

# HEINONLINE

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(e) **EFFECTIVE DATE.**—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

**SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.**

(a) **NORTHERN DIVISION.**—Section 125(1) of title 28, United States Code, is amended by inserting "Salt Lake City and" before "Ogden".

(b) **CENTRAL DIVISION.**—Section 125(2) of title 28, United States Code, is amended by inserting ", Provo, and St. George" after "Salt Lake City".

**SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.**

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,"; and

(2) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed."

**SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.**

(a) **DEMONSTRATION PROGRAM.**—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(b) **PILOT PROGRAM.**—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

**SEC. 609. 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. 610. 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 OR 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.

**BROADENING THE SCOPE OF CERTAIN FIREARM OFFENSES**

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Commit-

tee be discharged from further consideration of S. 1612, a bill to broaden the scope of certain firearm offenses, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1612) to provide for increased mandatory minimum sentences for criminals possessing firearms.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5433

(Purpose: To provide a complete substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk for Senators DEWINE, HELMS, and ABRAHAM. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. DEWINE, for himself, Mr. HELMS, and Mr. ABRAHAM, proposes an amendment numbered 5433.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. FIREARMS OFFENSES.**

(a) **IN GENERAL.**—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries" and inserting "possesses".

(b) **AMENDMENT OF SENTENCING GUIDELINES.**—

(1) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and the policy statements of the Commission to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(2) **CONSISTENCY.**—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) **DEFINITIONS.**—For purposes of this subsection, the terms "crime of violence" and "drug trafficking crime" have the same meanings as in section 924(c) of title 18, United States Code.

Amend the title so as to read: "A bill to broaden the scope of certain firearms offenses, and for other purposes."

Mr. DEWINE. Mr. President, there is concern that some in the House might oppose S. 1612, the Helms/DeWine bill that just passed unanimously, for political reasons. I should emphasize the significance of getting this legislation passed by the House and sent to the President for his signature. This measure, which broadens the scope of firearms offenses committed by violent criminals, is essential if Federal prosecutors are going to have the tools nec-

essary to combat violence and drug trafficking. I urge our colleagues in the House to pass this legislation with dispatch, and to send it to the President, whose Justice Department has been very supportive of this bill. Those who would stop this bill, do so at the expense of law-abiding citizens.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time and passed as amended, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill appear at an appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5433) was agreed to.

The bill (S. 1612), as amended, was deemed read for a third time, and passed, as follows:

S. 1612

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FIREARMS OFFENSES.**

(a) **IN GENERAL.**—Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries" and inserting "possesses".

(b) **AMENDMENT OF SENTENCING GUIDELINES.**—

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(2) **CONSISTENCY.**—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal Sentencing Guidelines;

(B) avoid duplicative punishment for substantially the same offense; and

(C) take into account any mitigating circumstances that might justify an exception to any amendment made under paragraph (1).

(3) **DEFINITIONS.**—For purposes of this subsection, the terms "crime of violence" and "drug trafficking crime" have the same meanings as in section 924(c) of title 18, United States Code.

Passed the Senate October 3, 1996.

The title was amended so as to read: "A bill to broaden the scope of certain firearms offenses, and for other purposes."

**COMPENSATING OWNERS OF PATENTS**

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 632, regarding patent legal fees, and the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5431

(Purpose: To provide for a limitation on reasonable costs and fees under special circumstances, and for other purposes)

Mr. LOTT. Mr. President, Senator HATCH has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 5431.

The amendment is as follows:

On page 2, line 8, strike all after the period through "Acts." 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, 1996" and insert "the date of the enactment of this Act".

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5431) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the measure be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 632), as amended, was deemed read the third time and passed.

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Strike out all after the enacting clause, and insert:

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.

TITLE I—OLDER AMERICANS ACT OF 1965

Sec. 101. Indian employment; definition of Indian reservation.

Sec. 102. Population statistics development.

Sec. 103. Reporting requirements.

Sec. 104. Expenditure of funds for nutrition services.

Sec. 105. Coordination of services.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

Sec. 201. Extension of National Literacy Act of 1991.

Sec. 202. Adult Education Act amendments.

Sec. 203. Extension of Carl D. Perkins Vocational and Applied Technology Education Act.

Subtitle B—Museums and Libraries

Sec. 211. Museum and library services.

Sec. 212. National Commission on Libraries and Information Science.

Sec. 213. Transfer of functions from Institute of Museum Services.

Sec. 214. Service of individuals serving on date of enactment.

Sec. 215. Consideration.

Sec. 216. Transition and transfer of funds.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

Sec. 301. Unsubsidized student loans.

Sec. 302. Study of loan fees.

Subtitle B—Financial Responsibility Standards

Sec. 311. Extension of public comment period.

TITLE I—OLDER AMERICANS ACT OF 1965

SEC. 101. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));"

SEC. 102. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of the Older Americans Act of 1965 (42 U.S.C. 3057e(b)) is amended by striking "certification" and inserting "approval".

SEC. 103. REPORTING REQUIREMENTS.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended—

(1) by inserting "(1)" after "(c)"; and  
(2) by adding at the end the following new paragraph:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions."

SEC. 104. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 103, is further amended by adding at the end the following new paragraph:

"(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographical needs of the Indian populations to be served."

SEC. 105. COORDINATION OF SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section

104, is further amended by adding at the end the following new paragraph:

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients."

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

SEC. 201. EXTENSION OF NATIONAL LITERACY ACT OF 1991.

(a) NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.—Subsection (c) of section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211-1(c)) is amended by striking "\$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997."

(b) FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.—Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211-2(i)) is amended by striking "\$10,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997."

SEC. 202. ADULT EDUCATION ACT AMENDMENTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 312—  
(A) in each of subparagraphs (A) and (B) of paragraph (1), by moving the left margin two ems to the right;  
(B) in each of paragraphs (11) through (15), by moving the left margin two ems to the right; and  
(C) by adding at the end the following:

"(16) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:  
"(A) Interactive literacy activities between parents and their children.  
"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.  
"(C) Parent literacy training.  
"(D) An age-appropriate education program for children."

(2) in section 313(a), by striking "the fiscal year 1991," and all that follows through "1995" and inserting "fiscal year 1997";  
(3) in section 321, by inserting "and family literacy services" after "and activities";  
(4) in the first sentence of section 322(a)(1), by inserting "and family literacy services" after "adult education programs";  
(5) in section 341(a), by inserting "and for family literacy services" after "adult education";

(6) in section 356(k), by striking "\$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.";

(7) in section 371(e)(1), by striking "the fiscal year 1991," and all that follows through the period and inserting "fiscal year 1997.";

(8) in section 384, by striking subsections (c) through (n); and  
(9) by adding at the end the following:

"SEC. 386. NATIONAL INSTITUTE FOR LITERACY.  
"(a) ESTABLISHMENT.—  
"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and

