.~~

1 ~~SEC. 504. There is hereby authorized to be appropriated~~
2 ~~from time to time such funds as are necessary to carry out the~~
3 ~~provisions of this title.~~

4 ~~TITLE VI DEPOSITIONS~~

5 ~~SEC. 601. (a) Chapter 223, title 18, United States~~
6 ~~Code, is amended by adding at the end thereof the following~~
7 ~~new section:~~

8 ~~“§ 3503. Depositions to preserve testimony~~

9 ~~“(a) Whenever due to exceptional circumstances it is in~~
10 ~~the interest of justice that the testimony of a prospective~~
11 ~~witness of a party be taken and preserved, the court at any~~
12 ~~time after the filing of an indictment or information may upon~~
13 ~~motion of such party and notice to the parties order that the~~
14 ~~testimony of such witness be taken by deposition and that~~
15 ~~any designated book, paper, document, record, recording,~~
16 ~~or other material not privileged be produced at the same time~~
17 ~~and place. If a witness is committed for failure to give bail~~
18 ~~to appear to testify at a trial or hearing, the court on written~~
19 ~~motion of the witness and upon notice to the parties may~~
20 ~~direct that his deposition be taken. After the deposition has~~
21 ~~been subscribed the court may discharge the witness.~~

22 ~~“(b) The party at whose instance a deposition is to be~~
23 ~~taken shall give to every party reasonable written notice of~~
24 ~~the time and place for taking the deposition. The notice shall~~
25 ~~state the name and address of each person to be examined.~~

1 ~~On motion of a party upon whom the notice is served, the~~
2 ~~court for cause shown may extend or shorten the time or~~
3 ~~change the place for taking the deposition. The officer having~~
4 ~~custody of a defendant shall be notified of the time and place~~
5 ~~set for the examination, and shall produce him at the exam-~~
6 ~~ination and keep him in the presence of the witness during~~
7 ~~the examination. A defendant not in custody shall have the~~
8 ~~right to be present at the examination, but his failure, absent~~
9 ~~good cause shown, to appear after notice and tender of~~
10 ~~expenses shall constitute a waiver of that right and of any~~
11 ~~objection to the taking and use of the deposition based upon~~
12 ~~that right.~~

13 ~~“(c) If a defendant is without counsel, the court shall~~
14 ~~advise him of his rights and assign counsel to represent him~~
15 ~~unless the defendant elects to proceed without counsel or is~~
16 ~~able to obtain counsel of his own choice. If it appears that a~~
17 ~~defendant cannot bear the expense of the taking of the~~
18 ~~deposition, the court may direct that the expenses of travel~~
19 ~~and subsistence of the defendant and his attorney for attend-~~
20 ~~ance at the examination shall be paid by the Government.~~
21 ~~In such event the marshal shall make payment accordingly.~~

22 ~~“(d) A deposition shall be taken and filed in the man-~~
23 ~~ner provided in civil actions. On request or waiver by the~~
24 ~~defendant the court may direct that a deposition be taken on~~
25 ~~written interrogatories in the manner provided in civil actions.~~

1 ~~Such request shall constitute a waiver of any objection to~~
 2 ~~the taking and use of the deposition based upon its being~~
 3 ~~so taken.~~

4 ~~“(e) The Government shall make available to the de-~~
 5 ~~fendant for his examination and use at the taking of the~~
 6 ~~deposition any statement of the witness being deposed which~~
 7 ~~is in the possession of the Government and which the Govern-~~
 8 ~~ment would be required to make available to the defendant if~~
 9 ~~the witness were testifying at the trial.~~

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

12 ~~(b) The analysis of chapter 223, title 18, United States~~
 13 ~~Code, is amended by adding at the end thereof the following~~
 14 ~~new item:~~

~~“3503. Depositions to preserve testimony.”~~

15 ~~TITLE VII—LITIGATION CONCERNING~~

16 ~~SOURCES OF EVIDENCE~~

17 ~~PART A—SPECIAL FINDINGS~~

18 ~~SEC. 701. The Congress finds that (1) hearing and~~
 19 ~~reviewing claims that evidence offered in proceedings was~~
 20 ~~obtained by the exploitation of allegedly unlawful acts and is~~
 21 ~~therefore inadmissible in evidence are major causes of undue~~
 22 ~~expense and delay in the administration of justice and distract~~
 23 ~~effort, time, and emphasis of Government officials and the~~

1 ~~public from fundamental issues; (2) present rules and prac-~~
2 ~~tices of disclosure incident to hearing and reviewing such~~
3 ~~claims can and will unduly permit parties to obtain much~~
4 ~~information unrelated to such claims and otherwise privi-~~
5 ~~leged, inhibit communication by Government informants,~~
6 ~~endanger the lives and safety of such informants, Government~~
7 ~~agents and others, cause unjustified harm to reputations of~~
8 ~~third persons, compromise national security and other crim-~~
9 ~~inal and civil investigations, interfere with prosecutions and~~
10 ~~civil actions, impair Federal-State cooperation in law enforce-~~
11 ~~ment, and endanger the security of the United States; (3)~~
12 ~~when such claims concern evidence of events occurring years~~
13 ~~after the allegedly unlawful acts, those consequences of litiga-~~
14 ~~tion and disclosure are aggravated and the claims often can-~~
15 ~~not reliably be determined; and (4) when the allegedly~~
16 ~~unlawful act has occurred more than five years prior to the~~
17 ~~event in question, there is virtually no likelihood that the~~
18 ~~evidence offered to prove the event has been obtained by the~~
19 ~~exploitation of that allegedly unlawful act.~~

20 ~~PART B LITIGATION CONCERNING SOURCES OF~~

21 ~~EVIDENCE~~

22 ~~SEC. 702. (a) Chapter 223, title 18, United States~~
23 ~~Code, is amended by adding at the end thereof the following~~
24 ~~new section:~~

1 ~~“§ 3504. Litigation concerning sources of evidence~~

2 ~~“(a) In any trial, hearing, or other proceeding in or~~
3 ~~before any court, grand jury, department, officer, agency,~~
4 ~~regulatory body, or other authority of the United States,~~
5 ~~a State or a political subdivision thereof—~~

6 ~~“(1) upon a claim, by a party aggrieved, that evi-~~
7 ~~dence is inadmissible because it is the primary product~~
8 ~~of an unlawful act or of lawful compulsion and grant of~~
9 ~~immunity, or because it was obtained by the exploitation~~
10 ~~of an unlawful act or of evidence given under lawful~~
11 ~~compulsion and grant of immunity, the opponent of the~~
12 ~~claim shall affirm or deny the occurrence of the alleged~~
13 ~~unlawful act or compulsion;~~

14 ~~“(2) disclosure of information for a determination~~
15 ~~if evidence is inadmissible because it is the primary prod-~~
16 ~~uct of an unlawful act or of lawful compulsion and grant~~
17 ~~of immunity, or because it was obtained by the exploita-~~
18 ~~tion of an unlawful act or of evidence given under lawful~~
19 ~~compulsion and grant of immunity, shall not be required~~
20 ~~unless such information may be relevant to a pending~~
21 ~~claim of such inadmissibility and such disclosure is in~~
22 ~~the interest of justice; and~~

23 ~~“(3) no claim shall be considered that evidence of~~
24 ~~an event is inadmissible on the ground that such evidence~~

1 ~~was obtained by the exploitation of an unlawful act or~~
2 ~~of evidence given under lawful compulsion and grant of~~
3 ~~immunity, if such event occurred more than five years~~
4 ~~after such allegedly unlawful act or compulsion.~~

5 ~~“(b) As used in this section—~~

6 ~~“(1) ‘State’ means any State of the United States,~~
7 ~~the District of Columbia, the Commonwealth of Puerto~~
8 ~~Rico, and any territory or possession of the United~~
9 ~~States; and~~

10 ~~“(2) ‘unlawful act’ means any act in violation of~~
11 ~~the Constitution or laws of the United States or any regu-~~
12 ~~lation or standard promulgated pursuant thereto.”~~

13 ~~(b) The analysis of chapter 223, title 18, United States~~
14 ~~Code, is amended by adding at the end thereof the following~~
15 ~~new item:~~

~~“3504. Litigation concerning sources of evidence.”~~

16 ~~SEC. 703. This title shall apply to all proceedings,~~
17 ~~regardless of when commenced, occurring after the date of its~~
18 ~~enactment. Paragraph (3) of subsection (a) of section 3504,~~
19 ~~chapter 223, title 18, United States Code, shall not apply to~~
20 ~~any proceeding in which all information to be relied upon~~
21 ~~to establish inadmissibility was possessed by the party making~~
22 ~~such claim and adduced in such proceeding prior to such~~
23 ~~enactment.~~

1 ~~TITLE VIII SYNDICATED GAMBLING~~

2 ~~PART A SPECIAL FINDINGS~~

3 ~~SEC. 801. The Congress finds that (1) illegal gambling~~
4 ~~involves widespread use of, and has an effect upon, interstate~~
5 ~~commerce and the facilities thereof; (2) illegal gambling is~~
6 ~~dependent upon facilities of interstate commerce for such pur-~~
7 ~~poses as obtaining odds, making and accepting bets, and lay-~~
8 ~~ing off bets; (3) money derived from or used in illegal~~
9 ~~gambling moves in interstate commerce or is handled through~~
10 ~~the facilities thereof; (4) paraphernalia for use in illegal~~
11 ~~gambling moves in interstate commerce; and (5) illegal~~
12 ~~gambling enterprises are facilitated by the corruption and~~
13 ~~bribery of State and local officials or employees responsible~~
14 ~~for the execution or enforcement of criminal laws.~~

15 ~~PART B OBSTRUCTION OF STATE OR LOCAL LAW~~

16 ~~ENFORCEMENT~~

17 ~~SEC. 802. (a) Chapter 73, title 18, United States Code,~~
18 ~~is amended by adding at the end thereof the following new~~
19 ~~section:~~

20 ~~“§ 1511. Obstruction of State or local law enforcement~~

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

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

3 ~~“(2) one or more of such persons is an official or~~
4 ~~employee, elected, appointed, or otherwise, who is re-~~
5 ~~sponsible for the enforcement of criminal laws of such~~
6 ~~State or political subdivision; and~~

7 ~~“(3) one or more of such persons participates in an~~
8 ~~illegal gambling business.~~

9 ~~“(b) As used in this section—~~

10 ~~“(1) ‘illegal gambling business’ means a gambling~~
11 ~~business which—~~

12 ~~“(i) is a violation of the law of a State or~~
13 ~~political subdivision thereof;~~

14 ~~“(ii) involves five or more persons who par-~~
15 ~~ticipate in the gambling activity; and~~

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

19 ~~“(2) ‘gambling’ includes pool-selling, bookmaking,~~
20 ~~maintaining slot machines, roulette wheels, or dice~~
21 ~~tables, and conducting lotteries, policy, bolita or num-~~
22 ~~bers games, or selling chances therein.~~

23 ~~“(3) ‘State’ means any State of the United States,~~
24 ~~the District of Columbia, the Commonwealth of Puerto~~

1 ~~of Puerto Rico, and any territory or possession of the United~~
 2 ~~States.~~

3 ~~“(e) This section shall not apply to any bingo game,~~
 4 ~~lottery, or similar game of chance conducted by an organiza-~~
 5 ~~tion exempt from tax under paragraph (3) of subsection~~
 6 ~~(e) of section 501 of the Internal Revenue Code of 1954,~~
 7 ~~as amended, if no part of the gross receipts derived from~~
 8 ~~such activity inures to the benefit of any private shareholder,~~
 9 ~~member, or employee of such organization, except as com-~~
 10 ~~pensation for actual expenses incurred by him in the con-~~
 11 ~~duct of such activity.~~

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

15 ~~(b) The analysis of chapter 73, title 18, United States~~
 16 ~~Code, is amended by adding at the end thereof the following~~
 17 ~~new item:~~

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

18 ~~PART C ILLEGAL GAMBLING BUSINESS~~

19 ~~SEC. 803. (a) Chapter 95, title 18, United States~~
 20 ~~Code, is amended by adding at the end thereof the following~~
 21 ~~new section:~~

22 ~~“§ 1955. Prohibition of illegal gambling businesses~~

23 ~~“(a) Whoever participates in an illegal gambling busi-~~

1 ~~ness shall be fined not more than \$20,000 or imprisoned not~~
2 ~~more than five years, or both.~~

3 ~~“(b) As used in this section—~~

4 ~~“(1) ‘illegal gambling business’ means a gambling~~
5 ~~business which—~~

6 ~~“(i) is a violation of the law of a State or~~
7 ~~political subdivision thereof;~~

8 ~~“(ii) involves five or more persons who par-~~
9 ~~ticipate in the gambling activity; and~~

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

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

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

21 ~~“(e) For the purposes of this section, if it is found that~~
22 ~~a gambling business has five or more persons who participate~~
23 ~~in such business and such business operates for two or more~~
24 ~~successive days, the probability shall have been established~~

1 ~~that such business receives gross revenue in excess of \$2,000~~
2 ~~in any single day.~~

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

23 ~~“(e) This section shall not apply to any bingo game,~~

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

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

~~"1055. Prohibition of illegal gambling businesses."~~

12 ~~PART D COMMISSION TO REVIEW NATIONAL POLICY~~
 13 ~~TOWARD GAMBLING~~
 14 ~~ESTABLISHMENT~~

15 ~~SEC. 804. (a) There is hereby established two years~~
 16 ~~after the effective date of this Act a Commission on the~~
 17 ~~Review of the National Policy Toward Gambling.~~

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

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

24 ~~(2) four appointed by the Speaker of the House of~~

1 ~~Representatives from Members of the House of Repre-~~
2 ~~sentatives, of whom two shall be members of the majority~~
3 ~~party, and two shall be members of the minority party;~~
4 ~~and~~

5 ~~(3) seven appointed by the President of the United~~
6 ~~States from persons specially qualified by training and~~
7 ~~experience to perform the duties of the Commission, none~~
8 ~~of whom shall be officers of the executive branch of the~~
9 ~~Government.~~

10 ~~(c) The President of the United States shall designate~~
11 ~~a Chairman from among the members of the Commission.~~
12 ~~Any vacancy in the Commission shall not affect its powers but~~
13 ~~shall be filled in the same manner in which the original ap-~~
14 ~~pointment was made.~~

15 ~~(d) Eight members of the Commission shall constitute a~~
16 ~~quorum.~~

17 ~~DUTIES~~

18 ~~SEC. 805. (a) It shall be the duty of the Commission to~~
19 ~~conduct a comprehensive legal and factual study of gambling~~
20 ~~in the United States and existing Federal, State, and local~~
21 ~~policy and practices with respect to legal prohibition and~~
22 ~~taxation of gambling activities and to formulate and propose~~
23 ~~such changes in those policies and practices as the Commis-~~
24 ~~sion may deem appropriate. In such study and review the~~
25 ~~Commission shall—~~

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

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

22 ~~(c) The Commission shall be "an agency of the United~~
23 ~~States" under subsection (1), section 6001, title 18, United~~
24 ~~States Code for the purpose of granting immunity to~~
25 ~~witnesses.~~

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

13 ~~COMPENSATION AND EXEMPTION OF MEMBERS~~

14 ~~SEC. 807. (a) A member of the Commission who is a~~
15 ~~Member of Congress or a member of the Federal judiciary~~
16 ~~shall serve without additional compensation, but shall be re-~~
17 ~~imbursed for travel, subsistence, and other necessary ex-~~
18 ~~penses incurred in the performance of duties vested in the~~
19 ~~Commission.~~

20 ~~(b) A member of the Commission who is not a member~~
21 ~~of Congress or a member of the Federal judiciary shall re-~~
22 ~~ceive \$100 per diem when engaged in the actual perform-~~
23 ~~ance of duties vested in the Commission plus reimbursement~~
24 ~~for travel, subsistence, and other necessary expenses incurred~~
25 ~~in the performance of such duties.~~

~~STAFF~~

1

2 ~~SEC. 808. (a) Subject to such rules and regulations as~~
3 ~~may be adopted by the Commission, the Chairman shall have~~
4 ~~the power to—~~

5 ~~(1) appoint and fix the compensation of an Execu-~~
6 ~~tive Director, and such additional staff personnel as he~~
7 ~~deems necessary, without regard to the provisions of title~~
8 ~~5, United States Code, governing appointments in the~~
9 ~~competitive service, and without regard to the provisions~~
10 ~~of chapter 51 and subchapter III of chapter 53 of such~~
11 ~~title relating to classification and General Schedule pay~~
12 ~~rates, but at rates not in excess of the maximum rate for~~
13 ~~GS 18 of the General Schedule under section 5332 of~~
14 ~~such title; and~~

15 ~~(2) procure temporary and intermittent services to~~
16 ~~the same extent as is authorized by section 3109 of title~~
17 ~~5, United States Code, but at rates not to exceed \$100~~
18 ~~a day for individuals.~~

19 ~~(b) In making appointments pursuant to this subsec-~~
20 ~~tion, the Chairman shall include among his appointments~~
21 ~~individuals determined by the Chairman to be competent~~
22 ~~social scientists, lawyers, and law enforcement officers.~~

23

~~EXPENSES~~

24

~~SEC. 809. There are hereby authorized to be appro-~~

1 ~~priated to the Commission such sums as may be necessary~~
2 ~~to carry this title into effect.~~

3 ~~Part E—General Provisions~~

4 ~~SEC. 810. Paragraph (c), subsection (1), section 2516,~~
5 ~~title 18, United States Code, is amended by adding “section~~
6 ~~1511 (obstruction of State or local law enforcement)” after~~
7 ~~“section 1510 (obstruction of criminal investigations),” and~~
8 ~~by adding “section 1955 (prohibition of business enterprises~~
9 ~~of gambling),” after “section 1954 (offer, acceptance, or~~
10 ~~solicitation to influence operations of employee benefit~~
11 ~~plans),”.~~

12 ~~SEC. 811. No provision of this title indicates an intent~~
13 ~~on the part of the Congress to occupy the field in which such~~
14 ~~provision operates to the exclusion of the law of a State or~~
15 ~~possession, or a political subdivision of a State or possession,~~
16 ~~on the same subject matter, or to relieve any person of any~~
17 ~~obligation imposed by any law of any State or possession,~~
18 ~~or a political subdivision of a State or possession.~~

19 ~~TITLE IX—RACKETEER INFLUENCED AND~~
20 ~~CORRUPT ORGANIZATIONS~~

21 ~~SEC. 901. (a) Title 18, United States Code, is amended~~
22 ~~by adding immediately after chapter 95 thereof the following~~
23 ~~new chapter:~~

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~~

1 ~~1341 (relating to mail fraud), section 1343 (relating to~~
2 ~~wire fraud), section 1503 (relating to obstruction of~~
3 ~~justice), section 1510 (relating to obstruction of criminal~~
4 ~~investigations), section 1511 (relating to the obstruction~~
5 ~~of State or local law enforcement), section 1951 (relat-~~
6 ~~ing to interference with commerce, robbery, or extor-~~
7 ~~tion), section 1952 (relating to racketeering), section~~
8 ~~1953 (relating to interstate transportation of wagering~~
9 ~~paraphernalia), section 1954 (relating to unlawful wel-~~
10 ~~fare fund payments), section 1955 (relating to the pro-~~
11 ~~hibition of illegal gambling businesses), sections 2314~~
12 ~~and 2315 (relating to interstate transportation of stolen~~
13 ~~property), sections 2421-24 (relating to white slave~~
14 ~~traffic), (C) any act which is indictable under title 29,~~
15 ~~United States Code, section 186 (dealing with restric-~~
16 ~~tions on payments and loans to labor organizations) or~~
17 ~~section 501 (e) (relating to embezzlement from union~~
18 ~~funds), or (D) any offense involving bankruptcy fraud,~~
19 ~~fraud in the sale of securities, or the manufacture, im-~~
20 ~~portation, receiving, concealment, buying, selling or~~
21 ~~otherwise dealing in narcotic or other dangerous drugs,~~
22 ~~punishable under any law of the United States;~~

23 ~~“(2) ‘State’ means any State of the United States,~~
24 ~~the District of Columbia, the Commonwealth of Puerto~~
25 ~~Rico, any territory or possession of the United States,~~

1 ~~any political subdivision, or any department, agency or~~
2 ~~instrumentality thereof;~~

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

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

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

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

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

24 ~~“(8) ‘racketeering investigation’ means any inquiry~~
25 ~~conducted by any racketeering investigator for the pur-~~

1 ~~pose of ascertaining whether any person has been in-~~
2 ~~olved in any violation of this chapter or of any final~~
3 ~~order, judgment, or decree of any court of the United~~
4 ~~States, duly entered in any case or proceeding arising~~
5 ~~under this chapter;~~

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

9 ~~“(10) ‘Attorney General’ includes the Attorney~~
10 ~~General of the United States, the Deputy Attorney Gen-~~
11 ~~eral of the United States, any Assistant Attorney General~~
12 ~~of the United States, or any employee of the Department~~
13 ~~of Justice or any employee of any department or agency~~
14 ~~of the United States so designated by the Attorney Gen-~~
15 ~~eral to carry out the powers conferred on the Attorney~~
16 ~~General by this chapter. Any department or agency so~~
17 ~~designated may use in investigations authorized by this~~
18 ~~chapter either the investigative provisions of this chapter~~
19 ~~or the investigative power of such department or agency~~
20 ~~otherwise conferred by law.~~

21 ~~“§ 1962. Prohibited activities~~

22 ~~“(a) It shall be unlawful for any person who has re-~~
23 ~~ceived any income derived, directly or indirectly, from a~~
24 ~~pattern of racketeering activity or through collection of an~~
25 ~~unlawful debt in which such person has participated as a~~

1 ~~principal within the meaning of section 2, title 18, United~~
2 ~~States Code, to use or invest, directly or indirectly, any part~~
3 ~~of such income, or the proceeds of such income, in acquisition~~
4 ~~of any interest in, or the establishment or operation of, any~~
5 ~~enterprise which is engaged in, or the activities of which~~
6 ~~affect, interstate or foreign commerce. A purchase of securi-~~
7 ~~ties on the open market for purposes of investment, and~~
8 ~~without the intention of controlling or participating in the~~
9 ~~control of the issuer, or of assisting another to do so, shall not~~
10 ~~be unlawful under this subsection if the securities of the issuer~~
11 ~~held by the purchaser, the members of his immediate family,~~
12 ~~and his or their accomplices in any pattern or racketeering~~
13 ~~activity or the collection of an unlawful debt after such pur-~~
14 ~~chase do not amount in the aggregate to one percent of the~~
15 ~~outstanding securities of any one class, and do not confer,~~
16 ~~either in law or in fact, the power to elect one or more direc-~~
17 ~~tors of the issuer.~~

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

24 ~~“(c) It shall be unlawful for any person employed by~~
25 ~~or associated with any enterprise engaged in, or the ac-~~

1 ~~tivities of which affect, interstate or foreign commerce, to~~
2 ~~conduct or participate, directly or indirectly, in the conduct~~
3 ~~of such enterprise's affairs through a pattern of racketeering~~
4 ~~activity or collection of unlawful debt.~~

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

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

11 ~~“§ 1963. Criminal penalties~~

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

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

1 ~~limited to, the acceptance of satisfactory performance bonds,~~
2 ~~in connection with any property or other interest subject~~
3 ~~to forfeiture under this section, as it shall deem proper.~~

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

1 ~~“§ 1964. Civil remedies~~

2 ~~“(a) The district courts of the United States shall have~~
3 ~~jurisdiction to prevent and restrain violations of section 1962~~
4 ~~of this chapter by issuing appropriate orders, including, but~~
5 ~~not limited to: ordering any person to divest himself of any~~
6 ~~interest, direct or indirect, in any enterprise; imposing~~
7 ~~reasonable restrictions on the future activities or invest-~~
8 ~~ments of any person, including, but not limited to, prohibit-~~
9 ~~ing any person from engaging in the same type of endeavor~~
10 ~~as the enterprise engaged in, the activities of which affect~~
11 ~~interstate or foreign commerce; or ordering dissolution or re-~~
12 ~~organization of any enterprise, making due provision for the~~
13 ~~rights of innocent persons.~~

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

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

1 ~~in any subsequent civil proceeding brought by the United~~
2 ~~States.~~

3 ~~“§ 1965. Venue and process~~

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

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

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

25 ~~“(d) All other process in any action or proceeding~~

1 ~~under this chapter may be served on any person in any~~
2 ~~judicial district in which such person resides, is found, has an~~
3 ~~agent, or transacts his affairs.~~

4 ~~“§ 1966. Expedition of actions~~

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

18 ~~“§ 1967. Evidence~~

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

23 ~~“§ 1968. Civil investigative demand~~

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

1 ~~tody, 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~~

1 ~~issued by a court of the United States in aid of a grand~~
2 ~~jury investigation of such alleged racketeering violation;~~

3 ~~or~~

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

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

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

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

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

22 ~~“(e) A verified return by the individual serving any~~
23 ~~such demand or petition setting forth the manner of such~~
24 ~~service shall be prima facie proof of such service. In the case~~
25 ~~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 ~~teering 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 written agreement between such person 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, and~~
22 ~~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~~
4 ~~the person who produced such material, by any individual~~
5 ~~other than the Attorney General. Under such reasonable~~
6 ~~terms and conditions as the Attorney General shall pre-~~
7 ~~scribe, documentary material while in the possession of the~~
8 ~~custodian shall be available for examination by the person~~
9 ~~who produced such material or any duly authorized repre-~~
10 ~~sentatives 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~~
16 ~~the custodian as such attorney determines to be required~~
17 ~~for use in the presentation of such case or proceeding on behalf~~
18 ~~of the United States. Upon the conclusion of any such~~
19 ~~case or proceeding, such attorney shall return to the cus-~~
20 ~~todian any documentary material so withdrawn which has~~
21 ~~not passed into the control of such court or grand jury~~
22 ~~through the introduction thereof into the record of such~~
23 ~~case or proceeding.~~

24 ~~“(5) Upon the completion of—~~

25 ~~“(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 thereof 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 ~~teering 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-~~
25 ~~cipal place of business, or in such other district in which such~~

1 ~~person transacts business as may be agreed upon by the par-~~
2 ~~ties to such petition.~~

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

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

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

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

~~“95. Racketeering ----- 1951”~~

8 ~~the following new item:~~

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

9 ~~SEC. 902. (a) Paragraph (c), subsection (1), section~~
 10 ~~2516, title 18, United States Code, is amended by inserting~~
 11 ~~at the end thereof between the parenthesis and the semicolon~~
 12 ~~“, section 1963 (violations with respect to racketeer influ-~~
 13 ~~enced and corrupt organizations)”.~~

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

21 ~~SEC. 903. 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 ~~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~~
25 ~~placed in the record compelling reasons for withholding par-~~

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

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

21 ~~“(d) Notwithstanding any other provision of this sec-~~
22 ~~tion, the court shall not sentence a dangerous special offender~~
23 ~~to less than any mandatory minimum penalty prescribed by~~
24 ~~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 ~~organize, 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 separate~~
7 ~~counts of a single charge or pleading, or in separate charges or~~
8 ~~pleadings tried in a single trial, shall be deemed to be con-~~
9 ~~viction on a single occasion. In support of findings under~~
10 ~~paragraph (2) of this subsection, it may be shown that the~~
11 ~~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~~
25 ~~taken by the United States may be dismissed on a showing~~

1 ~~of abuse of the right of the United States to take such~~
2 ~~review.~~

3 ~~“§ 3577. Use of information for sentencing~~

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

9 ~~“§ 3578. Conviction records~~

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

13 ~~“(b) Upon the conviction of a defendant in a court of~~
14 ~~the United States, the District of Columbia, the Common-~~
15 ~~wealth of Puerto Rico, a territory or possession of the United~~
16 ~~States, any political subdivision, or any department, agency~~
17 ~~or instrumentality thereof for an offense punishable in such~~
18 ~~court by death or imprisonment in excess of one year, the~~
19 ~~court shall cause to be affixed to a copy of the written judg-~~
20 ~~ment of conviction the fingerprints of the defendant together~~
21 ~~with certification by the court that the copy is a true copy of~~
22 ~~the written judgment of conviction and that the fingerprints~~
23 ~~are those of the defendant, and shall cause the copy to be for-~~
24 ~~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. 1002. 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 XI—GENERAL PROVISIONS

11 SEC. 1101. 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.

16 *That this Act may be cited as the "Organized Crime Control*
 17 *Act of 1970."*

18 STATEMENT OF FINDINGS AND PURPOSE

19 *The Congress finds that (1) organized crime in the*
 20 *United States is a highly sophisticated, diversified, and wide-*
 21 *spread activity that annually drains billions of dollars from*
 22 *America's economy by unlawful conduct and the illegal use*
 23 *of force, fraud, and corruption; (2) organized crime derives*

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

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

1 **TITLE I—SPECIAL GRAND JURY**

2 **SEC. 101.** (a) *Title 18, United States Code, is*
 3 *amended by adding immediately after chapter 215 the fol-*
 4 *lowing new chapter:*

5 **“Chapter 216.—SPECIAL GRAND JURY**

“Sec.

“3331. Summoning and term.

“3332. Powers and duties.

“3333. Reports.

“3334. General provisions.

6 **“§ 3331. Summoning and term**

7 “(a) *In addition to such other grand juries as shall be*
 8 *called from time to time, each district court which is located*
 9 *in a judicial district containing more than four million*
 10 *inhabitants or in which the Attorney General, the Deputy*
 11 *Attorney General, or any designated Assistant Attorney*
 12 *General, certifies in writing to the chief judge of the district*
 13 *that in his judgement a special grand jury is necessary be-*
 14 *cause of criminal activity in the district shall order a special*
 15 *grand jury to be summoned at least once in each period*
 16 *of eighteen months unless another special grand jury is then*
 17 *serving. The grand jury shall serve for a term of eighteen*
 18 *months unless an order for its discharge is entered earlier*
 19 *by the court upon a determination of the grand jury by*
 20 *majority vote that its business has been completed. If, at the*
 21 *end of such term or any extension thereof, the district court*
 22 *determines the business of the grand jury has not been com-*

1 pleted, the court may enter an order extending such term for
2 an additional period of six months. No special grand jury
3 term so extended shall exceed thirty-six months, except as
4 provided in subsection (e) of section 3333 of this chapter.

5 “(b) If a district court within any judicial circuit fails
6 to extend the term of a special grand jury or enters an order
7 for the discharge of such grand jury before such grand jury
8 determines that it has completed its business, the grand jury,
9 upon the affirmative vote of a majority of its members, may
10 apply to the chief judge of the circuit for an order for the
11 continuance of the term of the grand jury. Upon the making
12 of such an application by the grand jury, the term thereof
13 shall continue until the entry upon such application by the
14 chief judge of the circuit of an appropriate order. No special
15 grand jury term so extended shall exceed thirty-six months,
16 except as provided in subsection (e) of section 3333 of this
17 chapter.

18 “§ 3332. **Powers and duties**

19 “(a) It shall be the duty of each such grand jury
20 impaneled within any judicial district to inquire into offenses
21 against the criminal laws of the United States alleged to have
22 been committed within that district. Such alleged offenses may
23 be brought to the attention of the grand jury by the court or
24 by any attorney appearing on behalf of the United States

1 *for the presentation of evidence. Any such attorney receiving*
2 *information concerning such an alleged offense from any other*
3 *person shall, if requested by such other person, inform the*
4 *grand jury of such alleged offense, the identity of such other*
5 *person, and such attorney's action or recommendation.*

6 “(b) *Whenever the district court determines that the*
7 *volume of business of the special grand jury exceeds the*
8 *capacity of the grand jury to discharge its obligations, the*
9 *district court may order an additional special grand jury*
10 *for that district to be impaneled.*

11 **“§ 3333. Reports**

12 “(a) *A special grand jury impaneled by any district*
13 *court, with the concurrence of a majority of its members, may,*
14 *upon completion of its original term, or each extension thereof,*
15 *submit to the court a report—*

16 “(1) *concerning noncriminal misconduct, malfea-*
17 *sance, or misfeasance in office involving organized crim-*
18 *inal activity by an appointed public officer or employee*
19 *as the basis for a recommendation of removal or dis-*
20 *ciplinary action; or*

21 “(2) *regarding organized crime conditions in the*
22 *district.*

23 “(b) *The court to which such report is submitted shall*
24 *examine it and the minutes of the special grand jury and,*

1 *except as otherwise provided in subsections (c) and (d) of*
2 *this section, shall make an order accepting and filing such*
3 *report as a public record only if the court is satisfied that it*
4 *complies with the provisions of subsection (a) of this section*
5 *and that—*

6 “(1) *the report is based upon facts revealed in the*
7 *course of an investigation authorized by subsection (a)*
8 *of section 3332 and is supported by the preponder-*
9 *ance of the evidence; and*

10 “(2) *when the report is submitted pursuant to para-*
11 *graph (1) of subsection (a) of this section, each person*
12 *named therein and any reasonable number of witnesses*
13 *in his behalf as designated by him to the foreman of the*
14 *grand jury were afforded an opportunity to testify before*
15 *the grand jury prior to the filing of such report, and*
16 *when the report is submitted pursuant to paragraph (2)*
17 *of subsection (a) of this section, it is not critical of an*
18 *identified person.*

19 “(c) (1) *An order accepting a report pursuant to para-*
20 *graph (1) of subsection (a) of this section and the report*
21 *shall be sealed by the court and shall not be filed as a public*
22 *record or be subject to subpoena or otherwise made public (i)*
23 *until at least thirty-one days after a copy of the order and re-*
24 *port are served upon each public officer or employee named*
25 *therein and an answer has been filed or the time for filing an*

1 *answer has expired, or (ii) if an appeal is taken, until all*
2 *rights of review of the public officer or employee named therein*
3 *have expired or terminated in an order accepting the report.*
4 *No order accepting a report pursuant to paragraph (1) of*
5 *subsection (a) of this section shall be entered until thirty days*
6 *after the delivery of such report to the public officer or body*
7 *pursuant to paragraph (3) of subsection (c) of this section.*
8 *The court may issue such orders as it shall deem appropriate*
9 *to prevent unauthorized publication of a report. Unauthor-*
10 *ized publication may be punished as contempt of the court.*

11 “(2) *Such public officer or employee may file with the*
12 *clerk a verified answer to such a report not later than twenty*
13 *days after service of the order and report upon him. Upon a*
14 *showing of good cause, the court may grant such public offi-*
15 *cer or employee an extension of time within which to file such*
16 *answer and may authorize such limited publication of the*
17 *report as may be necessary to prepare such answer. Such an*
18 *answer shall plainly and concisely state the facts and law*
19 *constituting the defense of the public officer or employee to*
20 *the charges in said report, and, except for those parts thereof*
21 *which the court determines to have been inserted scandal-*
22 *ously, prejudiciously, or unnecessarily, such answer shall be-*
23 *come an appendix to the report.*

24 “(3) *Upon the expiration of the time set forth in para-*

1 *graph (1) of subsection (c) of this section, the United States*
2 *attorney shall deliver a true copy of such report, and the*
3 *appendix, if any, for appropriate action to each public officer*
4 *or body having jurisdiction, responsibility, or authority over*
5 *each public officer or employee named in the report.*

6 “(d) Upon the submission of a report pursuant to sub-
7 section (a) of this section, if the court finds that the filing of
8 such report as a public record may prejudice fair considera-
9 tion of a pending criminal matter, it shall order such report
10 sealed and such report shall not be subject to subpoena or
11 public inspection during the pendency of such criminal
12 matter, except upon order of the court.

13 “(e) Whenever the court to which a report is sub-
14 mitted pursuant to paragraph (1) of subsection (a) of this
15 section is not satisfied that the report complies with the pro-
16 visions of subsection (b) of this section, it may direct that
17 additional testimony be taken before the same grand jury,
18 or it shall make an order sealing such report, and it shall
19 not be filed as a public record or be subject to subpoena or
20 otherwise made public until the provisions of subsection (b)
21 of this section are met. A special grand jury term may be
22 extended by the district court beyond thirty-six months in
23 order that such additional testimony may be taken or the
24 provisions of subsection (b) of this section may be met.

25 “(f) As used in this section, ‘public officer or employee’

1 means any officer or employee of the United States, any
 2 State, the District of Columbia, the Commonwealth of Puerto
 3 Rico, any territory or possession of the United States, or
 4 any political subdivision, or any department, agency, or
 5 instrumentality thereof.

6 **“§ 3334. General provisions**

7 *“The provisions of chapter 215, title 18, United States*
 8 *Code, and the Federal Rules of Criminal Procedure appli-*
 9 *cable to regular grand juries shall apply to special grand*
 10 *juries to the extent not inconsistent with sections 3331, 3332,*
 11 *or 3333 of this chapter.”*

12 (b) *The part analysis of part II, title 18, United*
 13 *States Code, is amended by adding immediately after*

“215. Grand Jury----- 3321”

14 *the following new item:*

“216. Special Grand Jury----- 3331.”

15 *SEC. 102. (a) Subsection (a), section 3500, chapter*
 16 *223, title 18, United States Code, is amended by striking*
 17 *“to an agent of the Government” following “the defendant”.*

18 (b) *Subsection (d), section 3500, chapter 223, title 18,*
 19 *United States Code, is amended by striking “paragraph”*
 20 *following “the court under” and inserting in lieu thereof*
 21 *“subsection”.*

22 (c) *Paragraph (1), subsection (e), section 3500,*

1 chapter 223, title 18, United States Code, is amended by
2 striking the "or" following the semicolon.

3 (d) Paragraph (2), subsection (e), section 3500, chap-
4 ter 223, title 18, United States Code, is amended by strik-
5 ing "to an agent of the Government" after "said witness"
6 and by striking the period at the end thereof and inserting
7 in lieu thereof: "; or (3) a statement, however taken or re-
8 corded, or a transcription thereof, if any, made by said wit-
9 ness to a grand jury."

10 **TITLE II—GENERAL IMMUNITY**

11 *SEC. 201. (a) Title 18, United States Code, is amended*
12 *by adding immediately after part IV the following new*
13 *part:*

14 **"PART V.—IMMUNITY OF WITNESSES**

"Sec.

"6001. Definitions.

"6002. Immunity generally.

"6003. Court and grand jury proceedings.

"6004. Certain administrative proceedings.

"6005. Congressional proceedings.

15 **"§ 6001. Definitions**

16 *"As used in this part—*

17 *"(1) 'agency of the United States' means any*
18 *executive department as defined in section 101 of title 5,*
19 *United States Code, a military department as defined in*
20 *section 102 of title 5, United States Code, the Atomic*
21 *Energy Commission, the China Trade Act registrar*
22 *appointed under 53 Stat. 1432 (15 U.S.C. sec. 143),*

1 *the Civil Aeronautics Board, the Federal Communica-*
2 *tions Commission, the Federal Deposit Insurance Corpo-*
3 *ration, the Federal Maritime Commission, the Federal*
4 *Power Commission, the Federal Trade Commission,*
5 *the Interstate Commerce Commission, the National Labor*
6 *Relations Board, the National Transportation Safety*
7 *Board, the Railroad Retirement Board, an arbitration*
8 *board established under 48 Stat. 1193 (45 U.S.C. sec.*
9 *157), the Securities and Exchange Commission, the Sub-*
10 *versive Activities Control Board, or a board established*
11 *under 49 Stat. 31 (15 U.S.C. sec. 715d);*

12 “(2) ‘other information’ includes any book, paper,
13 *document, record, recording, or other material;*

14 “(3) ‘proceeding before an agency of the United
15 *States’ means any proceeding before such an agency*
16 *with respect to which it is authorized to issue subpoenas*
17 *and to take testimony or receive other information from*
18 *witnesses under oath; and*

19 “(4) ‘court of the United States’ means any of
20 *the following courts: the Supreme Court of the United*
21 *States, a United States court of appeals, a United*
22 *States district court established under chapter 5, title*
23 *28, United States Code, the District of Columbia Court*
24 *of Appeals, the Superior Court of the District of Co-*
25 *lumbia, the District Court of Guam, the District Court of*

1 *the Virgin Islands, the United States Court of Claims,*
2 *the United States Court of Customs and Patent Ap-*
3 *peals, the Tax Court of the United States, the Customs*
4 *Court, and the Court of Military Appeals.*

5 **“§ 6002. Immunity generally**

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

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

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

11 *“(3) either House of Congress, a joint committee of*
12 *the two Houses, or a committee or a subcommittee of*
13 *either House,*

14 *and the person presiding over the proceeding communicates*
15 *to the witness an order issued under this part, the witness*
16 *may not refuse to comply with the order on the basis of his*
17 *privilege against self-incrimination; but no testimony or*
18 *other information compelled under the order (or any infor-*
19 *mation directly or indirectly derived from such testimony*
20 *or other information) may be used against the witness in*
21 *any criminal case, except a prosecution for perjury, giving a*
22 *false statement, or otherwise failing to comply with the order.*

23 **“§ 6003. Court and grand jury proceedings**

24 *“(a) In the case of any individual who has been or may*
25 *be called to testify or provide other information at any pro-*

1 *ceeding before or ancillary to a court of the United States*
2 *or a grand jury of the United States, the United States dis-*
3 *trict court for the judicial district in which the proceeding is*
4 *or may be held shall issue, in accordance with subsection (b)*
5 *of this section, upon the request of the United States attorney*
6 *for such district, an order requiring such individual to give*
7 *testimony or provide other information which he refuses to*
8 *give or provide on the basis of his privilege against self-*
9 *incrimination, such order to become effective as provided in*
10 *section 6002 of this part.*

11 *“(b) A United States attorney may, with the approval*
12 *of the Attorney General, the Deputy Attorney General, or*
13 *any designated Assistant Attorney General, request an order*
14 *under subsection (a) of this section when in his judgment—*

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

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

20 **“§ 6004. Certain administrative proceedings**

21 *“(a) In the case of any individual who has been or*
22 *who may be called to testify or provide other information*
23 *at any proceeding before an agency of the United States,*
24 *the agency may, with the approval of the Attorney Gen-*
25 *eral, issue, in accordance with subsection (b) of this sec-*

1 *tion, an order requiring the individual to give testimony*
2 *or provide other information which he refuses to give or*
3 *provide on the basis of his privilege against self-incrimination,*
4 *such order to become effective as provided in section 6002*
5 *of this part.*

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

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

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

14 **“§ 6005. Congressional proceedings**

15 *“(a) In the case of any individual who has been or*
16 *may be called to testify or provide other information at any*
17 *proceeding before either House of Congress, or any com-*
18 *mittee, or any subcommittee of either House, or any joint*
19 *committee of the two Houses, a United States district court*
20 *shall issue, in accordance with subsection (b) of this section,*
21 *upon the request of a duly authorized representative of the*
22 *House of Congress or the committee concerned, an order*
23 *requiring such individual to give testimony or provide other*
24 *information which he refuses to give or provide on the basis*

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

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

5 “(1) in the case of a proceeding before either
6 House of Congress, the request for such an order has
7 been approved by an affirmative vote of a majority of
8 the Members present of that House;

9 “(2) in the case of a proceeding before a com-
10 mittee or a subcommittee of either House of Congress
11 or a joint committee of both Houses, the request for
12 such an order has been approved by an affirmative vote
13 of two-thirds of the members of the full committee; and

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

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

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

“V. Immunity of Witnesses ----- 6001”.

1 *SEC. 202. The third sentence of paragraph (b) of sec-*
2 *tion 6 of the Commodity Exchange Act (69 Stat. 160; 7*
3 *U.S.C. 15) is amended by striking "49 U.S.C. 12, 46, 47,*
4 *48, relating to the attendance and testimony of witnesses, the*
5 *production of documentary evidence, and the immunity of*
6 *witnesses" and by inserting in lieu thereof the following:*
7 *"(49 U.S.C. § 12), relating to the attendance and testimony*
8 *of witnesses and the production of documentary evidence,".*

9 *SEC. 203. Subsection (f) of section 17 of the United*
10 *States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f*
11 *(f)), is repealed.*

12 *SEC. 204. The second sentence of section 5 of the Act*
13 *entitled "An Act to regulate the marketing of economic poi-*
14 *sons and devices, and for other purposes", approved June 25,*
15 *1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by*
16 *inserting after "section", the following language: ", or any*
17 *evidence which is directly or indirectly derived from such*
18 *evidence,".*

19 *SEC. 205. Subsection (f) of section 13 of the Perishable*
20 *Agricultural Commodities Act, 1930 (46 Stat. 536; 7 U.S.C.*
21 *§ 499m (f)), is repealed.*

22 *SEC. 206. (a) Section 16 of the Cotton Research and*
23 *Promotion Act (80 Stat. 285; 7 U.S.C. § 2115) is amended*
24 *by striking "(a)" and by striking subsection (b).*

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

3 *SEC. 207. Clause (10) of subsection (a) of section 7*
4 *of the Act entitled “An Act to establish a uniform system*
5 *of bankruptcy throughout the United States”, approved*
6 *July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25(a) (10)), is*
7 *amended by inserting after the first use of the term “testi-*
8 *mony” the following language: “, or any evidence which is*
9 *directly or indirectly derived from such testimony,”.*

10 *SEC. 208. The fourth sentence of subsection (d) of sec-*
11 *tion 10 of the Federal Deposit Insurance Act (64 Stat. 882;*
12 *12 U.S.C. § 1820(d)), is repealed.*

13 *SEC. 209. The seventh paragraph under the center head-*
14 *ing “DEPARTMENT OF JUSTICE” in the first section of the*
15 *Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32),*
16 *is amended by striking “: Provided, That” and all that*
17 *follows in that paragraph and inserting in lieu thereof a*
18 *period.*

19 *SEC. 210. The Act of June 30, 1906 (34 Stat. 798; 15*
20 *U.S.C. § 33), is repealed.*

21 *SEC. 211. The seventh paragraph of section 9 of the*
22 *Federal Trade Commission Act (38 Stat. 722; 15 U.S.C.*
23 *§ 49), is repealed.*

24 *SEC. 212. Subsection (d) of section 21 of the Securities*

1 *Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u*
2 *(d)), is repealed.*

3 *SEC. 213. Subsection (c) of section 22 of the Securities*
4 *Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v(c)), is repealed.*

5 *SEC. 214. Subsection (e) of section 18 of the Public*
6 *Utility Holding Company Act of 1935 (49 Stat. 831; 15*
7 *U.S.C. § 79r(e)), is repealed.*

8 *SEC. 215. Subsection (d) of section 42 of the Invest-*
9 *ment Company Act of 1940 (54 Stat. 842; 15 U.S.C.*
10 *§ 80a-41(d)), is repealed.*

11 *SEC. 216. Subsection (d) of section 209 of the Invest-*
12 *ment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b-*
13 *9(d)), is repealed.*

14 *SEC. 217. Subsection (c) of section 15 of the China*
15 *Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155(c)), is*
16 *repealed.*

17 *SEC. 218. Subsection (h) of section 14 of the Natural*
18 *Gas Act (52 Stat. 828; 15 U.S.C. § 717m(h)), is repealed.*

19 *SEC. 219. The first proviso of section 12 of the Act*
20 *entitled "An Act to regulate the interstate distribution and*
21 *sale of packages of hazardous substances intended or suitable*
22 *for household use," approved July 12, 1960 (74 Stat. 379;*
23 *15 U.S.C. § 1271), is amended by inserting after "section"*
24 *the following language: ", or any evidence which is directly*
25 *or indirectly derived from such evidence,".*

1 *SEC. 220. Subsection (e) of section 1415 of the Inter-*
2 *state Land Sales Full Disclosure Act (82 Stat. 596; 15*
3 *U.S.C. § 1714(e)), is repealed.*

4 *SEC. 221. Subsection (g) of section 307 of the Federal*
5 *Power Act (49 Stat. 856; 16 U.S.C. § 825f(g)), is*
6 *repealed.*

7 *SEC. 222. Subsection (b) of section 835 of title 18,*
8 *United States Code, is amended by striking the third sen-*
9 *tence thereof.*

10 *SEC. 223. (a) Section 895 of title 18, United States*
11 *Code, is repealed.*

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

14 *SEC. 224. (a) Section 1406 of title 18, United States*
15 *Code, is repealed.*

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

18 *SEC. 225. Section 1954 of title 18, United States Code,*
19 *is amended by striking "(a) Whoever" and inserting in*
20 *lieu thereof "Whoever" and by striking subsection (b)*
21 *thereof.*

22 *SEC. 226. The second sentence of subsection (b), section*
23 *2424, title 18, United States Code, is amended by striking*
24 *"but no person" and all that follows in that subsection and*
25 *inserting in lieu thereof: "but no information contained in*

1 *the statement or any evidence which is directly or indirectly*
2 *derived from such information may be used against any per-*
3 *son making such statement in any criminal case, except a*
4 *prosecution for perjury, giving a false statement or otherwise*
5 *failing to comply with this section.”*

6 *SEC. 227. (a) Section 2514 of title 18, United States*
7 *Code, is repealed effective four years after the effective date*
8 *of this Act.*

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

11 *SEC. 228. (a) Section 3486 of title 18, United States*
12 *Code, is repealed.*

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

15 *SEC. 229. Subsection (e) of section 333 of the Tariff*
16 *Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333(e)), is*
17 *amended by striking “: Provided, That” and all that follows*
18 *in that subsection and inserting in lieu thereof a period.*

19 *SEC. 230. The first proviso of section 703 of the Federal*
20 *Food, Drug, and Cosmetic Act, approved June 25, 1938 (52*
21 *Stat. 1057; 21 U.S.C. § 373), is amended by inserting after*
22 *“section” the following language: “, or any evidence which*
23 *is directly or indirectly derived from such evidence,”.*

24 *SEC. 231. (a) Section 4874 of the Internal Revenue*
25 *Code of 1954 is repealed.*

1 **(b)** *The table of sections of part III of subchapter (D)*
2 *of chapter 39 of such Code is amended by striking the*
3 *item relating to section 4874.*

4 **SEC. 232.** *Section 7493 of the Internal Revenue Code of*
5 *1954 is repealed.*

6 **SEC. 233.** *The table of sections of part III of subchapter*
7 *(E) of chapter 76 of the Internal Revenue Code of 1954 is*
8 *amended by striking the item relating to section 7493.*

9 **SEC. 234.** *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. 235.** *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. 236.** *Subsection (f) of section 205 of the Social*
18 *Security Act (42 U.S.C. § 405(f)) is repealed.*

19 **SEC. 237.** *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. 238.** *The last sentence of the first paragraph of sub-*
23 *paragraph (h) of the paragraph designated "Third" of*
24 *section 7 of the Railway Labor Act (44 Stat. 582; 45*
25 *U.S.C. § 157), is repealed.*

1 *SEC. 239. Subsection (c) of section 12 of the Railroad*
2 *Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C.*
3 *§ 362(c)), is repealed.*

4 *SEC. 240. Section 28 of the Shipping Act of 1916 (39*
5 *Stat. 737; 46 U.S.C. § 827), is repealed.*

6 *SEC. 241. Subsection (c) of section 214 of the Merchant*
7 *Marine Act, 1936 (49 Stat. 1991; 46 U.S.C. § 1124(c)),*
8 *is repealed.*

9 *SEC. 242. Subsection (i) of section 409 of the Com-*
10 *munications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409*
11 *(l)), is repealed.*

12 *SEC. 243. (a) The second sentence of section 9 of the*
13 *Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9), is*
14 *amended by striking “; the claim” and all that follows*
15 *in that sentence and inserting in lieu thereof a period.*

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

21 *(c) Subsection (a) of section 417 of the Interstate*
22 *Commerce Act (49 U.S.C. § 1017(a)), is amended by*
23 *striking the comma after “such provisions” and by striking*
24 *“, and of the Immunity of Witnesses Act (34 Stat. 798;*
25 *32 Stat. 904, ch. 755, sec. 1),”.*

26 *SEC. 244. The third sentence of section 3 of the Act*

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

7 SEC. 245. The first paragraph of the Act of Febru-
8 ary 11, 1893 (27 Stat. 443; 49 U.S.C. § 46), is repealed.

9 SEC. 246. Subsection (i) of section 1004 of the Federal
10 Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484(i)),
11 is repealed.

12 SEC. 247. The ninth sentence of subsection (c) of sec-
13 tion 13 of the Internal Security Act of 1950 (81 Stat. 768;
14 50 U.S.C. § 792(c)), is repealed.

15 SEC. 248. Section 1302 of the Second War Powers
16 Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 643a), is
17 amended by striking the fourth sentence thereof.

18 SEC. 249. Paragraph (4) of subsection (a) of section 2
19 of the Act entitled "*An Act to expedite national defense, and*
20 *for other purposes*", approved June 28, 1940 (54 Stat. 676;
21 50 U.S.C. App. § 1152(a)(4)), is amended by striking
22 the fourth sentence thereof.

23 SEC. 250. Subsection (d) of section 6 of the Export
24 Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026
25 (b)), is repealed.

1 *SEC. 251. Subsection (b) of section 705 of the Act of*
2 *September 8, 1950, to amend the Tariff Act of 1930 (64*
3 *Stat. 816; 50 U.S.C. § 2155(b)), is repealed.*

4 *SEC. 252. Section 23-545 of the District of Columbia*
5 *Code is repealed.*

6 *SEC. 253. Section 42 of the Act of October 9, 1940,*
7 *54 Stat. 1082 (D.C. Code, sec. 35-1346), is repealed.*

8 *SEC. 254. Section 2 of the Act of June 19, 1934, 48*
9 *Stat. 1176 (section 35-802, District of Columbia Code),*
10 *is repealed.*

11 *SEC. 255. Section 29 of the Act of March 4, 1922, 42*
12 *Stat. 414 (section 35-1129, District of Columbia Code),*
13 *is repealed.*

14 *SEC. 256. Section 9 of the Act of February 7, 1914, 38*
15 *Stat. 282, as amended (section 22-2721, District of Colum-*
16 *bia Code), is repealed.*

17 *SEC. 257. Section 5 of the Act of February 7, 1914, 38*
18 *Stat. 281 (section 22-2717, District of Columbia Code), is*
19 *amended by striking out "2721" and inserting in lieu thereof*
20 *"2720".*

21 *SEC. 258. Section 8 of the Act of February 7, 1914, 38*
22 *Stat. 282 (section 22-2720, District of Columbia Code), is*
23 *amended by striking out "2721" and inserting in lieu thereof*
24 *"2720".*

25 *SEC. 259. In addition to the provisions of law specifi-*

1 cally amended or specifically repealed by this title, any other
2 provision of law inconsistent with the provisions of part V
3 of title 18, United States Code (adding by title II of this
4 Act), is to that extent amended or repealed.

5 *SEC. 260. The provisions of part V of title 18, United*
6 *States Code, added by title II of this Act, and the amend-*
7 *ments and repeals made by title II of this Act, shall take*
8 *effect on the sixtieth day following the date of the enactment*
9 *of this Act. No amendment to or repeal of any provision*
10 *of law under title II of this Act shall affect any immunity*
11 *to which any individual is entitled under such provision by*
12 *reason of any testimony or other information given before*
13 *such day.*

14 *TITLE III—RECALCITRANT WITNESSES*

15 *SEC. 301. (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*
25 *is duly brought to its attention, may summarily order his*

1 *confinement at a suitable place until such time as the witness*
2 *is willing to give such testimony or provide such information.*

3 *No period of such confinement shall exceed the life of—*

4 *“(1) the court proceeding, or*

5 *“(2) the term of the grand jury, including*
6 *extensions,*

7 *before which such refusal to comply with the court order oc-*
8 *curred, but in no event shall such confinement exceed eighteen*
9 *months.*

10 *“(b) No person confined pursuant to subsection (a) of*
11 *this section shall be admitted to bail pending the determina-*
12 *tion of an appeal taken by him from the order for his con-*
13 *finement if it appears that the appeal is frivolous or taken for*
14 *delay. Any appeal from an order of confinement under this*
15 *section shall be disposed of as soon as practicable, but not later*
16 *than thirty days from the filing of such appeal.”*

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

“1826. Recalcitrant witnesses.”

20 *SEC. 302. (a) The first paragraph of section 1073,*
21 *chapter 49, title 18, United States Code, is amended by in-*
22 *serting “or (3) to avoid service of, or contempt proceedings*
23 *for alleged disobedience of, lawful process requiring attend-*
24 *ance and the giving of testimony or the production of docu-*

1 *mentary evidence before an agency of a State empowered by*
2 *the law of such State to conduct investigations of alleged*
3 *criminal activities,” immediately after “is charged,”.*

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

10 **TITLE IV—FALSE DECLARATIONS**

11 *SEC. 401. (a) Chapter 79, title 18, United States Code,*
12 *is amended by adding at the end thereof the following new*
13 *section:*

14 **“§ 1623. False declarations before grand jury or court**

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

23 *“(b) This section is applicable whether the conduct oc-*
24 *curred within or without the United States.*

25 *“(c) An indictment or information for violation of this*

1 section alleging that, in any proceedings before or ancil-
2 lary to any court or grand jury of the United States, the
3 defendant under oath has knowingly made two or more
4 declarations, which are inconsistent to the degree that one of
5 them is necessarily false, need not specify which declaration
6 is false if—

7 “(1) each declaration was material to the point in
8 question, and

9 “(2) each declaration was made within the period of
10 the statute of limitations for the offense charged under
11 this section.

12 In any prosecution under this section, the falsity of a declara-
13 tion set forth in the indictment or information shall be
14 established sufficient for conviction by proof that the de-
15 fendant while under oath made irreconcilably contradictory
16 declarations material to the point in question in any proceed-
17 ing before or ancillary to any court or grand jury. It shall
18 be a defense to an indictment or information made pursuant
19 to the first sentence of this subsection that the defendant at the
20 time he made each declaration believed the declaration was
21 true.

22 “(d) Where, in the same continuous court or grand
23 jury proceeding in which a declaration is made, the person
24 making the declaration admits such declaration to be false,
25 such admission shall bar prosecution under this section if,

1 *at the time the admission is made, the declaration has not sub-*
2 *stantially affected the proceeding, or it has not become mani-*
3 *fest that such falsity has been or will be exposed.*

4 “(e) *Proof beyond a reasonable doubt under this sec-*
5 *tion is sufficient for conviction. It shall not be necessary*
6 *that such proof be made by any particular number of wit-*
7 *nesses or by documentary or other type of evidence.*”

8 (b) *The analysis of chapter 79, title 18, United States*
9 *Code, is amended by adding at the end thereof the following*
10 *new item:*

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

11 *TITLE V—PROTECTED FACILITIES FOR*
12 *HOUSING GOVERNMENT WITNESSES*

13 *SEC. 501. The Attorney General of the United States*
14 *is authorized to provide for the security of Government wit-*
15 *nesses, potential Government witnesses, and the families of*
16 *Government witnesses and potential witnesses in legal pro-*
17 *ceedings against any person alleged to have participated*
18 *in an organized criminal activity.*

19 *SEC. 502. The Attorney General of the United States*
20 *is authorized to rent, purchase, modify, or remodel protected*
21 *housing facilities and to otherwise offer to provide for the*
22 *health, safety, and welfare of witnesses and persons intended*
23 *to be called as Government witnesses, and the families of*
24 *witnesses and persons intended to be called as Government*

1 witnesses in legal proceedings instituted against any person
2 alleged to have participated in an organized criminal activity
3 whenever, in his judgment, testimony from, or a willingness to
4 testify by, such a witness would place his life or person, or the
5 life or person of a member of his family or household, in
6 jeopardy. Any person availing himself of an offer by the
7 Attorney General to use such facilities may continue to use
8 such facilities for as long as the Attorney General determines
9 the jeopardy to his life or person continues.

10 *SEC. 503. As used in this title, "Government" means*
11 *the United States, any State, the District of Columbia, the*
12 *Commonwealth of Puerto Rico, any territory or possession*
13 *of the United States, any political subdivision, or any de-*
14 *partment, agency, or instrumentality thereof. The offer of*
15 *facilities to witnesses may be conditioned by the Attorney*
16 *General upon reimbursement in whole or in part to the*
17 *United States by any State or any political subdivision, or*
18 *any department, agency, or instrumentality thereof of the*
19 *cost of maintaining and protecting such witnesses.*

20 *SEC. 504. There is hereby authorized to be appropriated*
21 *from time to time such funds as are necessary to carry out*
22 *the provisions of this title.*

23 *TITLE VI—DEPOSITIONS*

24 *SEC. 601. (a) Chapter 223, title 18, United States Code,*
25 *is amended by adding at the end thereof the following new*
26 *section:*

1 “§ 3503. *Depositions to preserve testimony*

2 “(a) *Whenever due to exceptional circumstances it is in*
3 *the interest of justice that the testimony of a prospective*
4 *witness of a party be taken and preserved, the court at any*
5 *time after the filing of an indictment or information may upon*
6 *motion of such party and notice to the parties order that the*
7 *testimony of such witness be taken by deposition and that*
8 *any designated book, paper, document, record, recording,*
9 *or other material not privileged be produced at the same time*
10 *and place. If a witness is committed for failure to give bail*
11 *to appear to testify at a trial or hearing, the court on written*
12 *motion of the witness and upon notice to the parties may*
13 *direct that his deposition be taken. After the deposition has*
14 *been subscribed the court may discharge the witness. A mo-*
15 *tion by the Government to obtain an order under this section*
16 *shall contain certification by the Attorney General or his*
17 *designee that the legal proceeding is against a person who is*
18 *believed to have participated in an organized criminal activity.*

19 “(b) *The party at whose instance a deposition is to be*
20 *taken shall give to every party reasonable written notice of*
21 *the time and place for taking the deposition. The notice shall*
22 *state the name and address of each person to be examined.*
23 *On motion of a party upon whom the notice is served, the*
24 *court for cause shown may extend or shorten the time or*
25 *change the place for taking the deposition. The officer having*

1 custody of a defendant shall be notified of the time and place
2 set for the examination, and shall produce him at the exami-
3 nation and keep him in the presence of the witness during
4 the examination. A defendant not in custody shall have the
5 right to be present at the examination, but his failure, absent
6 good cause shown, to appear after notice and tender of
7 expenses shall constitute a waiver of that right and of any
8 objection to the taking and use of the deposition based upon
9 that right.

10 “(c) If a defendant is without counsel, the court shall
11 advise him of his rights and assign counsel to represent him
12 unless the defendant elects to proceed without counsel or is
13 able to obtain counsel of his own choice. Whenever a deposi-
14 tion is taken at the instance of the Government, or whenever a
15 deposition is taken at the instance of a defendant who appears
16 to be unable to bear the expense of the taking of the deposition,
17 the court may direct that the expenses of travel and subsist-
18 ence of the defendant and his attorney for attendance at the
19 examination shall be paid by the Government. In such event
20 the marshal shall make payment accordingly.

21 “(d) A deposition shall be taken and filed in the man-
22 ner provided in civil actions, provided that (1) in no event
23 shall a deposition be taken of a party defendant without his
24 consent, and (2) the scope of examination and cross-exami-
25 nation shall be such as would be allowed in the trial itself. On
26 request or waiver by the defendant the court may direct that

1 a deposition be taken on written interrogatories in the manner
2 provided in civil actions. Such request shall constitute a
3 waiver of any objection to the taking and use of the deposi-
4 tion based upon its being so taken.

5 “(e) The Government shall make available to the de-
6 fendant for his examination and use at the taking of the
7 deposition any statement of the witness being deposed which
8 is in the possession of the Government and which the Govern-
9 ment would be required to make available to the defendant
10 if the witness were testifying at the trial.

11 “(f) At the trial or upon any hearing, a part or all of
12 a deposition, so far as otherwise admissible under the rules
13 of evidence, may be used if it appears: That the witness is
14 dead; or that the witness is out of the United States, unless
15 it appears that the absence of the witness was procured by
16 the party offering the deposition; or that the witness is unable
17 to attend or testify because of sickness or infirmity; or that
18 the witness refuses in the trial or hearing to testify concerning
19 the subject of the deposition or part offered; or that the party
20 offering the deposition has been unable to procure the at-
21 tendance of the witness by subpoena. Any deposition may also
22 be used by any party for the purpose of contradicting or
23 impeaching the testimony of the deponent as a witness. If only
24 a part of a deposition is offered in evidence by a party, an
25 adverse party may require him to offer all of it which is

1 relevant to the part offered and any party may offer other
2 parts.

3 “(g) Objections to receiving in evidence a deposition
4 or part thereof may be made as provided in civil actions.”

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

“3503. Depositions to preserve testimony.”

8 TITLE VII—LITIGATION CONCERNING
9 SOURCES OF EVIDENCE

10 PART A—SPECIAL FINDINGS

11 SEC. 701. The Congress finds that claims that evidence
12 offered in proceedings was obtained by the exploitation of
13 unlawful acts, and is therefore inadmissible in evidence,
14 (1) often cannot reliably be determined when such claims
15 concern evidence of events occurring years after the alleg-
16 edly unlawful act, and (2) when the allegedly unlawful
17 act has occurred more than five years prior to the event
18 in question, there is virtually no likelihood that the evidence
19 offered to prove the event has been obtained by the exploita-
20 tion of that allegedly unlawful act.

21 PART B—LITIGATION CONCERNING SOURCES OF
22 EVIDENCE

23 SEC. 702. (a) Chapter 223, title 18, United States
24 Code, is amended by adding at the end thereof the following
25 new section:

1 **“§ 3504. *Litigation concerning sources of evidence***

2 “(a) *In any trial, hearing, or other proceeding in or*
3 *before any court, grand jury, department, officer, agency,*
4 *regulatory body, or other authority of the United States—*

5 “(1) *upon a claim by a party aggrieved that evi-*
6 *dence is inadmissible because it is the primary product*
7 *of an unlawful act or because it was obtained by the ex-*
8 *ploitation of an unlawful act, the opponent of the claim*
9 *shall affirm or deny the occurrence of the alleged unlaw-*
10 *ful act;*

11 “(2) *disclosure of information for a determination*
12 *if evidence is inadmissible because it is the primary prod-*
13 *uct of an unlawful act occurring prior to June 19, 1968,*
14 *or because it was obtained by the exploitation of an un-*
15 *lawful act occurring prior to June 19, 1968, shall not*
16 *be required unless such information may be relevant to*
17 *a pending claim of such inadmissibility; and*

18 “(3) *no claim shall be considered that evidence of*
19 *an event is inadmissible on the ground that such evidence*
20 *was obtained by the exploitation of an unlawful act oc-*
21 *curring prior to June 19, 1968, if such event occurred*
22 *more than five years after such allegedly unlawful act.*

23 “(b) *As used in this section ‘unlawful act’ means any*
24 *act the use of any electronic, mechanical, or other device*
25 *(as defined in section 2510(5) of this title) in violation of*

1 *the Constitution or laws of the United States or any regu-*
 2 *lation or standard promulgated pursuant thereto.”*

3 *(b) The analysis of chapter 223, title 18, United States*
 4 *Code, is amended by adding at the end thereof the following*
 5 *new item:*

“3504. Litigation concerning sources of evidence.”

6 *SEC. 703. This title shall apply to all proceedings, re-*
 7 *gardless of when commenced, occurring after the date of its*
 8 *enactment. Paragraph (3) of subsection (a) of section*
 9 *3504, chapter 223, title 18, United States Code, shall not*
 10 *apply to any proceeding in which all information to be relied*
 11 *upon to establish inadmissibility was possessed by the party*
 12 *making such claim and adduced in such proceeding prior to*
 13 *such enactment.*

14 *TITLE VIII—SYNDICATED GAMBLING*

15 *PART A—SPECIAL FINDINGS*

16 *SEC. 801. The Congress finds that illegal gambling*
 17 *involves widespread use of, and has an effect upon, interstate*
 18 *commerce and the facilities thereof.*

19 *PART B—OBSTRUCTION OF STATE OR LOCAL LAW*

20 *ENFORCEMENT*

21 *SEC. 802. (a) Chapter 73, title 18, United States Code,*
 22 *is amended by adding at the end thereof the following new*
 23 *section:*

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

2 “(a) *It shall be unlawful for two or more persons to*
3 *conspire to obstruct the enforcement of the criminal laws*
4 *of a State or political subdivision thereof, with the intent to*
5 *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 conspiracy;*

8 “(2) *one or more of such persons is an official or*
9 *employee, elected, appointed, or otherwise, of such State*
10 *or political subdivision; and*

11 “(3) *one or more of such persons conducts, finances,*
12 *manages, supervises, directs, or owns all or part of 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 in which it is conducted;*

19 “(ii) *involves five or more persons who conduct,*
20 *finance, manage, supervise, direct, or own all or*
21 *part of such business; and*

22 “(iii) *has been or remains in substantially con-*
23 *tinuous operation for a period in excess of thirty*

1 *days or has a gross revenue of \$2,000 in any single*
2 *day.*

3 “(2) ‘gambling’ includes but is not limited to pool-
4 *selling, bookmaking, maintaining slot machines, roulette*
5 *wheels, or dice tables, and conducting lotteries, policy,*
6 *bolita or numbers games, or selling chances therein.*

7 “(3) ‘State’ means any State of the United States,
8 *the District of Columbia, the Commonwealth of Puerto*
9 *Rico, and any territory or possession of the United*
10 *States.*

11 “(c) This section shall not apply to any bingo game,
12 *lottery, or similar game of chance conducted by an organiza-*
13 *tion exempt from tax under paragraph (3) of subsection*
14 *(c) of section 501 of the Internal Revenue Code of 1954,*
15 *as amended, if no part of the gross receipts derived from*
16 *such activity inures to the benefit of any private shareholder,*
17 *member, or employee of such organization, except as com-*
18 *ensation for actual expenses incurred by him in the con-*
19 *duct of such activity.*

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

23 “(b) The analysis of chapter 73, title 18, United States
24 *Code, is amended by adding at the end thereof the following*
25 *new item:*

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

1 *PART C—ILLEGAL GAMBLING BUSINESS*

2 *SEC. 803. (a) Chapter 95, title 18, United States Code,*
3 *is amended by adding at the end thereof the following new*
4 *section:*

5 *“§ 1955. Prohibition of illegal gambling businesses*

6 *“(a) Whoever conducts, finances, manages, supervises,*
7 *directs, or owns all or part of an illegal gambling business*
8 *shall be fined not more than \$20,000 or imprisoned not more*
9 *than five years, or both.*

10 *“(b) As used in this section—*

11 *“(1) ‘illegal gambling business’ means a gambling*
12 *business which—*

13 *“(i) is a violation of the law of a State or*
14 *political subdivision in which it is conducted;*

15 *“(ii) involves five or more persons who conduct,*
16 *finance, manage, supervise, direct, or own all or part*
17 *of such business; and*

18 *“(iii) has been or remains in substantially con-*
19 *tinuous operation for a period in excess of thirty*
20 *days or has a gross revenue of \$2,000 in any single*
21 *day.*

22 *“(2) ‘gambling’ includes but is not limited to pool-*
23 *selling, bookmaking, maintaining slot machines, roulette*
24 *wheels or dice tables, and conducting lotteries, policy,*
25 *bolita or numbers games, or selling chances therein.*

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

5 “(c) If five or more persons conduct, finance, manage,
6 supervise, direct, or own all or part of a gambling business
7 and such business operates for two or more successive days,
8 then, for the purpose of obtaining warrants for arrests, inter-
9 ceptions, and other searches and seizures, probable cause that
10 the business receives gross revenue in excess of \$2,000 in any
11 single day shall be deemed to have been established.

12 “(d) Any property, including money, used in violation
13 of the provisions of this section may be seized and forfeited
14 to the United States. All provisions of law relating to the
15 seizure, summary, and judicial forfeiture procedures, and
16 condemnation of vessels, vehicles, merchandise, and baggage
17 for violation of the customs laws; the disposition of such ves-
18 sels, vehicles, merchandise, and baggage or the proceeds from
19 such sale; the remission or mitigation of such forfeitures; and
20 the compromise of claims and the award of compensation to
21 informers in respect of such forfeitures shall apply to seizures
22 and forfeitures incurred or alleged to have been incurred
23 under the provisions of this section, insofar as applicable and
24 not inconsistent with such provisions. Such duties as are
25 imposed upon the collector of customs or any other person in

1 *respect to the seizure and forfeiture of vessels, vehicles,*
 2 *merchandise, and baggage under the customs laws shall be*
 3 *performed with respect to seizures and forfeitures of property*
 4 *used or intended for use in violation of this section by such*
 5 *officers, agents, or other persons as may be designated for*
 6 *that purpose by the Attorney General.*

7 “(e) *This section shall not apply to any bingo game,*
 8 *lottery, or similar game of chance conducted by an orga-*
 9 *nization exempt from tax under paragraph (3) of subsec-*
 10 *tion (c) of section 501 of the Internal Revenue Code of*
 11 *1954, as amended, if no part of the gross receipts derived*
 12 *from 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 “(b) *The analysis of chapter 95, title 18, United States*
 17 *Code, is amended by adding at the end thereof the follow-*
 18 *ing new item:*

“1955. *Prohibition of illegal gambling businesses.”*

19 **PART D—COMMISSION TO REVIEW NATIONAL POLICY**

20 **TOWARD GAMBLING**

21 **ESTABLISHMENT**

22 **SEC. 804. (a)** *There is hereby established two years*
 23 *after the effective date of this Act a Commission on the*
 24 *Review of the National Policy Toward Gambling.*

1 *in the United States and existing Federal, State, and local*
2 *policy and practices with respect to legal prohibition and*
3 *taxation of gambling activities and to formulate and propose*
4 *such changes in those policies and practices as the Commis-*
5 *sion may deem appropriate. In such study and review the*
6 *Commission shall—*

7 (1) *review the effectiveness of existing practices in*
8 *law enforcement, judicial administration, and corrections*
9 *in the United States and in foreign legal jurisdictions for*
10 *the enforcement of the prohibition and taxation of gam-*
11 *bling activities and consider possible alternatives to such*
12 *practices; and*

13 (2) *prepare a study of existing statutes of the*
14 *United States that prohibit and tax gambling activities,*
15 *and such a codification, revision, or repeal thereof as the*
16 *Commission shall determine to be required to carry into*
17 *effect such policy and practice changes as it may deem to*
18 *be necessary or desirable.*

19 (b) *The Commission shall make such interim reports*
20 *as it deems advisable. It shall make a final report of its find-*
21 *ings and recommendations to the President of the United*
22 *States and to the Congress within the four-year period follow-*
23 *ing the establishment of the Commission.*

24 (c) *Sixty days after the submission of its final report,*
25 *the Commission shall cease to exist.*

POWERS

1
2 *SEC. 806. (a) The Commission or any duly authorized*
3 *subcommittee or member thereof may, for the purpose of*
4 *carrying out the provisions of this title, hold such hearings, sit*
5 *and act at such times and places, administer such oaths, and*
6 *require by subpoena or otherwise the attendance and testimony*
7 *of such witnesses and the production of such books, records,*
8 *correspondence, memorandums, papers, and documents as the*
9 *Commission or such subcommittee or member may deem ad-*
10 *visable. Any member of the Commission may administer*
11 *oaths or affirmations to witnesses appearing before the Com-*
12 *mission or before such subcommittee or member. Subpenas*
13 *may be issued under the signature of the Chairman or any*
14 *duly designated member of the Commission, and may be*
15 *served by any person designated by the Chairman or such*
16 *member.*

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

1 *failure of any such person to obey any such order of the court*
2 *may be punished by the court as a contempt thereof.*

3 *(c) The Commission shall be "an agency of the United*
4 *States" under subsection (1), section 6001, title 18, United*
5 *States Code, for the purpose of granting immunity to wit-*
6 *nesses.*

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

19 **COMPENSATION AND EXEMPTION OF MEMBERS**

20 *SEC. 807. (a) A member of the Commission who is a*
21 *Member of Congress or a member of the Federal judiciary*
22 *shall serve without additional compensation, but shall be*
23 *reimbursed for travel, subsistence, and other necessary ex-*
24 *penses incurred in the performance of duties vested in the*
25 *Commission.*

1 **(b)** *A member of the Commission who is not a member*
2 *of Congress or a member of the Federal judiciary shall re-*
3 *ceive \$100 per diem when engaged in the actual perform-*
4 *ance of duties vested in the Commission plus reimbursement*
5 *for travel, subsistence, and other necessary expenses incurred*
6 *in the performance of such duties.*

7

STAFF

8 **SEC. 808. (a)** *Subject to such rules and regulations as*
9 *may be adopted by the Commission, the Chairman shall have*
10 *the power to—*

11 **(1)** *appoint and fix the compensation of an Execu-*
12 *tive Director, and such additional staff personnel as he*
13 *deems necessary, without regard to the provisions of title*
14 *5, United States Code, governing appointments in the*
15 *competitive service, and without regard to the provisions*
16 *of chapter 51 and subchapter III of chapter 53 of such*
17 *title relating to classification and General Schedule pay*
18 *rates, but at rates not in excess of the maximum rate for*
19 *GS-18 of the General Schedule under section 5332 of*
20 *such title; and*

21 **(2)** *procure temporary and intermittent services to*
22 *the same extent as is authorized by section 3109 of title*
23 *5, United States Code, but at rates not to exceed \$100*
24 *a day for individuals.*

1 **TITLE IX—RACKETEER INFLUENCED AND**
 2 **CORRUPT ORGANIZATIONS**

3 *SEC. 901. (a) Title 18, United States Code, is amended*
 4 *by adding immediately after chapter 95 thereof the following*
 5 *new chapter:*

6 **“Chapter 96.—RACKETEER INFLUENCED AND**
 7 **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.

8 **“§ 1961. Definitions**

9 *“As used in this chapter—*

10 *“(1) ‘racketeering activity’ means (A) any act or*
 11 *threat involving murder, kidnaping, gambling, arson,*
 12 *robbery, bribery, extortion, or dealing in narcotic or*
 13 *other dangerous drugs, which is chargeable under State*
 14 *law and punishable by imprisonment for more than*
 15 *one year; (B) any act which is indictable under any*
 16 *of the following provisions of title 18, United States*
 17 *Code: Section 201 (relating to bribery), section 224*
 18 *(relating to sports bribery), sections 471, 472, and*
 19 *473 (relating to counterfeiting), section 659 (relating*
 20 *to theft from interstate shipment) if the act indictable*

1 *under section 659 is felonious, section 664 (relating to*
2 *embezzlement from pension and welfare funds), sec-*
3 *tions 891-894 (relating to extortionate credit transac-*
4 *tions), section 1084 (relating to the transmission of*
5 *gambling information), section 1341 (relating to mail*
6 *fraud), section 1343 (relating to wire fraud), section*
7 *1503 (relating to obstruction of justice), section 1510*
8 *(relating to obstruction of criminal investigations), sec-*
9 *tion 1511 (relating to the obstruction of State or local*
10 *law enforcement), section 1951 (relating to interference*
11 *with commerce, robbery, or extortion), section 1952*
12 *(relating to racketeering), section 1953 (relating to*
13 *interstate transportation of wagering paraphernalia),*
14 *section 1954 (relating to unlawful welfare fund pay-*
15 *ments), section 1955 (relating to the prohibition of*
16 *illegal gambling businesses), sections 2314 and 2315*
17 *(relating to interstate transportation of stolen property),*
18 *sections 2421-24 (relating to white slave traffic), (C)*
19 *any act which is indictable under title 29, United States*
20 *Code, section 186 (dealing with restrictions on pay-*
21 *ments and loans to labor organizations) or section 501*
22 *(c) (relating to embezzlement from union funds), or*
23 *(D) any offense involving bankruptcy fraud, fraud in*
24 *the sale of securities, or the felonious manufacture, im-*
25 *portation, receiving, concealment, buying, selling, or*

1 *otherwise dealing in narcotic or other dangerous drugs,*
2 *punishable under any law of the United States;*

3 “(2) ‘State’ means any State of the United States,
4 *the District of Columbia, the Commonwealth of Puerto*
5 *Rico, any territory or possession of the United States,*
6 *any political subdivision, or any department, agency or*
7 *instrumentality thereof;*

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

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

14 “(5) ‘pattern of racketeering activity’ requires at
15 *least two acts of racketeering activity, one of which*
16 *occurred after the effective date of this chapter and the*
17 *last of which occurred within ten years (excluding any*
18 *period of imprisonment) after the commission of a prior*
19 *act of racketeering activity;*

20 “(6) ‘unlawful debt’ means a debt (A) incurred
21 *or contracted in gambling activity which was in viola-*
22 *tion of the law of the United States, a State or political*
23 *subdivision thereof, or which is unenforceable under*
24 *State or Federal law in whole or in part as to princi-*
25 *pal or interest because of the laws relating to usury,*

1 *and (B) which was incurred in connection with the busi-*
2 *ness of gambling in violation of the law of the United*
3 *States, a State or political subdivision thereof, or the*
4 *business of lending money or a thing of value at a rate*
5 *usurious under State or Federal law, where the usurious*
6 *rate is at least twice the enforceable rate;*

7 “(7) ‘racketeering investigator’ means any attorney
8 *or investigator so designated by the Attorney General*
9 *and charged with the duty of enforcing or carrying into*
10 *effect this chapter;*

11 “(8) ‘racketeering investigation’ means any inquiry
12 *conducted by any racketeering investigator for the pur-*
13 *pose of ascertaining whether any person has been in-*
14 *volved in any violation of this chapter or of any final*
15 *order, judgment, or decree of any court of the United*
16 *States, duly entered in any case or proceeding arising*
17 *under this chapter;*

18 “(9) ‘documentary material’ includes any book,
19 *paper, document, record, recording, or other material;*
20 *and*

21 “(10) ‘Attorney General’ includes the Attorney
22 *General of the United States, the Deputy Attorney Gen-*
23 *eral of the United States, any Assistant Attorney Gen-*
24 *eral of the United States, or any employee of the*
25 *Department of Justice or any employee of any depart-*

1 *ment or agency of the United States so designated by*
2 *the Attorney General to carry out the powers conferred*
3 *on the Attorney General by this chapter. Any depart-*
4 *ment or agency so designated may use in investigations*
5 *authorized by this chapter either the investigative pro-*
6 *visions of this chapter or the investigative power of such*
7 *department or agency otherwise conferred by law.*

8 **“§ 1962. Prohibited activities**

9 *“(a) It shall be unlawful for any person who has re-*
10 *ceived any income derived, directly or indirectly, from a*
11 *pattern of racketeering activity or through collection of an*
12 *unlawful debt in which such person has participated as a*
13 *principal within the meaning of section 2, title 18, United*
14 *States Code, to use or invest, directly or indirectly, any part*
15 *of such income, or the proceeds of such income, in acquisition*
16 *of any interest in, or the establishment or operation of, any*
17 *enterprise which is engaged in, or the activities of which*
18 *affect, interstate or foreign commerce. A purchase of securi-*
19 *ties on the open market for purposes of investment, and*
20 *without the intention of controlling or participating in the*
21 *control of the issuer, or of assisting another to do so, shall not*
22 *be unlawful under this subsection if the securities of the issuer*
23 *held by the purchaser, the members of his immediate family,*
24 *and his or their accomplices in any pattern or racketeering*
25 *activity or the collection of an unlawful debt after such pur-*

1 chase do not amount in the aggregate to one percent of the
2 outstanding securities of any one class, and do not confer,
3 either in law or in fact, the power to elect one or more
4 directors of the issuer.

5 “(b) It shall be unlawful for any person through a
6 pattern of racketeering activity or through collection of an
7 unlawful debt to acquire or maintain, directly or indirectly,
8 any interest in or control of any enterprise which is engaged
9 in, or the activities of which affect, interstate or foreign
10 commerce.

11 “(c) It shall be unlawful for any person employed by
12 or associated with any enterprise engaged in, or the ac-
13 tivities of which affect, interstate or foreign commerce, to
14 conduct or participate, directly or indirectly, in the conduct
15 of such enterprise’s affairs through a pattern of racketeering
16 activity or collection of unlawful debt.

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

20 **“§ 1963. Criminal penalties**

21 “(a) Whoever violates any provision of section 1962
22 of this chapter shall be fined not more than \$25,000 or im-
23 prisoned not more than twenty years, or both, and shall
24 forfeit to the United States (1) any interest he has acquired
25 or maintained in violation of section 1962, and (2) any

1 *interest in, security of, claim against, or property or con-*
2 *tractual right of any kind affording a source of influence*
3 *over, any enterprise which he has established, operated, con-*
4 *trolled, conducted, or participated in the conduct of, in*
5 *violation of section 1962.*

6 “(b) *In any action brought by the United States under*
7 *this section, the district courts of the United States shall*
8 *have jurisdiction to enter such restraining orders or pro-*
9 *hibitions, or to take such other actions, including, but not*
10 *limited to, the acceptance of satisfactory performance bonds,*
11 *in connection with any property or other interest subject*
12 *to forfeiture under this section, as it shall deem proper.*

13 “(c) *Upon conviction of a person under this section, the*
14 *court shall authorize the Attorney General to seize all prop-*
15 *erty or other interest declared forfeited under this section*
16 *upon such terms and conditions as the court shall deem*
17 *proper. If a property right or other interest is not exercisable*
18 *or transferable for value by the United States, it shall ex-*
19 *pire, and shall not revert to the convicted person. All pro-*
20 *visions of law relating to the disposition of property, or the*
21 *proceeds from the sale thereof, or the remission or mitigation*
22 *of forfeitures for violation of the customs laws, and the com-*
23 *promise of claims and the award of compensation to in-*
24 *formers in respect of such forfeitures shall apply to for-*
25 *feitures incurred, or alleged to have been incurred, under*

1 *the provisions of this section, insofar as applicable and not*
2 *inconsistent with the provisions hereof. Such duties as are*
3 *imposed upon the collector of customs or any other person*
4 *with respect to the disposition of property under the customs*
5 *laws shall be performed under this chapter by the Attorney*
6 *General. The United States shall dispose of all such property*
7 *as soon as commercially feasible, making due provision for*
8 *the rights of innocent persons.*

9 **“§ 1964. Civil remedies**

10 “(a) *The district courts of the United States shall have*
11 *jurisdiction to prevent and restrain violations of section 1962*
12 *of this chapter by issuing appropriate orders, including, but*
13 *not limited to: ordering any person to divest himself of any*
14 *interest, direct or indirect, in any enterprise; imposing*
15 *reasonable restrictions on the future activities or invest-*
16 *ments of any person, including, but not limited to, prohibit-*
17 *ing any person from engaging in the same type of endeavor*
18 *as the enterprise engaged in, the activities of which affect*
19 *interstate or foreign commerce; or ordering dissolution or re-*
20 *organization of any enterprise, making due provision for the*
21 *rights of innocent persons.*

22 “(b) *The Attorney General may institute proceedings*
23 *under this section. In any action brought by the United*
24 *States under this section, the court shall proceed as soon as*

1 *practicable to the hearing and determination thereof. Pend-*
2 *ing final determination thereof, the court may at any time*
3 *enter such restraining orders or prohibitions, or take such*
4 *other actions, including the acceptance of satisfactory per-*
5 *formance bonds, as it shall deem proper.*

6 “(c) *Any person injured in his business or property by*
7 *reason of a violation of section 1962 of this chapter may sue*
8 *therefor in any appropriate United States district court and*
9 *shall recover threefold the damages he sustains and the cost of*
10 *the suit, including a reasonable attorney’s fee.*

11 “(d) *A final judgment or decree rendered in favor of*
12 *the United States in any criminal proceeding brought by the*
13 *United States under this chapter shall estop the defendant*
14 *from denying the essential allegations of the criminal offense*
15 *in any subsequent civil proceeding brought by the United*
16 *States.*

17 “§ 1965. *Venue and process*

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

22 “(b) *In any action under section 1964 of this chapter in*
23 *any district court of the United States in which it is shown*
24 *that the ends of justice require that other parties residing in*
25 *any other district be brought before the court, the court may*

1 *cause such parties to be summoned, and process for that*
2 *purpose may be served in any judicial district of the United*
3 *States by the marshal thereof.*

4 “(c) *In any civil or criminal action or proceeding insti-*
5 *tuted by the United States under this chapter in the district*
6 *court of the United States for any judicial district, subpoenas*
7 *issued by such court to compel the attendance of witnesses*
8 *may be served in any other judicial district, except that in*
9 *any civil action or proceeding no such subpoena shall be issued*
10 *for service upon any individual who resides in another dis-*
11 *trict at a place more than one hundred miles from the place*
12 *at which such court is held without approval given by a judge*
13 *of such court upon a showing of good cause.*

14 “(d) *All other process in any action or proceeding*
15 *under this chapter may be served on any person in any*
16 *judicial district in which such person resides, is found, has an*
17 *agent, or transacts his affairs.*

18 “§ 1966. ***Expedition of actions***

19 “*In any civil action instituted under this chapter by the*
20 *United States in any district court of the United States, the*
21 *Attorney General may file with the clerk of such court a cer-*
22 *tificate stating that in his opinion the case is of general public*
23 *importance. A copy of that certificate shall be furnished im-*
24 *mediately by such clerk to the chief judge or in his absence to*
25 *the presiding district judge of the district in which such action*

1 is pending. Upon receipt of such copy, such judge shall des-
2 ignate immediately a judge of that district to hear and de-
3 termine action. The judge so designated shall assign such
4 action for hearing as soon as practicable, participate in the
5 hearings and determination thereof, and cause such action to
6 be expedited in every way.

7 **“§ 1967. Evidence**

8 “In any proceeding ancillary to or in any civil action
9 instituted by the United States under this chapter the pro-
10 ceedings may be open or closed to the public at the discretion
11 of the court after consideration of the rights of affected
12 persons.

13 **“§ 1968. Civil investigative demand**

14 “(a) Whenever the Attorney General has reason to be-
15 lieve that any person or enterprise may be in possession, cus-
16 tody, or control of any documentary materials relevant to a
17 racketeering investigation, he may, prior to the institution of
18 a civil or criminal proceeding thereon, issue in writing, and
19 cause to be served upon such person, a civil investigative de-
20 mand requiring such person to produce such material for
21 examination.

22 “(b) Each such demand shall—

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

1 “(2) describe the class or classes of documentary
2 material produced thereunder with such definiteness and
3 certainty as to permit such material to be fairly
4 identified;

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

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

12 “(c) No such demand shall—

13 “(1) contain any requirement which would be held
14 to be unreasonable if contained in a subpoena duces tecum
15 issued by a court of the United States in aid of a grand
16 jury investigation of such alleged racketeering violation;
17 or

18 “(2) require the production of any documentary
19 evidence which would be privileged from disclosure if
20 demanded by a subpoena duces tecum issued by a court
21 of the United States in aid of a grand jury investigation
22 of such alleged racketeering violation.

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

25 “(1) delivering a duly executed copy thereof to any

1 partner, executive officer, managing agent, or general
2 agent thereof, or to any agent thereof authorized by
3 appointment or by law to receive service of process on
4 behalf of such person, or upon any individual person;

5 “(2) delivering a duly executed copy thereof to the
6 principal office or place of business of the person to be
7 served; or

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

11 “(e) A verified return by the individual serving any
12 such demand or petition setting forth the manner of such
13 service shall be prima facie proof of such service. In the case
14 of service by registered or certified mail, such return shall
15 be accompanied by the return post office receipt of delivery
16 of such demand.

17 “(f) (1) The Attorney General shall designate a racket-
18 eering investigator to serve as racketeer document custodian,
19 and such additional racketeering investigators as he shall de-
20 termine from time to time to be necessary to serve as depu-
21 ties to such officer.

22 “(2) Any person upon whom any demand issued under
23 this section has been duly served shall make such material
24 available for inspection and copying or reproduction to the
25 custodian designated therein at the principal place of business

1 of such person, or at such other place as such custodian and
2 such person thereafter may agree and prescribe in writing
3 or as the court may direct, pursuant to this section on the
4 return date specified in such demand, or on such later date
5 as such custodian may prescribe in writing. Such person may
6 upon written agreement between such person and the cus-
7 todian substitute for copies of all or any part of such material
8 originals thereof.

9 “(3) The custodian to whom any documentary ma-
10 terial is so delivered shall take physical possession thereof, and
11 shall be responsible for the use made thereof and for the
12 return thereof pursuant to this chapter. The custodian may
13 cause the preparation of such copies of such documentary
14 material as may be required for official use under regulations
15 which shall be promulgated by the Attorney General. While
16 in the possession of the custodian, no material so produced
17 shall be available for examination, without the consent of
18 the person who produced such material, by any individual
19 other than the Attorney General. Under such reasonable
20 terms and conditions as the Attorney General shall pre-
21 scribe, documentary material while in the possession of the
22 custodian shall be available for examination by the person
23 who produced such material or any duly authorized repre-
24 sentatives of such person.

25 “(4) Whenever any attorney has been designated to

1 appear on behalf of the United States before any court or
2 grand jury in any case or proceeding involving any alleged
3 violation of this chapter, the custodian may deliver to such
4 attorney such documentary material in the possession of
5 the custodian as such attorney determines to be required
6 for use in the presentation of such case or proceeding on behalf
7 of the United States. Upon the conclusion of any such case
8 or proceeding, such attorney shall return to the custodian
9 any documentary material so withdrawn which has not
10 passed into the control of such court or grand jury through
11 the introduction thereof into the record of such case or pro-
12 ceeding.

13 “(5) Upon the completion of—

14 “(i) the racketeering investigation for which any
15 documentary material was produced under this chapter,
16 and

17 “(ii) any case or proceeding arising from such
18 investigation,

19 the custodian shall return to the person who produced such
20 material all such material other than copies thereof made
21 by the Attorney General pursuant to this subsection which
22 has not passed into the control of any court or grand jury
23 through the introduction thereof into the record of such
24 case or proceeding.

25 “(6) When any documentary material has been pro-

1 *duced by any person under this section for use in any racket-*
2 *eering investigation, and no such case or proceeding arising*
3 *therefrom has been instituted within a reasonable time after*
4 *completion of the examination and analysis of all evidence*
5 *assembled in the course of such investigaiton, such person*
6 *shall be entitled, upon written demand made upon the At-*
7 *torney General, to the return of all documentary material*
8 *other than copies thereof made pursuant to this subsection so*
9 *produced by such person.*

10 “(7) *In the event of the death, disability, or separation*
11 *from service of the custodian of any documentary material*
12 *produced under any demand issued under this section or the*
13 *official relief of such custodian from responsibility for the cus-*
14 *tody and control of such material, the Attorney General*
15 *shall promptly—*

16 “(i) *designate another racketeering investigator to*
17 *serve as custodian thereof, and*

18 “(ii) *transmit notice in writing to the person who*
19 *produced such material as to the identity and address*
20 *of the successor so designated.*

21 *Any successor so designated shall have with regard to such*
22 *materials all duties and responsibilities imposed by this sec-*
23 *tion upon his predecessor in office with regard thereto, ex-*
24 *cept that he shall not be held responsible for any default or*

1 *dereliction which occurred before his designation as cus-*
2 *todian.*

3 “(g) *Whenever any person fails to comply with any civil*
4 *investigative demand duly served upon him under this section*
5 *or whenever satisfactory copying or reproduction of any such*
6 *material cannot be done and such person refuses to surrender*
7 *such material, the Attorney General may file, in the district*
8 *court of the United States for any judicial district in which*
9 *such person resides, is found, or transacts business, and serve*
10 *upon such person a petition for an order of such court for the*
11 *enforcement of this section, except that if such person trans-*
12 *acts business in more than one such district such petition shall*
13 *be filed in the district in which such person maintains his*
14 *principal place of business, or in such other district in which*
15 *such person transacts business as may be agreed upon by the*
16 *parties to such petition.*

17 “(h) *Within twenty days after the service of any such*
18 *demand upon any person, or at any time before the return*
19 *date specified in the demand, whichever period is shorter,*
20 *such person may file, in the district court of the United States*
21 *for the judicial district within which such person resides,*
22 *is found, or transacts business, and serve upon such cus-*
23 *todian a petition for an order of such court modifying or*
24 *setting aside such demand. The time allowed for compli-*
25 *ance with the demand in whole or in part as deemed proper*

1 *and ordered by the court shall not run during the pendency*
 2 *of such petition in the court. Such petition shall specify each*
 3 *ground upon which the petitioner relies in seeking such relief,*
 4 *and may be based upon any failure of such demand to comply*
 5 *with the provisions of this section or upon any constitutional*
 6 *or other legal right or privilege of such person.*

7 “(i) *At any time during which any custodian is in*
 8 *custody or control of any documentary material delivered*
 9 *by any person in compliance with any such demand, such*
 10 *person may file, in the district court of the United States for*
 11 *the judicial district within which the office of such custodian*
 12 *is situated, and serve upon such custodian a petition for an*
 13 *order of such court requiring the performance by such cus-*
 14 *todian of any duty imposed upon him by this section.*

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

20 “(b) *The table of contents of part I, title 18, United*
 21 *States Code, is amended by adding immediately after*

“95. *Racketeering* ----- 1951”

22 *the following new item:*

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

1 *SEC. 902. (a) Paragraph (c), subsection (1), section*
2 *2516, title 18, United States Code, is amended by inserting*
3 *at the end thereof between the parenthesis and the semicolon*
4 *“, section 1963 (violations with respect to racketeer influ-*
5 *enced and corrupt organizations)”.*

6 *(b) Subsection (3), section 2517, title 18, United*
7 *States Code, is amended by striking “criminal proceedings*
8 *in any court of the United States or of any State or in any*
9 *Federal or State grand jury proceeding” and inserting in*
10 *lieu thereof “proceeding held under the authority of the*
11 *United States or of any State or political subdivision*
12 *thereof”.*

13 *SEC. 903. The third paragraph, section 1505, title 18,*
14 *United States Code, is amended by inserting “or section*
15 *1968 of this title” after “Act” and before “willfully”.*

16 *SEC. 904. (a) The provisions of this title shall be*
17 *liberally construed to effectuate its remedial purposes.*

18 *(b) Nothing in this title shall supersede any provision*
19 *of Federal, State, or other law imposing criminal penalties*
20 *or affording civil remedies in addition to those provided*
21 *for in this title.*

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

24 *(1) lay before any grand jury impaneled by any*

1 *district court of the United States any evidence concern-*
2 *ing any alleged racketeering violation of law;*

3 *(2) invoke the power of any such court to compel*
4 *the production of any evidence before any such grand*
5 *jury; or*

6 *(3) institute any proceeding to enforce any order*
7 *or process issued in execution of such power or to*
8 *punish disobedience of any such order or process by*
9 *any person.*

10 **TITLE X—DANGEROUS SPECIAL OFFENDER**
11 **SENTENCING**

12 *SEC. 1001. (a) Chapter 227, title 18, United States*
13 *Code, is amended by adding at the end thereof the following*
14 *new sections:*

15 **“§ 3575. Increased sentence for dangerous special offenders**

16 *“(a) Whenever an attorney charged with the prosecu-*
17 *tion of a defendant in a court of the United States for an*
18 *alleged felony committed when the defendant was over the*
19 *age of twenty-one years has reason to believe that the de-*
20 *fendant is a dangerous special offender such attorney, a*
21 *reasonable time before trial or acceptance by the court of a*
22 *plea of guilty or nolo contendere, may sign and file with*
23 *the court, and may amend, a notice (1) specifying that the*
24 *defendant is a dangerous special offender who upon convic-*

1 tion for such felony is subject to the imposition of a sentence
2 under subsection (b) of this section, and (2) setting out
3 with particularity the reasons why such attorney believes
4 the defendant to be a dangerous special offender. In no case
5 shall the fact that the defendant is alleged to be a dangerous
6 special offender be an issue upon the trial of such felony,
7 be disclosed to the jury, or be disclosed before any plea of
8 guilty or nolo contendere or verdict or finding of guilty to
9 the presiding judge without the consent of the parties. If the
10 court finds that the filing of the notice as a public record may
11 prejudice fair consideration of a pending criminal matter, it
12 may order the notice sealed and the notice shall not be subject
13 to subpoena or public inspection during the pendency of such
14 criminal matter, except on order of the court, but shall be
15 subject to inspection by the defendant alleged to be a danger-
16 ous special offender and his counsel.

17 “(b) Upon any plea of guilty or nolo contendere or
18 verdict or finding of guilty of the defendant of such felony,
19 a hearing shall be held, before sentence is imposed, by the
20 court sitting without a jury. The court shall fix a time for
21 the hearing, and notice thereof shall be given to the defendant
22 and the United States at least ten days prior thereto. The
23 court shall permit the United States and counsel for the
24 defendant, or the defendant if he is not represented by coun-
25 sel, to inspect the presentence report sufficiently prior to the

1 *hearing as to afford a reasonable opportunity for verifica-*
2 *tion. In extraordinary cases, the court may withhold material*
3 *not relevant to a proper sentence, diagnostic opinion which*
4 *might seriously disrupt a program of rehabilitation, any*
5 *source of information obtained on a promise of confidentiality,*
6 *and material previously disclosed in open court. A court with-*
7 *holding all or part of a presentence report shall inform*
8 *the parties of its action and place in the record the reasons*
9 *therefor. The court may require parties inspecting all or*
10 *part of a presentence report to give notice of any part thereof*
11 *intended to be controverted. In connection with the hearing,*
12 *the defendant and the United States shall be entitled to as-*
13 *sistance of counsel, compulsory process, and cross-examina-*
14 *tion of such witnesses as appear at the hearing. A duly authen-*
15 *ticated copy of a former judgment or commitment shall be*
16 *prima facie evidence of such former judgment or commitment.*
17 *If it appears by a preponderance of the information, includ-*
18 *ing information submitted during the trial of such felony*
19 *and the sentencing hearing and so much of the presentence*
20 *report as the court relies upon, that the defendant is a danger-*
21 *ous special offender, the court shall sentence the defendant*
22 *to imprisonment for an appropriate term not to exceed*
23 *twenty-five years and not disproportionate in severity to the*
24 *maximum term otherwise authorized by law for such felony.*
25 *Otherwise it shall sentence the defendant in accordance with*

1 the law prescribing penalties for such felony. The court shall
2 place in the record its findings, including an identification of
3 the information relied upon in making such findings, and its
4 reasons for the sentence imposed.

5 “(c) This section shall not prevent the imposition and
6 execution of a sentence of death or of imprisonment for life
7 or for a term exceeding twenty-five years upon any person
8 convicted of an offense so punishable.

9 “(d) Notwithstanding any other provision of this sec-
10 tion, the court shall not sentence a dangerous special offender
11 to less than any mandatory minimum penalty prescribed by
12 law for such felony. This section shall not be construed as
13 creating any mandatory minimum penalty.

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

16 “(1) the defendant has previously been convicted in
17 courts of the United States, a State, the District of
18 Columbia, the Commonwealth of Puerto Rico, a territory
19 or possession of the United States, any political subdivi-
20 sion, or any department, agency or instrumentality
21 thereof for two or more offenses committed on occasions
22 different from one another and from such felony and
23 punishable in such courts by death or imprisonment in
24 excess of one year, for one or more of such convictions
25 the defendant has been imprisoned prior to the commission

1 of such felony, and less than five years have elapsed
2 between the commission of such felony and either the
3 defendant's release, on parole or otherwise, from im-
4 prisonment for one such conviction or his commission of
5 the last such previous offense or another offense punishable
6 by death or imprisonment in excess of one year under
7 applicable laws of the United States, a State, the District
8 of Columbia, the Commonwealth of Puerto Rico, a
9 territory or possession of the United States, any political
10 subdivision, or any department, agency or instrumentality
11 thereof; or

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

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

1 *A conviction shown on direct or collateral review or at the*
2 *hearing to be invalid or for which the defendant has been*
3 *pardoned on the ground of innocence shall be disregarded*
4 *for purposes of paragraph (1) of this subsection. In support*
5 *of findings under paragraph (2) of this subsection, it may be*
6 *shown that the defendant has had in his own name or under*
7 *his control income or property not explained as derived from*
8 *a source other than such conduct. For purposes of paragraph*
9 *(2) of this subsection, a substantial source of income means*
10 *a source of income which for any period of one year or more*
11 *exceeds the minimum wage, determined on the basis of a*
12 *forty-hour week and a fifty-week year, without reference to*
13 *exceptions, under section 6(a)(1) of the Fair Labor*
14 *Standards Act of 1938 (52 Stat. 1602, as amended 80 Stat.*
15 *838), and as hereafter amended, for an employee engaged*
16 *in commerce or in the production of goods for commerce, and*
17 *which for the same period exceeds fifty percent of the defend-*
18 *ant's declared adjusted gross income under section 62 of the*
19 *Internal Revenue Act of 1954 (68A Stat. 17, as amended*
20 *83 Stat. 655), and as hereafter amended. For purposes of*
21 *paragraph (2) of this subsection, special skill or expertise in*
22 *criminal conduct includes unusual knowledge, judgment or*
23 *ability, including manual dexterity, facilitating the initia-*
24 *tion, organizing, planning, financing, direction, manage-*
25 *ment, supervision, execution or concealment of criminal con-*

1 duct, the enlistment of accomplices in such conduct, the escape
2 from detection or apprehension for such conduct, or the
3 disposition of the fruits or proceeds of such conduct. For
4 purposes of paragraphs (2) and (3) of this subsection, crim-
5 inal conduct forms a pattern if it embraces criminal acts
6 that have the same or similar purposes, results, participants,
7 victims, or methods of commission, or otherwise are inter-
8 related by distinguishing characteristics and are not isolated
9 events.

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

14 “(g) The time for taking an appeal from a conviction
15 for which sentence is imposed after proceedings under this
16 section shall be measured from imposition of the original
17 sentence.

18 “§ 3576. **Review of sentence**

19 “With respect to the imposition, correction, or reduction
20 of a sentence after proceedings under section 3575 of this
21 chapter, a review of the sentence on the record of the sentenc-
22 ing court may be taken by the defendant or the United States
23 to a court of appeals. Any review of the sentence taken by
24 the United States shall be taken at least five days before
25 expiration of the time for taking a review of the sentence or

1 *appeal of the conviction by the defendant and shall be dili-*
2 *gently prosecuted. The sentencing court may, with or without*
3 *motion and notice, extend the time for taking a review of*
4 *the sentence for a period not to exceed thirty days from the*
5 *expiration of the time otherwise prescribed by law. The court*
6 *shall not extend the time for taking a review of the sentence*
7 *by the United States after the time has expired. A court*
8 *extending the time for taking a review of the sentence by the*
9 *United States shall extend the time for taking a review of*
10 *the sentence or appeal of the conviction by the defendant for*
11 *the same period. The taking of a review of the sentence by the*
12 *United States shall be deemed the taking of a review of the*
13 *sentence and an appeal of the conviction by the defendant.*
14 *Review of the sentence shall include review of whether the*
15 *procedure employed was lawful, the findings made were*
16 *clearly erroneous, or the sentencing court's discretion was*
17 *abused. The court of appeals on review of the sentence may,*
18 *after considering the record, including the entire presentence*
19 *report, information submitted during the trial of such felony*
20 *and the sentencing hearing, and the findings and reasons of*
21 *the sentencing court, affirm the sentence, impose or direct the*
22 *imposition of any sentence which the sentencing court could*
23 *originally have imposed, or remand for further sentencing*
24 *proceedings and imposition of sentence, except that a sentence*
25 *may be made more severe only on review of the sentence taken*

1 *by the United States and after hearing. Failure of the United*
2 *States to take a review of the imposition of the sentence shall,*
3 *upon review taken by the United States of the correction or*
4 *reduction of the sentence, foreclose imposition of a sentence*
5 *more severe than that previously imposed. Any withdrawal*
6 *or dismissal of review of the sentence taken by the United*
7 *States shall foreclose imposition of a sentence more severe*
8 *than that reviewed but shall not otherwise foreclose the review*
9 *of the sentence or the appeal of the conviction. The court of*
10 *appeals shall state in writing the reasons for its disposition*
11 *of the review of the sentence. Any review of the sentence taken*
12 *by the United States may be dismissed on a showing of abuse*
13 *of the right of the United States to take such review.*

14 **“§ 3577. Use of information for sentencing**

15 *“No limitation shall be placed on the information con-*
16 *cerning the background, character, and conduct of a person*
17 *convicted of an offense which a court of the United States*
18 *may receive and consider for the purpose of imposing an*
19 *appropriate sentence.*

20 **“§ 3578. Conviction records**

21 *“(a) The Attorney General of the United States is au-*
22 *thorized to establish in the Department of Justice a repository*
23 *for records of convictions and determinations of the validity*
24 *of such convictions.*

25 *“(b) Upon the conviction thereafter of a defendant in a*

1 *court of the United States, the District of Columbia, the*
2 *Commonwealth of Puerto Rico, a territory or possession of*
3 *the United States, any political subdivision, or any depart-*
4 *ment, agency, or instrumentality thereof for an offense pun-*
5 *ishable in such court by death or imprisonment in excess of*
6 *one year, or a judicial determination of the validity of such*
7 *conviction on collateral review, the court shall cause a certi-*
8 *fied record of the conviction or determination to be made to*
9 *the repository in such form and containing such information*
10 *as the Attorney General of the United States shall by regula-*
11 *tion prescribe.*

12 “(c) *Records maintained in the repository shall not be*
13 *public records. Certified copies thereof—*

14 “(1) *may be furnished for law enforcement pur-*
15 *poses on request of a court or law enforcement or correc-*
16 *tions officer of the United States, the District of Colum-*
17 *bia, the Commonwealth of Puerto Rico, a territory or*
18 *possession of the United States, any political subdivision,*
19 *or any department, agency, or instrumentality thereof;*

20 “(2) *may be furnished for law enforcement purposes*
21 *on request of a court or law enforcement or corrections*
22 *officer of a State, any political subdivision, or any depart-*
23 *ment, agency, or instrumentality thereof, if a statute of*
24 *such State requires that, upon the conviction of a defend-*
25 *ant in a court of the State or any political subdivision*
26 *thereof for an offense punishable in such court by death*

1 *or imprisonment in excess of one year, or a judicial deter-*
2 *mination of the validity of such conviction on collateral*
3 *review, the court cause a certified record of the conviction*
4 *or determination to be made to the repository in such form*
5 *and containing such information as the Attorney General*
6 *of the United States shall by regulation prescribe; and*

7 *“(3) shall be prima facie evidence in any court of*
8 *the United States, the District of Columbia, the Common-*
9 *wealth of Puerto Rico, a territory or possession of the*
10 *United States, any political subdivision, or any depart-*
11 *ment, agency, or instrumentality thereof, that the convic-*
12 *tions occurred and whether they have been judicially*
13 *determined to be invalid on collateral review.*

14 *“(d) The Attorney General of the United States shall*
15 *give reasonable public notice, and afford to interested parties*
16 *opportunity for hearing, prior to prescribing regulations*
17 *under this section.”*

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

“3575. Increased sentence for dangerous special offenders.

“3576. Review of sentence.

“3577. Use of information for sentencing.

“3578. Conviction records.”

22 *SEC. 1002. Section 3148, chapter 207, title 18, United*
23 *States Code, is amended by adding “or sentence review under*
24 *section 3576 of this title” immediately after “sentence”.*

1 **TITLE XI—REGULATION OF EXPLOSIVES**2 **PURPOSE**

3 *SEC. 1101. The Congress hereby declares that the pur-*
4 *pose of this title is to protect interstate and foreign com-*
5 *merce against interference and interruption by reducing the*
6 *hazard to persons and property arising from misuse and*
7 *unsafe or insecure storage of explosive materials. It is not*
8 *the purpose of this title to place any undue or unnecessary*
9 *Federal restrictions or burdens on law-abiding citizens with*
10 *respect to the acquisition, possession, storage, or use of*
11 *explosive materials for industrial, mining, agricultural, or*
12 *other lawful purposes, or to provide for the imposition by*
13 *Federal regulations of any procedures or requirements other*
14 *than those reasonably necessary to implement and effectuate*
15 *the provisions of this title.*

16 *SEC. 1102. Title 18, United States Code, is amended*
17 *by adding after chapter 39 the following chapter:*

18 **“Chapter 40.—IMPORTATION, MANUFACTURE, DIS-**
19 **TRIBUTION AND STORAGE OF EXPLOSIVE**
20 **MATERIALS**

“Sec.

“841. *Definitions.*

“842. *Unlawful acts.*

“843. *Licensing and user permits.*

“844. *Penalties.*

“845. *Exceptions; relief from disabilities.*

“846. *Additional powers of the Secretary.*

“847. *Rules and regulations.*

“848. *Effect on State law.*

1 **“§ 841. Definitions**2 *“As used in this chapter—*3 *“(a) ‘Person’ means any individual, corporation,*
4 *company, association, firm, partnership, society, or joint*
5 *stock company.*6 *“(b) ‘Interstate or foreign commerce’ means com-*
7 *merce between any place in a State and any place*
8 *outside of that State, or within any possession of the*
9 *United States (not including the Canal Zone) or the*
10 *District of Columbia, and commerce between places*
11 *within the same State but through any place outside of*
12 *that State. ‘State’ includes the District of Columbia, the*
13 *Commonwealth of Puerto Rico, and the possessions of*
14 *the United States (not including the Canal Zone).*15 *“(c) ‘Explosive materials’ means explosives, blasting*
16 *agents, and detonators.*17 *“(d) Except for the purposes of subsections (d),*
18 *(e), (f), (g), (h), (i), and (j) of section 844 of this*
19 *title, ‘explosives’ means any chemical compound mixture,*
20 *or device, the primary or common purpose of which is to*
21 *function by explosion; the term includes, but is not limited*
22 *to, dynamite and other high explosives, black powder, pel-*
23 *let powder, initiating explosives, detonators, safety fuses,*
24 *squibs, detonating cord, igniter cord, and igniters. The*
25 *Secretary shall publish and revise at least annually in*

1 *the Federal Register a list of these and any additional*
2 *explosives which he determines to be within the coverage*
3 *of this chapter. For the purposes of subsections (d), (e),*
4 *(f), (g), (h), and (i) of section 844 of this title, the*
5 *term 'explosive' is defined in subsection (j) of such section*
6 *844.*

7 *“(e) ‘Blasting agent’ means any material or mix-*
8 *ture, consisting of fuel and oxidizer, intended for blasting,*
9 *not otherwise defined as an explosive: Provided, That*
10 *the finished product, as mixed for use or shipment, can-*
11 *not be detonated by means of a numbered 8 test blasting*
12 *cap when unconfined.*

13 *“(f) ‘Detonator’ means any device containing a*
14 *detonating charge that is used for initiating detonation*
15 *in an explosive; the term includes, but is not limited*
16 *to, electric blasting caps of instantaneous and delay*
17 *types, blasting caps for use with safety fuses and*
18 *detonating-cord delay connectors.*

19 *“(g) ‘Importer’ means any person engaged in*
20 *the business of importing or bringing explosive ma-*
21 *terials into the United States for purposes of sale or*
22 *distribution.*

23 *“(h) ‘Manufacturer’ means any person engaged in*
24 *the business of manufacturing explosive materials for*
25 *purposes of sale or distribution or for his own use.*

1 “(i) ‘Dealer’ means any person engaged in the
2 business of distributing explosive materials at wholesale
3 or retail.

4 “(j) ‘Permittee’ means any user of explosives for a
5 lawful purpose, who has obtained a user permit under
6 the provisions of this chapter.

7 “(k) ‘Secretary’ means the Secretary of the Treas-
8 ury or his delegate.

9 “(l) ‘Crime punishable by imprisonment for a term
10 exceeding one year’ shall not mean (1) any Federal
11 or State offenses pertaining to antitrust violations, unfair
12 trade practices, restraints of trade, or other similar of-
13 fenses relating to the regulation of business practices as
14 the Secretary may by regulation designate, or (2) any
15 State offense (other than one involving a firearm or ex-
16 plosive) classified by the laws of the State as a mis-
17 demeanor and punishable by a term of imprisonment of
18 two years or less.

19 “(m) ‘Licensee’ means any importer, manufac-
20 turer, or dealer licensed under the provisions of this
21 chapter.

22 “(n) ‘Distribute’ means sell, issue, give, transfer,
23 or otherwise dispose of.

24 “§ 842. Unlawful acts

25 “(a) It shall be unlawful for any person—

1 “(1) to engage in the business of importing, manu-
2 facturing, or dealing in explosive materials without a
3 license issued under this chapter;

4 “(2) knowingly to withhold information or to make
5 any false or fictitious oral or written statement or to fur-
6 nish or exhibit any false, fictitious, or misrepresented
7 identification, intended or likely to deceive for the
8 purpose of obtaining explosive materials, or a license,
9 permit, exemption, or relief from disability under the
10 provisions of this chapter; and

11 “(3) other than a licensee or permittee know-
12 ingly—

13 “(A) to transport, ship, cause to be trans-
14 ported, or receive in interstate or foreign commerce
15 any explosive materials, except that a person who
16 lawfully purchases explosive materials from a li-
17 censee in a State contiguous to the State in which
18 the purchaser resides may ship, transport, or cause
19 to be transported such explosive materials to the
20 State in which he resides and may receive such ex-
21 plosive materials in the State in which he resides,
22 if such transportation, shipment, or receipt is per-
23 mitted by the law of the State in which he resides; or

24 “(B) to distribute explosive materials to any
25 person (other than a licensee or permittee) who

1 *the distributor knows or has reasonable cause to*
2 *believe does not reside in the State in which the*
3 *distributor resides.*

4 “(b) *It shall be unlawful for any licensee knowingly to*
5 *distribute any explosive materials to any person except—*

6 “(1) *a licensee;*

7 “(2) *a permittee; or*

8 “(3) *a resident of the State where distribution is*
9 *made and in which the licensee is licensed to do business*
10 *or a State contiguous thereto if permitted by the law*
11 *of the State of the purchaser’s residence.*

12 “(c) *It shall be unlawful for any licensee to distribute*
13 *explosive materials to any person who the licensee has rea-*
14 *son to believe intends to transport such explosive materials*
15 *into a State where the purchase, possession, or use of explo-*
16 *sive materials is prohibited or which does not permit its res-*
17 *idents to transport or ship explosive materials into it or to*
18 *receive explosive materials in it.*

19 “(d) *It shall be unlawful for any licensee knowingly to*
20 *distribute explosive materials to any individual who:*

21 “(1) *is under twenty-one years of age;*

22 “(2) *has been convicted in any court of a crime*
23 *punishable by imprisonment for a term exceeding one*
24 *year;*

1 “(3) is under indictment for a crime punishable by
2 imprisonment for a term exceeding one year;

3 “(4) is a fugitive from justice;

4 “(5) is an unlawful user of marihuana (as defined
5 in section 4761 of the Internal Revenue Code of 1954)
6 or any depressant or stimulant drug (as defined in sec-
7 tion 201(v) of the Federal Food, Drug, and Cosmetic
8 Act) or narcotic drug (as defined in section 4721(a)
9 of the Internal Revenue Code of 1954); or

10 “(6) has been adjudicated a mental defective.

11 “(e) It shall be unlawful for any licensee knowingly to
12 distribute any explosive materials to any person in any State
13 where the purchase, possession, or use by such person of such
14 explosive materials would be in violation of any State law or
15 any published ordinance applicable at the place of distribu-
16 tion.

17 “(f) It shall be unlawful for any licensee or permittee
18 willfully to manufacture, import, purchase, distribute, or re-
19 ceive explosive materials without making such records as the
20 Secretary may by regulation require, including, but not
21 limited to, a statement of intended use, the name, date,
22 place of birth, social security number or taxpayer identifica-
23 tion number, and place of residence of any natural person
24 to whom explosive materials are distributed. If explosive
25 materials are distributed to a corporation or other business

1 *entity, such records shall include the identity and principal*
2 *and local places of business and the name, date, place of*
3 *birth, and place of residence of the natural person acting as*
4 *agent of the corporation or other business entity in arranging*
5 *the distribution.*

6 “(g) *It shall be unlawful for any licensee or permittee*
7 *knowingly to make any false entry in any record which he is*
8 *required to keep pursuant to this section or regulations*
9 *promulgated under section 847 of this title.*

10 “(h) *It shall be unlawful for any person to receive, con-*
11 *ceal, transport, ship, store, barter, sell, or dispose of any*
12 *explosive materials knowing or having reasonable cause to*
13 *believe that such explosive materials were stolen.*

14 “(i) *It shall be unlawful for any person—*

15 “(1) *who is under indictment for, or who has*
16 *been convicted in any court of, a crime punishable by*
17 *imprisonment for a term exceeding one year;*

18 “(2) *who is a fugitive from justice;*

19 “(3) *who is an unlawful user of or addicted to mari-*
20 *huana (as defined in section 4761 of the Internal*
21 *Revenue Code of 1954) or any depressant or stimulant*
22 *drug (as defined in section 201(v) of the Federal Food,*
23 *Drug, and Cosmetic Act) or narcotic drug (as defined*
24 *in section 4731(a) of the Internal Revenue Code of*
25 *1954); or*

1 “(4) who has been adjudicated as a mental defec-
2 tive or who has been committed to a mental institution;
3 to ship or transport any explosive in interstate or foreign
4 commerce or to receive any explosive which has been
5 shipped or transported in interstate or foreign commerce.

6 “(j) It shall be unlawful for any person to store any
7 explosive material in a manner not in conformity with reg-
8 ulations promulgated by the Secretary. In promulgating such
9 regulations, the Secretary shall take into consideration the
10 class, type, and quantity of explosive materials to be stored,
11 as well as the standards of safety and security recognized in
12 the explosives industry.

13 “(k) It shall be unlawful for any person who has
14 knowledge of the theft or loss of any explosive materials
15 from his stock, to fail to report such theft or loss within
16 twenty-four hours of discovery thereof, to the Secretary and
17 to appropriate local authorities.

18 “§ 843. Licenses and user permits

19 “(a) An application for a user permit or a license to
20 import, manufacture, or deal in explosive materials shall be
21 in such form and contain such information as the Secre-
22 tary shall by regulation prescribe. Each applicant for a license
23 or permit shall pay a fee to be charged as set by the
24 Secretary, said fee not to exceed \$200 for each license or
25 permit. Each license or permit shall be valid for no longer

1 *than three years from date of issuance and shall be renew-*
2 *able upon the same conditions and subject to the same*
3 *restrictions as the original license or permit and upon pay-*
4 *ment of a renewal fee not to exceed one-half of the original*
5 *fee.*

6 “(b) *Upon the filing of a proper application and pay-*
7 *ment of the prescribed fee, and subject to the provisions of*
8 *this chapter and other applicable laws, the Secretary shall*
9 *issue to such applicant the appropriate license or permit if—*

10 “(1) *the applicant (including in the case of a cor-*
11 *poration, partnership, or association, any individual*
12 *possessing, directly or indirectly, the power to direct or*
13 *cause the direction of the management and policies of*
14 *the corporation, partnership, or association) is not a*
15 *person to whom the distribution of explosive materials*
16 *would be unlawful under section 842(d) of this chapter;*

17 “(2) *the applicant has not willfully violated any*
18 *of the provisions of this chapter or regulations issued*
19 *hereunder;*

20 “(3) *the applicant has in a State premises from*
21 *which he conducts or intends to conduct business;*

22 “(4) *the applicant has a place of storage for explo-*
23 *sive materials which meets such standards of public*
24 *safety and security against theft as the Secretary by*
25 *regulations shall prescribe; and*

1 “(5) the applicant has demonstrated and certified
2 in writing that he is familiar with all published State
3 laws and local ordinances relating to explosive materials
4 for the location in which he intends to do business.

5 “(c) The Secretary shall approve or deny an applica-
6 tion within a period of forty-five days beginning on the date
7 such application is received by the Secretary.

8 “(d) The Secretary may revoke any license or permit
9 issued under this section if in the opinion of the Secretary the
10 holder thereof has violated any provision of this chapter or
11 any rule or regulation prescribed by the Secretary under this
12 chapter, or has become ineligible to acquire explosive mate-
13 rials under section 842(d). The Secretary’s action under this
14 subsection may be reviewed only as provided in subsection
15 (e)(2) of this section.

16 “(e)(1) Any person whose application is denied or
17 whose license or permit is revoked shall receive a written
18 notice from the Secretary stating the specific grounds upon
19 which such denial or revocation is based. Any notice of a
20 revocation of a license or permit shall be given to the holder
21 of such license or permit prior to or concurrently with the
22 effective date of the revocation.

23 “(2) If the Secretary denies an application for, or re-
24 vokes a license, or permit, he shall, upon request by the ag-
25 grieved party, promptly hold a hearing to review his denial

1 or revocation. In the case of a revocation, the Secretary may
2 upon a request of the holder stay the effective date of the
3 revocation. A hearing under this section shall be at a loca-
4 tion convenient to the aggrieved party. The Secretary shall
5 give written notice of his decision to the aggrieved party with-
6 in a reasonable time after the hearing. The aggrieved party
7 may, within sixty days after receipt of the Secretary's written
8 decision, file a petition with the United States court of appeals
9 for the district in which he resides or has his principal place
10 of business for a judicial review of such denial or revocation,
11 pursuant to sections 701-706 of title 5, United States Code.

12 “(f) Licensees and permittees shall make available for
13 inspection at all reasonable times their records kept pursuant
14 to this chapter or the regulations issued hereunder, and shall
15 submit to the Secretary such reports and information with
16 respect to such records and the contents thereof as he shall
17 by regulations prescribe. The Secretary may enter during
18 business hours the premises (including places of storage)
19 of any licensee or permittee, for the purpose of inspecting or
20 examining (1) any records or documents required to be
21 kept by such licensee or permittee, under the provisions of
22 this chapter or regulations issued hereunder, and (2) any
23 explosive materials kept or stored by such licensee or per-
24 mittee at such premises. Upon the request of any State or
25 any political subdivision thereof, the Secretary may make

1 available to such State or any political subdivision thereof,
2 any information which he may obtain by reason of the pro-
3 visions of this chapter with respect to the identification of
4 persons within such State or political subdivision thereof,
5 who have purchased or received explosive materials, to-
6 gether with a description of such explosive materials.

7 “(g) Licenses and permits issued under the provisions
8 of subsection (b) of this section shall be kept posted and
9 kept available for inspection on the premises covered by the
10 license and permit.

11 “§ 844. Penalties

12 “(a) Any person who violates subsections (a) through
13 (i) of section 842 of this chapter shall be fined not more
14 than \$10,000 or imprisoned not more than ten years, or
15 both.

16 “(b) Any person who violates any other provision of
17 section 842 of this chapter shall be fined not more than
18 \$1,000 or imprisoned not more than one year, or both.

19 “(c) Any explosive materials involved or used or
20 intended to be used in any violation of the provisions of this
21 chapter or any other rule or regulation promulgated there-
22 under or any violation of any criminal law of the United
23 States shall be subject to seizure and forfeiture, and all pro-
24 visions of the Internal Revenue Code of 1954 relating to
25 the seizure, forfeiture, and disposition of firearms, as defined

1 *in section 5845(a) of that Code, shall, so far as applicable,*
2 *extend to seizures and forfeitures under the provisions of*
3 *this chapter.*

4 “(d) *Whoever transports or receives, or attempts to*
5 *transport or receive, in interstate or foreign commerce any*
6 *explosive with the knowledge or intent that it will be used*
7 *to kill, injure, or intimidate any individual or unlawfully*
8 *to damage or destroy any building, vehicle, or other real*
9 *or personal property, shall be imprisoned for not more than*
10 *ten years, or fined not more than \$10,000, or both; and*
11 *if personal injury results shall be imprisoned for not more*
12 *than twenty years or fined not more than \$20,000, or both;*
13 *and if death results, shall be subject to imprisonment for any*
14 *term of years, or to the death penalty or to life imprisonment*
15 *as provided in section 34 of this title.*

16 “(e) *Whoever, through the use of the mail, telephone,*
17 *telegraph, or other instrument of commerce, willfully makes*
18 *any threat, or maliciously conveys false information know-*
19 *ing the same to be false, concerning an attempt or alleged*
20 *attempt being made, or to be made, to kill, injure, or in-*
21 *timidate any individual or unlawfully to damage or destroy*
22 *any building, vehicle, or other real or personal property*
23 *by means of an explosive shall be imprisoned for not more*
24 *than five years or fined not more than \$5,000, or both.*

25 “(f) *Whoever maliciously damages or destroys, or at-*

1 *tempts to damage or destroy, by means of an explosive, any*
2 *building, vehicle, or other personal or real property in whole*
3 *or in part owned, possessed, or used by, or leased to, the*
4 *United States, any department or agency thereof, or any in-*
5 *stitution or organization receiving Federal financial assistance*
6 *shall be imprisoned for not more than ten years, or fined*
7 *not more than \$10,000, or both; and if personal injury re-*
8 *sults shall be imprisoned for not more than twenty years,*
9 *or fined not more than \$20,000, or both; and if death results*
10 *shall be subject to imprisonment for any term of years, or*
11 *to the death penalty or to life imprisonment as provided in*
12 *section 34 of this title.*

13 “(g) *Whoever possesses an explosive in any building*
14 *in whole or in part owned, possessed, or used by, or leased*
15 *to, the United States or any department or agency thereof,*
16 *except with the written consent of the agency, department,*
17 *or other person responsible for the management of such*
18 *building, shall be imprisoned for not more than one year, or*
19 *fined not more than \$1,000, or both.*

20 “(h) *Whoever—*

21 “(1) *uses an explosive to commit any felony*
22 *which may be prosecuted in a court of the United States,*
23 *or*

24 “(2) *carries an explosive unlawfully during the*

1 *commission of any felony which may be prosecuted in a*
2 *court of the United States,*
3 *shall be sentenced to a term of imprisonment for not less than*
4 *one year nor more than ten years. In the case of his second*
5 *or subsequent conviction under this subsection, such person*
6 *shall be sentenced to a term of imprisonment for not less than*
7 *five years nor more than twenty-five years, and, notwith-*
8 *standing any other provision of law, the court shall not sus-*
9 *pend the sentence of such person or give him a probationary*
10 *sentence.*

11 “(i) *Whoever maliciously damages or destroys, or at-*
12 *tempts to damage or destroy, by means of an explosive, any*
13 *building, vehicle, or other real or personal property used in*
14 *interstate or foreign commerce or in any activity affecting*
15 *interstate or foreign commerce shall be imprisoned for not*
16 *more than ten years or fined not more than \$10,000, or*
17 *both; and if personal injury results shall be imprisoned for*
18 *not more than twenty years or fined not more than \$20,000,*
19 *or both; and if death results shall also be subject to imprison-*
20 *ment for any term of years, or to the death penalty or to life*
21 *imprisonment as provided in section 34 of this title.*

22 “(j) *For the purposes of subsections (d), (e), (f),*
23 *(g), (h), and (i) of this section, the term ‘explosive’ means*
24 *gunpowders, powders used for blasting, all forms of high ex-*

1 *plosives, blasting materials, fuzes (other than electric circuit*
2 *breakers), detonators, and other detonating agents, smoke-*
3 *less powders, other explosive or incendiary devices within the*
4 *meaning of paragraph (5) of section 232 of this title, and*
5 *any chemical compounds, mechanical mixture, or device that*
6 *contains any oxidizing and combustible units, or other in-*
7 *redients, in such proportions, quantities, or packing that*
8 *ignition by fire, by friction, by concussion, by percussion, or*
9 *by detonation of the compound, mixture, or device or any*
10 *part thereof may cause an explosion.*

11 **“§ 845. Exceptions; relief from disabilities**

12 *“(a) Except in the case of subsections (d), (e), (f),*
13 *(g), (h), and (i) of section 844 of this title, this chapter shall*
14 *not apply to:*

15 *“(1) any aspect of the transportation of explosive*
16 *materials via railroad, water, highway, or air which are*
17 *regulated by the United States Department of Transporta-*
18 *tion and agencies thereof;*

19 *“(2) the use of explosive materials in medicines*
20 *and medicinal agents in the forms prescribed by the*
21 *official United States Pharmacopeia, or the National*
22 *Formulary;*

23 *“(3) the transportation, shipment, receipt, or im-*
24 *portation of explosive materials for delivery to any*

1 *agency of the United States or to any State or political*
2 *subdivision thereof;*

3 *“(4) small arms ammunition and components*
4 *thereof;*

5 *“(5) black powder in quantities not to exceed five*
6 *pounds; and*

7 *“(6) the manufacture under the regulation of the*
8 *military department of the United States of explosive*
9 *materials for, or their distribution to or storage or pos-*
10 *session by the military or naval services or other agen-*
11 *cies of the United States; or to arsenals, navy yards,*
12 *depots, or other establishments owned by, or operated*
13 *by or on behalf of, the United States.*

14 *“(b) A person who had been indicted for or convicted*
15 *of a crime punishable by imprisonment for a term exceeding*
16 *one year may make application to the Secretary for relief*
17 *from the disabilities imposed by this chapter with respect to*
18 *engaging in the business of importing, manufacturing, or*
19 *dealing in explosive materials, or the purchase of explosive*
20 *materials, and incurred by reason of such indictment or com-*
21 *viction, and the Secretary may grant such relief if it is*
22 *established to his satisfaction that the circumstances regard-*
23 *ing the indictment or conviction, and the applicant’s record*
24 *and reputation, are such that the applicant will not be likely*

1 to act in a manner dangerous to public safety and that the
2 granting of the relief will not be contrary to the public
3 interest. A licensee or permittee who makes application
4 for relief from the disabilities incurred under this chapter by
5 reason of indictment or conviction, shall not be barred by
6 such indictment or conviction from further operations under
7 his license or permit pending final action on an application
8 for relief filed pursuant to this section.

9 **“§ 846. Additional powers of the Secretary**

10 “The Secretary is authorized to inspect the site of any
11 accident, or fire, in which there is reason to believe that
12 explosive materials were involved, in order that if any such
13 incident has been brought about by accidental means, pre-
14 cautions may be taken to prevent similar accidents from
15 occurring. In order to carry out the purpose of this subsection,
16 the Secretary is authorized to enter into or upon any
17 property where explosive materials have been used, are
18 suspected of having been used, or have been found in an
19 otherwise unauthorized location. Nothing in this chapter shall
20 be construed as modifying or otherwise affecting in any way
21 the investigative authority of any other Federal agency. In
22 addition to any other investigatory authority they have with
23 respect to violations of provisions of this chapter, the Attorney
24 General and the Federal Bureau of Investigation, together
25 with the Secretary, shall have authority to conduct investiga-

1 tions with respect to violations of subsection (d), (e), (f),
2 (g), (h), or (i) of section 844 of this title.

3 **“§ 847. Rules and regulations**

4 *“The administration of this chapter shall be vested in the*
5 *Secretary. The Secretary may prescribe such rules and regu-*
6 *lations as he deems reasonably necessary to carry out the*
7 *provisions of this chapter. The Secretary shall give reason-*
8 *able public notice, and afford to interested parties oppor-*
9 *tunity for hearing, prior to prescribing such rules and*
10 *regulations.*

11 **“§ 848. Effect on State law**

12 *“No provision of this chapter shall be construed as indi-*
13 *cating an intent on the part of the Congress to occupy the*
14 *field in which such provision operates to the exclusion of the*
15 *law of any State on the same subject matter, unless there is a*
16 *direct and positive conflict between such provision and the*
17 *law of the State so that the two cannot be reconciled or con-*
18 *sistently stand together.”*

19 *(b) The title analysis of title 18, United States Code,*
20 *is amended by inserting immediately below the item relating*
21 *to chapter 39 the following:*

“40. Importation, manufacture, distribution and storage of ex-
plosive materials ----- 841”.

22 *SEC. 1103. Section 2516(1)(c) of title 18, United*
23 *States Code, is amended by inserting after “section 224 (brib-*

1 ery in sporting contests),” the following: “subsection (d),
2 (e), (f), (g), (h), or (i) of section 844 (unlawful use of
3 explosives),”.

4 *SEC. 1104. Nothing in this title shall be construed as*
5 *modifying or affecting any provision of—*

6 (a) *The National Firearms Act (chapter 53 of the*
7 *Internal Revenue Code of 1954);*

8 (b) *Section 414 of the Mutual Security Act of 1954*
9 *(22 U.S.C. 1934), as amended, relating to munitions*
10 *control;*

11 (c) *Section 1716 of title 18, United States Code,*
12 *relating to nonmailable materials;*

13 (d) *Sections 831 through 836 of title 18, United*
14 *States Code; or*

15 (e) *Chapter 44 of title 18, United States Code.*

16 *SEC. 1105. (a) Except as provided in subsection (b),*
17 *the provisions of chapter 40 of title 18, United States Code,*
18 *as enacted by section 1102 of this title shall take effect one*
19 *hundred and twenty days after the date of enactment of this*
20 *Act.*

21 (b) *The following sections of chapter 40 of title 18,*
22 *United States Code, as enacted by section 1102 of this title*
23 *shall take effect on the date of the enactment of this Act:*
24 *sections 841, 844 (d), (e), (f), (g), (h), (i), and (j), 845,*
25 *846, 847, 848, and 849.*

1 “(c) Any person (as defined in section 841(a) of title
2 18, United States Code) engaging in a business or operation
3 requiring a license or permit under the provisions of chapter
4 40 of such title 18 who was engaged in such business or opera-
5 tion on the date of enactment of this Act and who has filed an
6 application for a license or permit under the provisions of
7 section 843 of such chapter 40 prior to the effective date of
8 such section 843 may continue such business or operation
9 pending final action on his application. All provisions of such
10 chapter 40 shall apply to such applicant in the same manner
11 and to the same extent as if he were a holder of a license or
12 permit under such chapter 40.

13 SEC. 1106. (a) The Federal Explosives Act of Octo-
14 ber 6, 1917 (40 Stat. 385, as amended; 50 U.S.C. 121-
15 143), and as extended by Act of July 1, 1948 (40 Stat.
16 671; 50 U.S.C. 144), and all regulations adopted there-
17 under are hereby repealed.

18 (b) (1) Section 837 of title 18 of the United States Code
19 is repealed.

20 (2) The item relating to such section 837 in the chapter
21 analysis of chapter 39 of such title 18 is repealed.

22 SEC. 1107. There are hereby authorized to be appropri-
23 ated such sums as are necessary to carry out the purposes of
24 this title.

1 *TITLE XII—NATIONAL COMMISSION ON INDI-*
2 *VIDUAL RIGHTS*

3 *SEC. 1201. There is hereby established the National*
4 *Commission on Individual Rights (hereinafter in this title*
5 *referred to as the "Commission").*

6 *SEC. 1202. The Commission shall be composed of fifteen*
7 *members appointed as follows:*

8 *(1) four appointed by the President of the Senate*
9 *from Members of the Senate;*

10 *(2) four appointed by the Speaker of the House of*
11 *Representatives from Members of the House of Repre-*
12 *sentatives; and*

13 *(3) seven appointed by the President of the United*
14 *States from all segments of life in the United States, in-*
15 *cluding but not limited to lawyers, jurists, and policemen,*
16 *none of whom shall be officers of the executive branch of*
17 *the Government.*

18 *SEC. 1203. The President of the United States shall*
19 *designate a Chairman from among the members of the Com-*
20 *mission. Any vacancy in the Commission shall not affect its*
21 *powers but shall be filled in the same manner in which the*
22 *original appointment was made.*

23 *SEC. 1204. It shall be the duty of the Commission to con-*
24 *duct a comprehensive study and review of Federal laws and*

1 *practices relating to special grand juries authorized under*
2 *chapter 216 of title 18, United States Code, dangerous special*
3 *offender sentencing under section 3575 of title 18, United*
4 *States Code, wiretapping and electronic surveillance, bail re-*
5 *form and preventive detention, no-knock search warrants, and*
6 *the accumulation of data on individuals by Federal agencies*
7 *as authorized by law or acquired by executive action. The*
8 *Commission may also consider other Federal laws and prac-*
9 *tices which in its opinion may infringe upon the individual*
10 *rights of the people of the United States. The Commission*
11 *shall determine which laws and practices are needed, which*
12 *are effective, and whether they infringe upon the individual*
13 *rights of the people of the United States.*

14 *SEC. 1205. (a) Subject to such rules and regulations as*
15 *may be adopted by the Commission, the Chairman shall have*
16 *the power to—*

17 *(1) appoint and fix the compensation of an Execu-*
18 *tive Director, and such additional staff personnel as he*
19 *deems necessary, without regard to the provisions of title*
20 *5, United States Code, governing appointments in the*
21 *competitive service, and without regard to the provisions*
22 *of chapter 51 and subchapter III of chapter 53 of such*
23 *title relating to classification and General Schedule pay*
24 *rates, but at rates not in excess of the maximum rate for*

1 *GS-18 of the General Schedule under section 5332 of*
2 *such title; and*

3 *(2) procure temporary and intermittent services to*
4 *the same extent as is authorized by section 3109 of title 5,*
5 *United States Code, but at rates not to exceed \$100 a day*
6 *for individuals.*

7 *(b) In making appointments pursuant to subsection (a)*
8 *of this section, the Chairman shall include among his appoint-*
9 *ment individuals determined by the Chairman to be competent*
10 *social scientists, lawyers, and law enforcement officers.*

11 *SEC. 1206. (a) A member of the Commission who is a*
12 *Member of Congress shall serve without additional compensa-*
13 *tion, but shall be reimbursed for travel, subsistence, and other*
14 *necessary expenses incurred in the performance of duties*
15 *vested in the Commission.*

16 *(b) A member of the Commission from private life shall*
17 *receive \$100 per diem when engaged in the actual perform-*
18 *ance of duties vested in the Commission, plus reimburse-*
19 *ment for travel, subsistence, and other necessary expenses in-*
20 *curring in the performance of such duties.*

21 *SEC. 1207. Each department, agency, and instrumental-*
22 *ity of the executive branch of the Government, including inde-*
23 *pendent agencies, is authorized and directed to furnish to the*
24 *Commission, upon request made by the Chairman, such*
25 *statistical data, reports, and other information as the Commis-*

1 *sion deems necessary to carry out its functions under this title.*
2 *The Chairman is further authorized to call upon the depart-*
3 *ments, agencies, and other offices of the several States to fur-*
4 *nish such statistical data, reports, and other information as*
5 *the Commission deems necessary to carry out its functions*
6 *under this title.*

7 * *SEC. 1208. The Commission shall make interim reports*
8 *and recommendations as it deems advisable, but at least every*
9 *two years, and it shall make a final report of its findings and*
10 *recommendations to the President of the United States and to*
11 *the Congress at the end of six years following the effective date*
12 *of this section. Sixty days after the submission of the final*
13 *report, the Commission shall cease to exist.*

14 *SEC. 1209. (a) Except as provided in subsection (b)*
15 *of this section, any member of the Commission is exempted,*
16 *with respect to his appointment, from the operation of sections*
17 *203, 205, 207, and 209 of title 18, United States Code.*

18 *(b) The exemption granted by subsection (a) of this*
19 *section shall not extend—*

20 *(1) to the receipt of payment of salary in connection*
21 *with the appointee's Government service from any source*
22 *other than the private employer of the appointee at the*
23 *time of his appointment, or*

24 *(2) during the period of such appointment, to the*
25 *prosecution, by any person so appointed, of any claim*

1 *against the Government involving any matter with which*
2 *such person, during such period, is or was directly con-*
3 *ected by reason of such appointment.*

4 *SEC. 1210. The foregoing provisions of this title shall*
5 *take effect on January 1, 1972.*

6 *SEC. 1211. There are authorized to be appropriated such*
7 *sums as may be necessary to carry out the provisions of this*
8 *title.*

9 *SEC. 1212. Section 804 of the Omnibus Crime Control*
10 *and Safe Streets Act of 1968 (Public Law 90-351; 18*
11 *U.S.C. 2510 note) is repealed.*

12 *TITLE XIII—GENERAL PROVISIONS*

13 *SEC. 1301. If the provisions of any part of this Act or*
14 *the application thereof to any person or circumstances be held*
15 *invalid, the provisions of the other parts and their application*
16 *to other persons or circumstances shall not be affected thereby.*

Passed the Senate January 23, 1970.

Attest:

FRANCIS R. VALEO,

Secretary.

Union Calendar No. 744

**91ST CONGRESS
2^D SESSION**

S. 30

[Report No. 91-1549]

AN ACT

**Relating to the control of organized crime in
the United States.**

JANUARY 26, 1970

Referred to the Committee on the Judiciary

SEPTEMBER 30, 1970

**Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed**