

In the Senate of the United States,

December 6, 2006.

Resolved, That the bill from the House of Representatives (H.R. 1751) entitled “An Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Court Security Improve-*
3 *ment Act of 2006”.*

1 **TITLE I—JUDICIAL SECURITY**
 2 **IMPROVEMENTS AND FUNDING**

3 **SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

4 (a) *ENSURING CONSULTATION WITH THE JUDICI-*
 5 *ARY.*—Section 566 of title 28, United States Code, is
 6 amended by adding at the end the following:

7 “(i) *The Director of the United States Marshals Serv-*
 8 *ice shall consult with the Judicial Conference of the United*
 9 *States on a continuing basis regarding the security require-*
 10 *ments for the judicial branch of the United States Govern-*
 11 *ment, to ensure that the views of the Judicial Conference*
 12 *regarding the security requirements for the judicial branch*
 13 *of the Federal Government are taken into account when de-*
 14 *termining staffing levels, setting priorities for programs re-*
 15 *garding judicial security, and allocating judicial security*
 16 *resources. In this paragraph, the term ‘judicial security’ in-*
 17 *cludes the security of buildings housing the judiciary, the*
 18 *personal security of judicial officers, the assessment of*
 19 *threats made to judicial officers, and the protection of all*
 20 *other judicial personnel. The United States Marshals Serv-*
 21 *ice retains final authority regarding security requirements*
 22 *for the judicial branch of the Federal Government.”.*

23 (b) *CONFORMING AMENDMENT.*—Section 331 of title
 24 28, United States Code, is amended by adding at the end
 25 the following:

1 *“The Judicial Conference shall consult with the Direc-*
 2 *tor of United States Marshals Service on a continuing basis*
 3 *regarding the security requirements for the judicial branch*
 4 *of the United States Government, to ensure that the views*
 5 *of the Judicial Conference regarding the security require-*
 6 *ments for the judicial branch of the Federal Government*
 7 *are taken into account when determining staffing levels, set-*
 8 *ting priorities for programs regarding judicial security,*
 9 *and allocating judicial security resources. In this para-*
 10 *graph, the term ‘judicial security’ includes the security of*
 11 *buildings housing the judiciary, the personal security of ju-*
 12 *dicial officers, the assessment of threats made to judicial*
 13 *officers, and the protection of all other judicial personnel.*
 14 *The United States Marshals Service retains final authority*
 15 *regarding security requirements for the judicial branch of*
 16 *the Federal Government.”.*

17 **SEC. 102. PROTECTION OF FAMILY MEMBERS.**

18 *Section 105(b)(3) of the Ethics in Government Act of*
 19 *1978 (5 U.S.C. App.) is amended—*

20 *(1) in subparagraph (A), by inserting “or a fam-*
 21 *ily member of that individual” after “that indi-*
 22 *vidual”; and*

23 *(2) in subparagraph (B)(i), by inserting “or a*
 24 *family member of that individual” after “the report”.*

1 **SEC. 103. FINANCIAL DISCLOSURE REPORTS.**

2 (a) *EXTENSION OF AUTHORITY.*—Section 105(b)(3) of
 3 the *Ethics in Government Act of 1978* (5 U.S.C. App) is
 4 amended by striking “2005” each place that term appears
 5 and inserting “2009”.

6 (b) *REPORT CONTENTS.*—Section 105(b)(3)(C) of the
 7 *Ethics in Government Act of 1978* (5 U.S.C. App) is
 8 amended—

9 (1) in clause (ii), by striking “and” at the end;

10 (2) in clause (iii), by striking the period at the
 11 end and inserting a semicolon; and

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

13 “(iv) the nature or type of information redacted;

14 “(v) what steps or procedures are in place to en-
 15 sure that sufficient information is available to liti-
 16 gants to determine if there is a conflict of interest;

17 “(vi) principles used to guide implementation of
 18 redaction authority; and

19 “(vii) any public complaints received in regards
 20 to redaction.”.

21 **SEC. 104. PROTECTION OF UNITED STATES TAX COURT.**

22 (a) *IN GENERAL.*—Section 566(a) of title 28, *United*
 23 *States Code*, is amended by striking “and the Court of
 24 *International Trade*” and inserting “, the Court of Inter-
 25 *national Trade*, and any other court, as provided by law”.

1 (b) *INTERNAL REVENUE CODE*.—Section 7456(c) of
 2 the Internal Revenue Code of 1986 (relating to incidental
 3 powers of the Tax Court) is amended in the matter fol-
 4 lowing paragraph (3), by striking the period at the end,
 5 and inserting “and may otherwise provide for the security
 6 of the Tax Court, including the personal protection of Tax
 7 Court judges, court officers, witnesses, and other threatened
 8 person in the interests of justice, where criminal intima-
 9 tion impedes on the functioning of the judicial process or
 10 any other official proceeding.”.

11 **SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**
 12 **SHALS SERVICE TO PROTECT THE JUDICIARY.**

13 In addition to any other amounts authorized to be ap-
 14 propriated for the United States Marshals Service, there are
 15 authorized to be appropriated for the United States Mar-
 16 shals Service to protect the judiciary, \$20,000,000 for each
 17 of fiscal years 2006 through 2010 for—

18 (1) hiring entry-level deputy marshals for pro-
 19 viding judicial security;

20 (2) hiring senior-level deputy marshals for inves-
 21 tigating threats to the judiciary and providing pro-
 22 tective details to members of the judiciary and assist-
 23 ant United States attorneys; and

1 (3) *for the Office of Protective Intelligence, for*
 2 *hiring senior-level deputy marshals, hiring program*
 3 *analysts, and providing secure computer systems.*

4 **TITLE II—CRIMINAL LAW EN-**
 5 **HANCEMENTS TO PROTECT**
 6 **JUDGES, FAMILY MEMBERS,**
 7 **AND WITNESSES**

8 **SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING**
 9 **OF FICTITIOUS LIENS AGAINST FEDERAL**
 10 **JUDGES AND FEDERAL LAW ENFORCEMENT**
 11 **OFFICERS.**

12 (a) *OFFENSE.*—Chapter 73 of title 18, United States
 13 *Code, is amended by adding at the end the following:*

14 **“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR**
 15 **FEDERAL LAW ENFORCEMENT OFFICER BY**
 16 **FALSE CLAIM OR SLANDER OF TITLE.**

17 *“Whoever files, attempts to file, or conspires to file, in*
 18 *any public record or in any private record which is gen-*
 19 *erally available to the public, any false lien or encumbrance*
 20 *against the real or personal property of an individual de-*
 21 *scribed in section 1114, on account of the performance of*
 22 *official duties by that individual, knowing or having reason*
 23 *to know that such lien or encumbrance is false or contains*
 24 *any materially false, fictitious, or fraudulent statement or*

1 *representation, shall be fined under this title or imprisoned*
 2 *for not more than 10 years, or both.”.*

3 (b) *CLERICAL AMENDMENT.—The chapter analysis for*
 4 *chapter 73 of title 18, United States Code, is amended by*
 5 *adding at the end the following new item:*

*“1521. Retaliating against a Federal judge or Federal law enforcement officer by
 false claim or slander of title.”.*

6 **SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CER-**
 7 **TAIN OFFICIAL DUTIES.**

8 (a) *OFFENSE.—Chapter 7 of title 18, United States*
 9 *Code, is amended by adding at the end the following:*

10 **“§ 118. Protection of individuals performing certain**
 11 **official duties**

12 *“(a) IN GENERAL.—Whoever knowingly makes re-*
 13 *stricted personal information about a covered official, or*
 14 *a member of the immediate family of that covered official,*
 15 *publicly available—*

16 *“(1) with the intent to threaten, intimidate, or*
 17 *incite the commission of a crime of violence against*
 18 *that covered official, or a member of the immediate*
 19 *family of that covered official; or*

20 *“(2) with the intent and knowledge that the re-*
 21 *stricted personal information will be used to threaten,*
 22 *intimidate, or facilitate the commission of a crime of*
 23 *violence against that covered official, or a member of*
 24 *the immediate family of that covered official,*

1 *shall be fined under this title, imprisoned not more than*
 2 *5 years, or both.*

3 “(b) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘restricted personal information’*
 5 *means, with respect to an individual, the Social Secu-*
 6 *rity number, the home address, home phone number,*
 7 *mobile phone number, personal email, or home fax*
 8 *number of, and identifiable to, that individual;*

9 “(2) *the term ‘covered official’ means—*

10 “(A) *an individual designated in section*
 11 *1114; or*

12 “(B) *a grand or petit juror, witness, or*
 13 *other officer in or of, any court of the United*
 14 *States, or an officer who may be serving at any*
 15 *examination or other proceeding before any*
 16 *United States magistrate judge or other commit-*
 17 *ting magistrate;*

18 “(3) *the term ‘crime of violence’ has the meaning*
 19 *given the term in section 16; and*

20 “(4) *the term ‘immediate family’ has the mean-*
 21 *ing given the term in section 115(c)(2).”.*

22 (b) *CLERICAL AMENDMENT.—The table of sections at*
 23 *the beginning of chapter 7 of title 18, United States Code,*
 24 *is amended by adding at the end the following new item:*

“118. Protection of individuals performing certain official duties.”.

1 **SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS**
 2 **WEAPONS IN FEDERAL COURT FACILITIES.**

3 *Section 930(e)(1) of title 18, United States Code, is*
 4 *amended by inserting “or other dangerous weapon” after*
 5 *“firearm”.*

6 **SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION**
 7 **AGAINST A WITNESS.**

8 *Section 1513 of title 18, United States Code, is amend-*
 9 *ed by adding at the end the following:*

10 *“(g) A prosecution under this section may be brought*
 11 *in the district in which the official proceeding (whether*
 12 *pending, about to be instituted, or completed) was intended*
 13 *to be affected, or in which the conduct constituting the al-*
 14 *leged offense occurred.”.*

15 **SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS,**
 16 **VICTIM, OR AN INFORMANT OFFENSE.**

17 *(a) CHANGES IN PENALTIES.—Section 1512 of title 18,*
 18 *United States Code, is amended—*

19 *(1) so that subparagraph (A) of subsection (a)(3)*
 20 *reads as follows:*

21 *“(A) in the case of a killing, the punishment pro-*
 22 *vided in sections 1111 and 1112;”;*

23 *(2) in subsection (a)(3)—*

24 *(A) in the matter following clause (ii) of*
 25 *subparagraph (B) by striking “20 years” and*
 26 *inserting “30 years”; and*

1 (B) in subparagraph (C), by striking “10
 2 years” and inserting “20 years”;
 3 (3) in subsection (b), by striking “ten years” and
 4 inserting “20 years”; and
 5 (4) in subsection (d), by striking “one year” and
 6 inserting “3 years”.

7 **SEC. 206. MODIFICATION OF RETALIATION OFFENSE.**

8 Section 1513 of title 18, United States Code, is
 9 amended—

10 (1) in subsection (a)(1)(B)—
 11 (A) by inserting a comma after “proba-
 12 tion”; and
 13 (B) by striking the comma which imme-
 14 diately follows another comma;
 15 (2) in subsection (a)(2)(B), by striking “20
 16 years” and inserting “30 years”;
 17 (3) in subsection (b)—
 18 (A) in paragraph (2)—
 19 (i) by inserting a comma after “proba-
 20 tion”; and
 21 (ii) by striking the comma which im-
 22 mediately follows another comma; and
 23 (B) in the matter following paragraph (2),
 24 by striking “ten years” and inserting “20
 25 years”; and

1 (4) by redesignating the second subsection (e) as
2 subsection (f).

3 **SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER**
4 **CRIME AND RELATED CRIMES.**

5 Section 1112(b) of title 18, United States Code, is
6 amended—

7 (1) by striking “ten years” and inserting “20
8 years”; and

9 (2) by striking “six years” and inserting “10
10 years”.

11 **TITLE III—PROTECTING STATE**
12 **AND LOCAL JUDGES AND RE-**
13 **LATED GRANT PROGRAMS**

14 **SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND**
15 **VICTIMS OF CRIMES.**

16 (a) *IN GENERAL.*—Section 31702 of the Violent Crime
17 Control and Law Enforcement Act of 1994 (42 U.S.C.
18 13862) is amended—

19 (1) in paragraph (3), by striking “and” at the
20 end;

21 (2) in paragraph (4), by striking the period and
22 inserting “; and”; and

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

24 “(5) by a State, unit of local government, or In-
25 dian tribe to create and expand witness and victim

1 *protection programs to prevent threats, intimidation,*
 2 *and retaliation against victims of, and witnesses to,*
 3 *violent crimes.”.*

4 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Section*
 5 *31707 of the Violent Crime Control and Law Enforcement*
 6 *Act of 1994 (42 U.S.C. 13867) is amended to read as fol-*
 7 *lows:*

8 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

9 *“There are authorized to be appropriated \$20,000,000*
 10 *for each of the fiscal years 2006 through 2010 to carry out*
 11 *this subtitle.”.*

12 **SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN**
 13 **FEDERAL GRANTS.**

14 **(a) CORRECTIONAL OPTIONS GRANTS.**—*Section 515 of*
 15 *the Omnibus Crime Control and Safe Streets Act of 1968*
 16 *(42 U.S.C. 3762a) is amended—*

17 *(1) in subsection (a)—*

18 *(A) in paragraph (2), by striking “and” at*
 19 *the end;*

20 *(B) in paragraph (3), by striking the period*
 21 *and inserting “; and”; and*

22 *(C) by adding at the end the following:*

23 *“(4) grants to State courts to improve security*
 24 *for State and local court systems.”; and*

1 (2) in subsection (b), by inserting after the pe-
 2 riod the following:

3 “Priority shall be given to State court applicants under
 4 subsection (a)(4) that have the greatest demonstrated need
 5 to provide security in order to administer justice.”.

6 (b) *ALLOCATIONS*.—Section 516(a) of the Omnibus
 7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 8 3762b) is amended by—

9 (1) striking “80” and inserting “70”;

10 (2) striking “and 10” and inserting “10”; and

11 (3) inserting before the period the following: “,
 12 and 10 percent for section 515(a)(4)”.

13 (c) *STATE AND LOCAL GOVERNMENTS TO CONSIDER*
 14 *COURTS*.—The Attorney General may require, as appro-
 15 priate, that whenever a State or unit of local government
 16 or Indian tribe applies for a grant from the Department
 17 of Justice, the State, unit, or tribe demonstrate that, in de-
 18 veloping the application and distributing funds, the State,
 19 unit, or tribe—

20 (1) considered the needs of the judicial branch of
 21 the State, unit, or tribe, as the case may be;

22 (2) consulted with the chief judicial officer of the
 23 highest court of the State, unit, or tribe, as the case
 24 may be; and

1 (3) *consulted with the chief law enforcement offi-*
 2 *cer of the law enforcement agency responsible for the*
 3 *security needs of the judicial branch of the State,*
 4 *unit, or tribe, as the case may be.*

5 (d) *ARMOR VESTS.*—Section 2501 of title I of the Om-
 6 *nibus Crime Control and Safe Streets Act of 1968 (42*
 7 *U.S.C. 3796ll) is amended—*

8 (1) *in subsection (a), by inserting “and State*
 9 *and local court officers” after “tribal law enforcement*
 10 *officers”; and*

11 (2) *in subsection (b), by inserting “State or local*
 12 *court,” after “government,”.*

13 ***TITLE IV—LAW ENFORCEMENT*** 14 ***OFFICERS***

15 ***SEC. 401. AMENDMENTS TO LAW ENFORCEMENT OFFICER*** 16 ***SAFETY PROVISIONS OF TITLE 18.***

17 (a) *IN GENERAL.*—Section 926B of title 18, United
 18 *States Code, is amended by adding at the end the following:*

19 “(f) *For purposes of this section, a law enforcement*
 20 *officer of the Amtrak Police Department or a law enforce-*
 21 *ment or police officer of the executive branch of the Federal*
 22 *Government qualifies as an employee of a governmental*
 23 *agency who is authorized by law to engage in or supervise*
 24 *the prevention, detection, investigation, or prosecution of,*

1 *or the incarceration of any person for, any violation of law,*
2 *and has statutory powers of arrest.”.*

3 *(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section*
4 *926C of title 18, United States Code, is amended—*

5 *(1) in subsection (c)—*

6 *(A) in paragraph (3)(A), by striking “was*
7 *regularly employed as a law enforcement officer*
8 *for an aggregate of 15 years or more” and in-*
9 *serting “served as a law enforcement officer for*
10 *an aggregate of 10 years or more”;*

11 *(B) by striking paragraphs (4) and (5) and*
12 *inserting the following:*

13 *“(4) during the most recent 12-month period, has*
14 *met, at the expense of the individual, the standards*
15 *for qualification in firearms training for active law*
16 *enforcement officers as set by the officer’s former agen-*
17 *cy, the State in which the officer resides or a law en-*
18 *forcement agency within the State in which the officer*
19 *resides;”;* and

20 *(C) by redesignating paragraphs (6) and*
21 *(7) as paragraphs (5) and (6), respectively;*

22 *(2) in subsection (d)—*

23 *(A) in paragraph (1), by striking “to meet*
24 *the standards established by the agency for train-*
25 *ing and qualification for active law enforcement*

1 *officers to carry a firearm of the same type as*
2 *the concealed firearm; or” and inserting “to meet*
3 *the active duty standards for qualification in*
4 *firearms training as established by the agency to*
5 *carry a firearm of the same type as the concealed*
6 *firearm or”;* and

7 *(B) in paragraph (2)(B), by striking “oth-*
8 *erwise found by the State to meet the standards*
9 *established by the State for training and quali-*
10 *fication for active law enforcement officers to*
11 *carry a firearm of the same type as the concealed*
12 *firearm.” and inserting “otherwise found by the*
13 *State or a certified firearms instructor that is*
14 *qualified to conduct a firearms qualification test*
15 *for active duty officers within that State to have*
16 *met—*

17 *“(i) the active duty standards for qual-*
18 *ification in firearms training as established*
19 *by the State to carry a firearm of the same*
20 *type as the concealed firearm; or*

21 *“(ii) if the State has not established*
22 *such standards, standards set by a law en-*
23 *forcement agency within that State to carry*
24 *a firearm of the same type as the concealed*
25 *firearm.”;* and

1 (3) *by adding at the end the following:*

2 “(f) *In this section, the term ‘service with a public*
 3 *agency as a law enforcement officer’ includes service as a*
 4 *law enforcement officer of the Amtrak Police Department*
 5 *or as a law enforcement or police officer of the executive*
 6 *branch of the Federal Government.’”.*

7 **SEC. 402. REPORT ON SECURITY OF FEDERAL PROSECU-**
 8 **TORS.**

9 (a) *IN GENERAL.*—Not later than 90 days after the
 10 *date of enactment of this Act, the Attorney General shall*
 11 *submit to the Committee on the Judiciary of the Senate and*
 12 *the Committee on the Judiciary of the House of Representa-*
 13 *tives a report on the security of assistant United States at-*
 14 *torneys and other Federal attorneys arising from the pros-*
 15 *ecution of terrorists, violent criminal gangs, drug traf-*
 16 *fickers, gun traffickers, white supremacists, those who com-*
 17 *mit fraud and other white-collar offenses, and other crimi-*
 18 *nal cases.*

19 (b) *CONTENTS.*—The report submitted under sub-
 20 *section (a) shall describe each of the following:*

21 (1) *The number and nature of threats and as-*
 22 *saults against attorneys handling prosecutions de-*
 23 *scribed in subsection (a) and the reporting require-*
 24 *ments and methods.*

1 (2) *The security measures that are in place to*
2 *protect the attorneys who are handling prosecutions*
3 *described in subsection (a), including threat assess-*
4 *ments, response procedures, availability of security*
5 *systems and other devices, firearms licensing (deputa-*
6 *tions), and other measures designed to protect the at-*
7 *torneys and their families.*

8 (3) *The firearms deputation policies of the De-*
9 *partment of Justice, including the number of attor-*
10 *neys deputized and the time between receipt of threat*
11 *and completion of the deputation and training proc-*
12 *ess.*

13 (4) *For each requirement, measure, or policy de-*
14 *scribed in paragraphs (1) through (3), when the re-*
15 *quirement, measure, or policy was developed and who*
16 *was responsible for developing and implementing the*
17 *requirement, measure, or policy .*

18 (5) *The programs that are made available to the*
19 *attorneys for personal security training, including*
20 *training relating to limitations on public information*
21 *disclosure, basic home security, firearms handling*
22 *and safety, family safety, mail handling, counter-sur-*
23 *veillance, and self-defense tactics.*

24 (6) *The measures that are taken to provide attor-*
25 *neys handling prosecutions described in subsection (a)*

1 *with secure parking facilities, and how priorities for*
2 *such facilities are established—*

3 *(A) among Federal employees within the fa-*
4 *cility;*

5 *(B) among Department of Justice employees*
6 *within the facility; and*

7 *(C) among attorneys within the facility.*

8 *(7) The frequency attorneys handling prosecu-*
9 *tions described in subsection (a) are called upon to*
10 *work beyond standard work hours and the security*
11 *measures provided to protect attorneys at such times*
12 *during travel between office and available parking fa-*
13 *cilities.*

14 *(8) With respect to attorneys who are licensed*
15 *under State laws to carry firearms, the policy of the*
16 *Department of Justice as to—*

17 *(A) carrying the firearm between available*
18 *parking and office buildings;*

19 *(B) securing the weapon at the office build-*
20 *ings; and*

21 *(C) equipment and training provided to fa-*
22 *cilitate safe storage at Department of Justice fa-*
23 *cilities.*

24 *(9) The offices in the Department of Justice that*
25 *are responsible for ensuring the security of attorneys*

1 *handling prosecutions described in subsection (a), the*
 2 *organization and staffing of the offices, and the man-*
 3 *ner in which the offices coordinate with offices in spe-*
 4 *cific districts.*

5 *(10) The role, if any, that the United States*
 6 *Marshals Service or any other Department of Justice*
 7 *component plays in protecting, or providing security*
 8 *services or training for, attorneys handling prosecu-*
 9 *tions described in subsection (a).*

10 **SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
 11 **OF QUALIFIED ACTIVE AND RETIRED LAW EN-**
 12 **FORCEMENT OFFICERS.**

13 *(a) IN GENERAL.—Not later than 6 months after the*
 14 *date of the enactment of this Act, the Comptroller General*
 15 *of the United States shall begin a study of the number of*
 16 *active and retired law enforcement officers carrying con-*
 17 *cealed firearms pursuant to sections 926B and 926C of title*
 18 *18, United States Code.*

19 *(b) CONTENTS.—The study shall determine and ana-*
 20 *lyze the following:*

21 *(1) The number of qualified law enforcement offi-*
 22 *cers in each State or any political subdivision thereof*
 23 *carrying a concealed firearm under section 926B of*
 24 *title 18, United States Code.*

1 (2) *The number of qualified retired law enforce-*
2 *ment officers in each State or any political subdivi-*
3 *sion thereof carrying a concealed firearm under sec-*
4 *tion 926C of title 18, United States Code.*

5 (3) *The number of qualified retired law enforce-*
6 *ment officers with less than 15 years of service car-*
7 *rying a concealed firearm.*

8 (4) *The number of qualified retired law enforce-*
9 *ment officers obtaining certification from a certified*
10 *firearms instructor that is qualified to conduct a fire-*
11 *arms qualification test for active duty officers within*
12 *that State to have met the active duty standards for*
13 *qualification in firearms training as established by*
14 *the State or, if the State has not established such*
15 *standards, standards set by a law enforcement agency*
16 *for training and qualification for active duty law en-*
17 *forcement officers within that State, to carry a fire-*
18 *arm of the same type as the concealed firearm. The*
19 *report shall also include detailed information on the*
20 *differences between the certification requirements set*
21 *forth by each State and each law enforcement agency*
22 *within that State authorized to issue certifications for*
23 *concealed weapons under sections 926B and 926C of*
24 *title 18, United States Code.*

1 (5) *A detailed analysis and comparison of the*
 2 *criteria used in each State or any political subdivi-*
 3 *sion thereof to determine whether an individual is*
 4 *qualified to carry a concealed weapon under section*
 5 *926C(c)(5) of title 18, United States Code.*

6 (c) *OPPORTUNITY FOR PUBLIC COMMENT.—The*
 7 *Comptroller General shall provide an opportunity for pub-*
 8 *lic comment on the proposed scope and methodology for the*
 9 *report required by subsections (a) and (b), making such*
 10 *modifications in response to such comments as he deems*
 11 *appropriate.*

12 (d) *REPORT.—Not later than 15 months after the date*
 13 *of the enactment of this Act, the Comptroller General shall*
 14 *complete the study under this section and submit a report*
 15 *to the Committees on the Judiciary the Senate and the*
 16 *Committee on the Judiciary of the House of Representatives*
 17 *regarding the findings of the study.*

18 **TITLE V—MISCELLANEOUS** 19 **PROVISIONS**

20 **SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE** 21 **UNITED STATES SENTENCING COMMISSION.**

22 (a) *IN GENERAL.—Section 995 of title 28, United*
 23 *States Code, is amended by adding at the end the following:*

24 “(f) *The Commission may—*

1 “(1) use available funds to enter into contracts
 2 for the acquisition of severable services for a period
 3 that begins in 1 fiscal year and ends in the next fiscal
 4 year, to the same extent as executive agencies may
 5 enter into such contracts under the authority of sec-
 6 tion 303L of the Federal Property and Administra-
 7 tive Services Act of 1949 (41 U.S.C. 253l);

8 “(2) enter into multi-year contracts for the ac-
 9 quisition of property or services to the same extent as
 10 executive agencies may enter into such contracts
 11 under the authority of section 304B of the Federal
 12 Property and Administrative Services Act of 1949 (41
 13 U.S.C. 254c); and

14 “(3) make advance, partial, progress, or other
 15 payments under contracts for property or services to
 16 the same extent as executive agencies may make such
 17 payments under the authority of section 305 of the
 18 Federal Property and Administrative Services Act of
 19 1949 (41 U.S.C. 255).”.

20 (b) *SUNSET*.—The amendment made by subsection (a)
 21 shall cease to have force and effect on September 30, 2010.

22 **SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL**

23 **JUDGES LIFE INSURANCE.**

24 (a) *IN GENERAL*.—Section 604(a)(5) of title 28,
 25 United States Code, is amended by inserting after “hold

1 office during good behavior,” the following: “bankruptcy
 2 judges appointed under section 152 of this title, magistrate
 3 judges appointed under section 631 of this title, and terri-
 4 torial district court judges appointed under section 24 of
 5 the Organic Act of Guam (48 U.S.C. 1424b), section 1(b)
 6 of the Act of November 8, 1877 (48 U.S.C. 1821), or section
 7 24(a) of the Revised Organic Act of the Virgin Islands (48
 8 U.S.C. 1614(a)),”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 10 section (a) shall apply with respect to any payment made
 11 on or after the first day of the first applicable pay period
 12 beginning on or after the date of enactment of this Act.

13 **SEC. 503. ASSIGNMENT OF JUDGES.**

14 Section 296 of title 28, United States Code, is amended
 15 by inserting at the end of the second undesignated para-
 16 graph the following new sentence: “However, a judge who
 17 has retired from regular active service under section 371(b)
 18 of this title, when designated and assigned to the court to
 19 which such judge was appointed, shall have all the powers
 20 of a judge of that court, including participation in appoint-
 21 ment of court officers and magistrates, rulemaking, govern-
 22 ance, and administrative matters.”.

1 **SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELEC-**
 2 **TION OF MAGISTRATES.**

3 *Section 631(a) of title 28, United States Code, is*
 4 *amended by striking “Northern Mariana Islands” the first*
 5 *place it appears and inserting “Northern Mariana Islands*
 6 *(including any judge in regular active service and any*
 7 *judge who has retired from regular active service under sec-*
 8 *tion 371(b) of this title, when designated and assigned to*
 9 *the court to which such judge was appointed)”.*

10 **SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERN-**
 11 **MENT ACT.**

12 *Section 405 of the Ethics in Government Act of 1978*
 13 *(5 U.S.C. App.) is amended by striking “2006” and insert-*
 14 *ing “2011”.*

15 **SEC. 506. ELDERLY NONVIOLENT OFFENDER PILOT PRO-**
 16 **GRAM.**

17 *(a) PROGRAM ESTABLISHED.—*

18 *(1) IN GENERAL.—Notwithstanding section 3624*
 19 *of title 18, United States Code, or any other provision*
 20 *of law, the Director of the Bureau of Prisons shall*
 21 *conduct a pilot program to determine the effectiveness*
 22 *of removing each eligible elderly offender from a Bu-*
 23 *reau of Prison facility and placing such offender on*
 24 *home detention until the date on which the term of*
 25 *imprisonment to which the offender was sentenced ex-*
 26 *pires.*

1 (2) *TIMING OF PLACEMENT IN HOME DETEN-*
2 *TION.*—

3 (A) *IN GENERAL.*—*In carrying out the pilot*
4 *program under paragraph (1), the Director of*
5 *the Bureau of Prisons shall—*

6 (i) *in the case of an offender who is de-*
7 *termined to be an eligible elderly offender*
8 *on or before the date specified in subpara-*
9 *graph (B), place such offender on home de-*
10 *tention not later than 180 days after the*
11 *date of the enactment of this Act; and*

12 (ii) *in the case of an offender who is*
13 *determined to be an eligible elderly offender*
14 *after the date specified in subparagraph (B)*
15 *and before the date that is 3 years and 91*
16 *days after the date of the enactment of this*
17 *Act, place such offender on home detention*
18 *not later than 90 days after the date of such*
19 *determination.*

20 (B) *DATE SPECIFIED.*—*For purposes of sub-*
21 *paragraph (A), the date specified in this sub-*
22 *paragraph is the date that is 90 days after the*
23 *date of the enactment of this Act.*

24 (3) *VIOLATION OF TERMS OF HOME DETEN-*
25 *TION.*—*A violation by an eligible elderly offender of*

1 *the terms of the home detention involved, including*
 2 *the commission of another Federal, State, or local*
 3 *crime, shall result in the removal of the offender from*
 4 *home detention and the return of the offender to the*
 5 *form of custody in which the offender was imprisoned*
 6 *immediately before placement on home detention*
 7 *under paragraph (1).*

8 ***(b) SCOPE OF PILOT PROGRAM.—***

9 ***(1) PARTICIPATING DESIGNATED FACILITIES.—***

10 *The pilot program under subsection (a) shall be con-*
 11 *ducted through at least 1 Federal facility designated*
 12 *by the Director of the Bureau of Prisons as appro-*
 13 *priate for the pilot program.*

14 ***(2) DURATION.—****The pilot program shall be con-*
 15 *ducted during each of fiscal years 2007 and 2008.*

16 ***(c) PROGRAM EVALUATION.—***

17 ***(1) IN GENERAL.—****The Director of the Bureau of*
 18 *Prisons shall contract with an independent organiza-*
 19 *tion to monitor and evaluate the progress of each eli-*
 20 *gible elderly offender placed on home detention under*
 21 *subsection (a)(1) for the period such offender is on*
 22 *home detention during the duration described in sub-*
 23 *section (b)(2).*

24 ***(2) ANNUAL REPORT.—****The organization de-*
 25 *scribed in paragraph (1) shall annually submit to the*

1 *Director and to Congress a report on the pilot pro-*
 2 *gram under subsection (a)(1), which shall include—*

3 *(A) an evaluation of the effectiveness of the*
 4 *pilot program in providing a successful transi-*
 5 *tion to eligible elderly offenders from incarcer-*
 6 *ation to the community, including data relating*
 7 *to the recidivism rates for those offenders; and*

8 *(B) the cost savings to the Federal Govern-*
 9 *ment resulting from the early removal of such of-*
 10 *fenders from incarceration.*

11 *(3) PROGRAM ADJUSTMENTS.—Upon review of*
 12 *the report submitted under paragraph (2), the Direc-*
 13 *tor shall submit recommendations to Congress for ad-*
 14 *justments to the pilot program, including, its expan-*
 15 *sion to additional facilities.*

16 *(d) DEFINITIONS.—In this section:*

17 *(1) ELIGIBLE ELDERLY OFFENDER.—The term*
 18 *“eligible elderly offender” means an offender in the*
 19 *custody of the Bureau of Prisons who—*

20 *(A) is not less than 60 years of age;*

21 *(B) is serving a term of imprisonment after*
 22 *conviction for an offense other than a crime of*
 23 *violence and has served the greater of 10 years*
 24 *or 1/2 of the term of imprisonment;*

1 (C) *has not been convicted in the past of*
 2 *any Federal or State crime of violence;*

3 (D) *has not been determined by the Bureau*
 4 *of Prisons, on the basis of information the Bu-*
 5 *reau uses to make custody classifications, and in*
 6 *the sole discretion of the Bureau, to have a his-*
 7 *tory of violence;*

8 (E) *has not escaped, or attempted to escape,*
 9 *from the Bureau of Prisons facility; and*

10 (F) *has not been determined by the Direc-*
 11 *tor, pursuant to the disciplinary system of the*
 12 *Bureau of Prisons, to have committed an infrac-*
 13 *tion involving an act of violence.*

14 (2) *HOME DETENTION.*—*The term “home deten-*
 15 *tion” has the same meaning given the term in the*
 16 *Federal Sentencing Guidelines, and includes deten-*
 17 *tion in a nursing home or other residential long-term*
 18 *care facility.*

19 (3) *TERM OF IMPRISONMENT.*—*The term “term*
 20 *of imprisonment” includes multiple terms of impris-*
 21 *onment ordered to run consecutively or concurrently,*
 22 *which shall be treated as a single, aggregate term of*
 23 *imprisonment for purposes of this section.*

1 *(e) AUTHORIZATION OF APPROPRIATIONS.—There are*
 2 *authorized to be appropriated to carry out this section*
 3 *\$5,000,000 for each of fiscal years 2007 and 2008.*

Attest:

Secretary.

109TH CONGRESS
2D SESSION

H. R. 1751

AMENDMENT