

the Act entitled "An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary", approved March 9, 1992 (Public Law 102-251; 106 Stat. 66) hereinafter referred to as the "FGB Act", section 301(b) of that Act (adding a definition of the term "special areas") shall take effect on the date of enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) Section 301(h)(2)(A) of the FGB Act is repealed.

(2) Section 304 of the FGB Act is repealed.

(3) Section 3(15) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(15)) is amended to read as follows:

"(15) The term 'waters under the jurisdiction of the United States' means—

"(A) the territorial sea of the United States;

"(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

"(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured, except that this subparagraph shall not apply before the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States."

SEC. 406. AMENDMENTS TO THE FISHERIES ACT.

Section 309(b) of the Fisheries Act of 1995 (Public Law 104-43) is amended by striking "July 1, 1996" and inserting "July 1, 1997".

HUTCHISON AMENDMENT NO. 5383

Mrs. HUTCHISON proposed an amendment to the bill, S. 39, supra; as follows:

On page 142, line 7, insert "To the maximum extent practicable," before "Any".

On page 142, line 10, strike "must" and insert in lieu thereof "should".

On page 148, strike lines 1 through 17.

ECONOMIC ESPIONAGE ACT OF 1996

**SPECTER (AND KOHL)
AMENDMENT NO. 5384**

Mr. STEVENS (for Mr. SPECTER for himself and Mr. KOHL) proposed an amendment to the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) sustaining a healthy and competitive national economy is imperative;

(2) the development and production of proprietary economic information involves

every aspect of interstate commerce and business;

(3) the development, production, protection, and lawful exchange, sale, and transfer of proprietary economic information is essential to maintaining the health and competitiveness of interstate commerce and the national economy;

(4) much proprietary economic information moves in interstate and foreign commerce and proprietary economic information that does not move in interstate or foreign commerce directly and substantially affects proprietary economic information that does;

(5) the theft, wrongful destruction or alteration, misappropriation, and wrongful conversion of proprietary economic information substantially affects and harms interstate commerce, costing United States firms, businesses, industries, and consumers millions of dollars each year; and

(6) enforcement of existing State laws protecting proprietary economic information is frustrated by the ease with which stolen or wrongfully appropriated proprietary economic information is transferred across State and national boundaries.

(b) PURPOSE.—The purpose of this Act is—

(1) to promote the development and lawful utilization of United States proprietary economic information produced for, or placed in, interstate and foreign commerce by protecting it from theft, wrongful destruction or alteration, misappropriation, and conversion; and

(2) to secure to authors and inventors the exclusive right to their respective writings and discoveries.

SEC. 3. PREVENTION OF ECONOMIC ESPIONAGE AND PROTECTION OF PROPRIETARY ECONOMIC INFORMATION IN INTERSTATE AND FOREIGN COMMERCE.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 89 the following new chapter:

"CHAPTER 90—PROTECTION OF PROPRIETARY ECONOMIC INFORMATION

"Sec.

"1831. Definitions.

"1832. Criminal activities affecting proprietary economic information.

"1833. Criminal forfeiture.

"1834. Civil remedies.

"1835. Extraterritoriality.

"1836. Construction with other laws.

"1837. Preservation of confidentiality.

"1838. Prior authorization requirement.

"1839. Law enforcement and intelligence activities.

"§ 1831. Definitions

"As used in this chapter:

"(1) The term 'person' means a natural person, corporation, agency, association, institution, or any other legal, commercial, or business entity.

"(2) The term 'proprietary economic information' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies, whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing that—

"(A) the owner thereof has taken reasonable measures, under the circumstances, to keep such information confidential; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable, acquired, or developed by legal means by the public.

The term does not include any general knowledge, experience, training, or skill that a person lawfully has acquired due to

his work as an employee of or as an independent contractor for any person.

"(3) The term 'owner' means the person or persons in whom, or government component, department, or agency in which, rightful legal, or equitable title to, or license in, proprietary economic information is reposed.

"(4) The term 'without authorization' means not permitted, expressly or implicitly, by the owner.

"§ 1832. Criminal activities affecting proprietary economic information

"(a) Any person, with intent to, or reason to believe that it will, injure any owner of proprietary economic information and with intent to convert it to his or her own use or benefit or the use or benefit of another, who knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

"(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in paragraphs (1) through (3);

"(5) solicits another to commit any offense described in paragraphs (1) through (3); or

"(6) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined up to \$250,000, or twice the value of the proprietary economic information, whichever is greater, or imprisoned not more than 10 years, or both.

"(b) Any organization that commits any offense described in subsection (a) shall be fined up to \$10,000,000, or twice the value of the proprietary economic information, whichever is greater.

"(c) This section does not prohibit the reporting of any suspected criminal activity or regulatory violation to any appropriate agency or instrumentality of the United States, a State, a political subdivision of a State, or to Congress.

"§ 1833. Criminal forfeiture

"(a) Notwithstanding any provision of State law, any person or organization convicted of a violation under this chapter shall forfeit to the United States—

"(1) any property constituting or derived from, any proceeds the person or organization obtained, directly or indirectly, as the result of such violation; and

"(2) any of the person's or organization's property used, or intended to be used, in any manner or part to commit or facilitate the commission of such violation.

"(b) The court, in imposing a sentence on such person or organization, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person or organization forfeit to the United States all property described in this section.

"(c) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.

"(d) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of

the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this section remaining after the payment of expenses and sale authorized by law.

“§ 1834. Civil remedies

“(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of sections 1832 of this chapter by issuing appropriate orders.

“(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

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

“§ 1835. Extraterritoriality

“(a) This chapter applies to conduct occurring within the United States.

“(b) This chapter also applies to conduct occurring outside the United States if—

“(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

“(2) an act in furtherance of the offense was committed in the United States.

“§ 1836. Construction with other laws

“This chapter shall not be construed to preempt or displace any other Federal or State remedies, whether civil or criminal, for the misappropriation of proprietary economic information, or to affect the otherwise lawful disclosure of information by any government employee under section 552 of title 5 (commonly known as the Freedom of Information Act).

“§ 1837. Preservation of confidentiality

“In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with rule 16 of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

“§ 1838. Prior authorization requirement

“The United States may not file a charge under this chapter or use a violation of this chapter as a predicate offense under any other law without the personal approval of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division of the Department of Justice or the Acting Attorney General, the Acting Deputy Attorney General, or the Acting Assistant Attorney General for the Criminal Division of the Department of Justice.

“§ 1839. Law enforcement and intelligence activities

“This chapter does not prohibit any and shall not impair otherwise lawful activity conducted by an agency or instrumentality of the United States, a State, or a political subdivision of a State.”

(b) TECHNICAL AMENDMENT.—The table of chapters for title 18, United States Code, is amended by inserting after the item relating to chapter 89 the following new item:

“90. Protection of Proprietary Economic Information 1831”.

(c) REPORT.—Not later than 2 years and 4 years after the date of enactment of this Act, the Attorney General shall report to Congress on the amounts received and distributed from forfeitures of property deposited as provided in section 1833(d) of title 18, United States Code, as added by subsection (a) of this section.

SEC. 4. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(a) of title 18, United States Code, is amended by inserting “chapter 90 (relating to economic espionage and protection of proprietary economic information in interstate and foreign commerce),” after “title.”

SEC. 5. PREVENTION OF FOREIGN ECONOMIC ESPIONAGE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 27 the following new chapter:

“CHAPTER 28—ECONOMIC ESPIONAGE

“Sec.

“571. Definitions.

“572. Economic espionage.

“573. Criminal forfeiture.

“574. Civil remedies.

“575. Prior authorization requirement.

“576. Construction with other laws.

“577. Preservation of confidentiality.

“578. Law enforcement and intelligence activities.

“§ 571. Definitions

“For purposes of this chapter, the following definitions shall apply:

“(1) FOREIGN AGENT.—The term ‘foreign agent’ means any officer, employee, proxy, servant, delegate, or representative of a foreign government.

“(2) FOREIGN INSTRUMENTALITY.—The term ‘foreign instrumentality’ means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or subdivision thereof.

“(3) OWNER.—The term ‘owner’ means the person or persons in whom, or the government component, department, or agency in which, rightful legal, or equitable title to, or license in, proprietary economic information is reposed.

“(4) PROPRIETARY ECONOMIC INFORMATION.—The term ‘proprietary economic information’ means all forms and types of financial, business, scientific, technical, economic, or engineering information (including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies) whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing, if—

“(A) the owner thereof has taken reasonable measures to keep such information confidential; and

“(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through legal means by, the public.

“(5) WITHOUT AUTHORIZATION.—The term ‘without authorization’ means not permitted, expressly or implicitly, by the owner.

“§ 572. Economic espionage

“(a) IN GENERAL.—Any person who, with knowledge or reason to believe that he or she is acting on behalf of, or with the intent to benefit, any foreign government, instrumentality, or agent, knowingly—

“(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains proprietary economic information;

“(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys proprietary economic information;

“(3) receives, buys, or possesses proprietary economic information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

“(4) attempts to commit any offense described in any of paragraphs (1) through (3);

“(5) solicits another to commit any offense described in any of paragraphs (1) through (4); or

“(6) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than \$500,000, or twice the value of the proprietary economic information, whichever is greater, or imprisoned not more than 25 years, or both.

“(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than \$10,000,000, or twice the value of the proprietary economic information, whichever is greater.

“(c) EXCEPTION.—It shall not be a violation of this section to disclose proprietary economic information in the case of—

“(1) appropriate disclosures to Congress; or

“(2) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

“§ 573. Criminal forfeiture

“(a) IN GENERAL.—Notwithstanding any provision of State law to the contrary, any person or organization convicted of a violation under this chapter shall forfeit to the United States—

“(1) any property constituting, or derived from, any proceeds the person or organization obtained, directly or indirectly, as the result of such violation; and

“(2) any of the property of that person or organization used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation.

“(b) COURT ACTION.—The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the United States all property described in this section.

“(c) APPLICABILITY OF OTHER LAW.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

“§ 574. Scope of extraterritorial jurisdiction

“(a) This chapter applies to conduct occurring within the United States.

“(b) This chapter also applies to conduct occurring outside the United States if—

“(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

“(2) an act in furtherance of the offense was committed in the United States.

“§ 575. Civil remedies

“(a) The district courts of the United States shall have jurisdiction to prevent and

restrain violations of section 572 of this chapter by issuing appropriate orders.

"(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

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

"§576. Prior authorization requirement

"The United States may not file a charge under this chapter or use a violation of this chapter as a predicate offense under any other law without the personal approval of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division of the Department of Justice or the Acting Attorney General, the Acting Deputy Attorney General, or the Acting Assistant Attorney General for the Criminal Division of the Department of Justice.

"§577. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by Federal, State, commonwealth, possession, or territorial laws that are applicable to the misappropriation of proprietary economic information.

"§578. Preservation of confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with the requirements of the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

"§579. Law enforcement and intelligence activities

"This chapter does not prohibit, and shall not impair, otherwise lawful activity conducted by an agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following new item:

"28. Economic Espionage 571".

(c) CONFORMING AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 28 (relating to economic espionage)," after "or under the following chapters of this title:"

GRASSLEY (AND KYL) AMENDMENT NO. 5835

Mr. STEVENS (for Mr. GRASSLEY, for himself and Mr. KYL) proposed an amendment to amendment No. 5384 to the bill, H.R. 3723, *supra*; as follows:

At the appropriate place, add the following new section:

SEC. 6. (a) WIRE AND COMPUTER FRAUD.—Section 1343 of title 18, United States Code, is amended—

(1) by adding at the end the following new subsection:

"(b) SECRET SERVICE JURISDICTION.—"The Secretary of the Treasury and the Attorney General are authorized to enter into an agreement under which the United States Secret service may investigate certain offenses under this section."

(b) USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT.—

(1) INFORMATION.—The Administrative Office of the United States Courts shall establish policies and procedures for the inclusion in all Presentence Reports of information that specifically identifies and describes any use of encryption or scrambling technology that would be relevant to an enhancement under Section 3C1.1 (dealing with Obstructing or Impeding the Administration of Justice) of the Sentencing Guidelines or to offense conduct under the Sentencing Guidelines.

(2) COMPILING AND REPORT.—The United States Sentencing Commission shall—

(A) compile and analyze any information contained in documentation described in paragraph (1) relating to the use of encryption or scrambling technology to facilitate or conceal criminal conduct; and

(B) based on the information compiled and analyzed under subparagraph (A), annually report to the Congress on the nature and extent of the use of encryption or scrambling technology to facilitate or conceal criminal conduct."

(c) Section 1029 of Title 18, United States Code is amended by—"Striking the (a)(5) in the second place it appears and replacing it with (a)(8); by striking the (a)(6) the second place it appears and replacing it with (a)(9); and by adding the following new section:

"(a)(10) knowingly and with intent to defraud uses, produces, traffics in, or possesses any device containing electronically stored monetary value."

HATCH AMENDMENT NO. 5386

Mr. STEVENS (for Mr. HATCH) proposed an amendment to amendment No. 5384 to the bill, H.R. 3723, *supra*; as follows:

At the appropriate place in the bill, add the following:

SEC. ____ TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY.

(a) AMENDMENT OF SECTION 4243 OF TITLE 18.—Section 4243 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) CERTAIN PERSONS FOUND NOT GUILTY BY REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

"(1) TRANSFER TO CUSTODY OF THE ATTORNEY GENERAL.—Notwithstanding section 301(h) of title 24 of the District of Columbia Code, and notwithstanding subsection 4247(j) of this title, all persons who have been committed to a hospital for the mentally ill pursuant to section 301(d)(1) of title 24 of the District of Columbia Code, and for whom the United States has continuing financial responsibility, may be transferred to the custody of the Attorney General, who shall hospitalize the person for treatment in a suitable facility.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Attorney General may establish custody over such persons by filing an application in the United States District Court for the District of Columbia, demonstrating that the person to be transferred is a person described in this subsection.

"(B) NOTICE.—The Attorney General shall, by any means reasonably designed to do so, provide written notice of the proposed trans-

fer of custody to such person or such person's guardian, legal representative, or other lawful agent. The person to be transferred shall be afforded an opportunity, not to exceed 15 days, to respond to the proposed transfer of custody, and may, at the court's discretion, be afforded a hearing on the proposed transfer of custody. Such hearing, if granted, shall be limited to a determination of whether the constitutional rights of such person would be violated by the proposed transfer of custody.

"(C) ORDER.—Upon application of the Attorney General, the court shall order the person transferred to the custody of the Attorney General, unless, pursuant to a hearing under this paragraph, the court finds that the proposed transfer would violate a right of such person under the United States Constitution.

"(D) EFFECT.—Nothing in this paragraph shall be construed to—

"(i) create in any person a liberty interest in being granted a hearing or notice on any matter;

"(ii) create in favor of any person a cause of action against the United States or any officer or employee of the United States; or

"(iii) limit in any manner or degree the ability of the Attorney General to move, transfer, or otherwise manage any person committed to the custody of the Attorney General.

"(3) CONSTRUCTION WITH OTHER SECTIONS.—Subsections (f) and (g) and section 4247 shall apply to any person transferred to the custody of the Attorney General pursuant to this subsection."

(b) TRANSFER OF RECORDS.—Notwithstanding any provision of the District of Columbia Code or any other provision of law, the District of Columbia and St. Elizabeth's Hospital—

(1) not later than 30 days after the date of enactment of this Act, shall provide to the Attorney General copies of all records in the custody or control of the District or the Hospital on such date of enactment pertaining to persons described in section 4243(i) of title 18, United States Code (as added by subsection (a));

(2) not later than 30 days after the creation of any records by employees, agents, or contractors of the District of Columbia or of St. Elizabeth's Hospital pertaining to persons described in section 4243(i) of title 18, United States Code, provide to the Attorney General copies of all such records created after the date of enactment of this Act;

(3) shall not prevent or impede any employee, agent, or contractor of the District of Columbia or of St. Elizabeth's Hospital who has obtained knowledge of the persons described in section 4243(i) of title 18, United States Code, in the employee's professional capacity from providing that knowledge to the Attorney General, nor shall civil or criminal liability attach to such employees, agents, or contractors who provide such knowledge; and

(4) shall not prevent or impede interviews of persons described in section 4243(i) of title 18, United States Code, by representatives of the Attorney General, if such persons voluntarily consent to such interviews.

(c) CLARIFICATION OF EFFECT ON CERTAIN TESTIMONIAL PRIVILEGES.—The amendments made by this section shall not be construed to affect in any manner any doctor-patient or psychotherapist-patient testimonial privilege that may be otherwise applicable to persons found not guilty by reason of insanity and affected by this section.

(d) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of

this section and the amendments made by this section shall not be affected thereby.

HATCH (AND KOHL) AMENDMENT NO. 5387

Mr. STEVENS (for Mr. HATCH, for himself and Mr. KOHL) proposed an amendment to amendment No. 5384 proposed by Mr. SPECTER to the bill, H.R. 3723, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. —. ESTABLISHING BOYS AND GIRLS CLUBS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991, during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;

(C) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(D) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(E) Boys and Girls Clubs are located in 289 public housing sites across the Nation;

(F) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(G) these results have been achieved in the face of national trends in which overall drug use by youth has increased 105 percent since 1992 and 10.9 percent of the Nation's young people use drugs on a monthly basis; and

(H) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

(2) PURPOSE.—It is the purpose of this section to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local Boys and Girls Clubs in public housing projects and other distressed areas by 2001.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms "public housing" and "project" have the same meanings as in section 3(b) of the United States Housing Act of 1937; and

(2) the term "distressed area" means an urban, suburban, or rural area with a high percentage of high risk youth as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa-8(f)).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall provide a grant to the Boys and Girls Clubs of America for the purpose of establishing Boys and Girls Clubs in public housing projects and other distressed areas.

(2) CONTRACTING AUTHORITY.—Where appropriate, the Secretary of Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America to establish clubs pursuant to the grants under paragraph (1).

(d) REPORT.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Attorney General shall submit to the Committees on

the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing Boys and Girls Clubs in public housing projects and other distressed areas, and the effectiveness of the programs in reducing drug abuse and juvenile crime.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$20,000,000 for fiscal year 1997;

(B) \$20,000,000 for fiscal year 1998;

(C) \$20,000,000 for fiscal year 1999;

(D) \$20,000,000 for fiscal year 2000; and

(E) \$20,000,000 for fiscal year 2001.

(2) VIOLENT CRIME REDUCTION TRUST FUND.—

The sums authorized to be appropriated by this subsection may be made from the Violent Crime Reduction Trust Fund.

THE NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996

HATCH AMENDMENTS NOS. 5388– 5389

Mr. STEVENS (for Mr. HATCH) proposed two amendments to the bill (S. 982) to protect the national information infrastructure, and for other purposes; as follows:

AMENDMENT NO. 5388

At the appropriate place in the bill, add the following:

SEC. . TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY.

(a) AMENDMENT OF SECTION 4243 OF TITLE 18.—Section 4243 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) CERTAIN PERSONS FOUND NOT GUILTY BY REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

"(1) TRANSFER TO CUSTODY OF THE ATTORNEY GENERAL.—Notwithstanding section 301(h) of title 24 of the District of Columbia Code, and notwithstanding subsection 4247(j) of this title, all persons who have been committed to a hospital for the mentally ill pursuant to section 301(d)(1) of title 24 of the District of Columbia Code, and for whom the United States has continuing financial responsibility, may be transferred to the custody of the Attorney General, who shall hospitalize the person for treatment in a suitable facility.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Attorney General may establish custody over such persons by filing an application in the United States District Court for the District of Columbia, demonstrating that the person to be transferred is a person described in this subsection.

"(B) NOTICE.—The Attorney General shall, by any means reasonably designed to do so, provide written notice of the proposed transfer of custody to such person or such person's guardian, legal representative, or other lawful agent. The person to be transferred shall be afforded an opportunity, not to exceed 15 days, to respond to the proposed transfer of custody, and may, at the court's discretion, be afforded a hearing on the proposed transfer of custody. Such hearing, if granted, shall be limited to a determination of whether the constitutional rights of such person would be violated by the proposed transfer of custody.

"(C) ORDER.—Upon application of the Attorney General, the court shall order the person transferred to the custody of the Attorney General, unless, pursuant to a hearing under this paragraph, the court finds

that the proposed transfer would violate a right of such person under the United States Constitution.

"(D) EFFECT.—Nothing in this paragraph shall be construed to—

"(i) create in any person a liberty interest in being granted a hearing or notice on any matter;

"(ii) create in favor of any person a cause of action against the United States or any officer or employee of the United States; or

"(iii) limit in any manner or degree the ability of the Attorney General to move, transfer, or otherwise manage any person committed to the custody of the Attorney General.

"(3) CONSTRUCTION WITH OTHER SECTIONS.—Subsections (f) and (g) and section 4247 shall apply to any person transferred to the custody of the Attorney General pursuant to this subsection."

(b) TRANSFER OF RECORDS.—Notwithstanding any provision of the District of Columbia Code or any other provision of law, the District of Columbia and St. Elizabeth's Hospital—

(1) not later than 30 days after the date of enactment of this Act, shall provide to the Attorney General copies of all records in the custody or control of the District or the Hospital on such date of enactment pertaining to persons described in section 4243(i) of title 18, United States Code (as added by subsection (a));

(2) not later than 30 days after the creation of any records by employees, agents, or contractors of the District of Columbia or of St. Elizabeth's Hospital pertaining to persons described in section 4243(i) of title 18, United States Code, provide to the Attorney General copies of all such records created after the date of enactment of this Act;

(3) shall not prevent or impede any employee, agent, or contractor of the District of Columbia or of St. Elizabeth's Hospital who has obtained knowledge of the persons described in section 4243(i) of title 18, United States Code, in the employee's professional capacity from providing that knowledge to the Attorney General, nor shall civil or criminal liability attach to such employees, agents, or contractors who provide such knowledge; and

(4) shall not prevent or impede interviews of persons described in section 4243(i) of title 18, United States Code, by representatives of the Attorney General, if such persons voluntarily consent to such interviews.

(c) CLARIFICATION OF EFFECT ON CERTAIN TESTIMONIAL PRIVILEGES.—The amendments made by this section shall not be construed to affect in any manner any doctor-patient or psychotherapist-patient testimonial privilege that may be otherwise applicable to persons found not guilty by reason of insanity and affected by this section.

(d) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section shall not be affected thereby.

AMENDMENT NO. 5389

At the appropriate place in the bill, add the following:

SEC. . ESTABLISHING BOYS AND GIRLS CLUBS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991, during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;