

the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) \$200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) **BUDGET AND AUDIT TREATMENT.**—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code..

TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

SECTION 301. SHORT TITLE.

This title may be cited as the "50 States Commemorative Coin Program Act".

SEC. 302. STUDY.

(a) **STUDY.**—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of 44 U.S.C. 3502.

(b) **REPORT.**—The Secretary shall submit the study required in (a) above, to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) **50-STATE COMMEMORATIVE COIN PROGRAM.**—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the 4th sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic

of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) **DESIGN.**—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) **ORDER OF ISSUANCE.**—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) **NUMBER OF COINS.**—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) **SELECTION OF DESIGN.**—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committees and the Commission of Fine Arts.

(5) **TREATMENT AS NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5138 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) **NUMISMATIC ITEMS.**—

(A) **QUALITY OF COINS.**—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) **SILVER COINS.**—Notwithstanding the provisions of subsection 5112(b) of title 31, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) **SOURCE OF BULLION.**—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) **FUNDING.**—Funds used to complete this study shall be offset from funds from the Department of the Treasury.

SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) **IN GENERAL.**—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) **TERMS.**—

"(A) **IN GENERAL.**—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

"(B) **INTERIM APPOINTMENTS.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) **CONTINUATION OF SERVICE.**—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after

the expiration of the term to which such member was appointed until a successor has been appointed and qualified."

(b) **STAGGERED TERMS.**—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) **STATUS OF MEMBERS.**—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

SEC. 304. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Amend the title so as to read: "An Act to establish United States commemorative coin programs, and for other purposes."

THE DRUG-INDUCED RAPE PRE- VENTION AND PUNISHMENT ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5429

Mr. LOTT (for Mr. HATCH for himself, Mr. BIDEN, and Mr. COVERDELL) proposed an amendment to the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. PROVISIONS RELATING TO USE OF A CON- TROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) **PENALTIES FOR DISTRIBUTION.**—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7) **PENALTIES FOR DISTRIBUTION.**—

"(A) **IN GENERAL.**—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) **DEFINITION.**—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual."

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting “, or 1 gram of flunitrazepam,” after “I or II”; and

(B) in subsection (b)(1)(D), by inserting “or 30 milligrams of flunitrazepam,” after “schedule III.”.

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting “or flunitrazepam” after “I or II”.

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting “or flunitrazepam,” after “I or II.”.

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting “(except a violation involving flunitrazepam)” after “III, IV, or V.”.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as appropriate the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after “exceeds 1 gram.” the following: “Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both”.

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

THE FEDERAL COURTS IMPROVEMENT ACT OF 1996

HATCH AMENDMENT NO. 5430

Mr. LOTT. (for Mr. HATCH) proposed an amendment to the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

On page 4, line 15, strike through line 25.

On page 5, line 8, strike through line 14 on page 6 and insert the following:

SEC. 202. CONSENT TO TRAIL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting “, other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “misdemeanor”; and

(B) in the second sentence by inserting “judge” after “magistrate” each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: “The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.”; and

(D) by striking out “judge of the district court” each place it appears and inserting in lieu thereof “district judge”.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: “the magistrate judge may, in a petty offense case involving a juvenile, that is a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trail before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.”.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out “, lieu thereof a semi-colon; and

(2) by striking out paragraph (4) and inserting the following:

“(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

“(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.”.

On page 6, line 15, strike through the matter following line 2 on page 7.

On page 9, line 6, strike through line 2 on page 11.

On page 13, line 4, strike through line 7 on page 15.

On page 17, line 1, strike through line 3 on page 19.

On page 19, line 22, strike through line 9 on page 23.

On page 31, line 8, strike through line 2 on page 32.

On page 35, line 21, strike through line 2 on page 36.

On page 44, line 20, strike through line 21 on page 48.

On page 48, add after line 21 the following:

SEC. 611. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

“Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.”.

SEC. 612. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

“(d) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(b) CURE OF WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

“(c) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

Amend the table of contents accordingly.

LEGISLATION TO ENHANCE FAIRNESS OF PATENTS

HATCH AMENDMENT NO. 5431

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States; as follows:

On page 2, line 8, strike all after the period through “Act.” on line 13 and insert “Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.”.

On page 2, line 17, strike “January 1, 1995” and insert “the date of the enactment of this Act”.

HATCH (AND KENNEDY) AMENDMENT NO. 5432

Mr. LOTT (for Mr. HATCH for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses; as follows:

Add at the end of the bill the following:

SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) in section 306(c)(1), by striking “to all final” and all that follows through “Act and” and inserting “as provided under section 309, except that”; and

(2) in section 309(c)(1), by striking “as of” and inserting “before”; and