

Special Omnibus Crime Control Act of 1993

TITLE I. — SPECIAL LAW ENFORCEMENT DEPARTMENT, AGENCIES, AND PROGRAMS

SECTION 1 SHORT TITLE.

This Act may be cited as the Special Omnibus Crime Control Act of 1993.

SEC. 2. CONGRESSIONAL DECLARATION OF PURPOSE.

The Congress hereby declares that the general welfare and security of the Nation and our people require, as a matter of national purpose, sound development of the Nation's strategies and law enforcement in regards to powered crime and crime control.

To carry out such purpose, and in recognition of the increasing importance crime prevention, the advent of powers and powered individuals and the need for a constructive method of handling the problems associated with persons with powers that commit crimes and the lack of standard law enforcement methods to curtail the activities of such individuals and their effects on our national life, the Congress finds that establishment of an executive department is desirable to achieve the best administration of the principal programs and agencies of the Federal Government which provide law enforcement and assistance to law enforcement agencies; to assist the President in achieving maximum coordination of the various Federal activities which have a major effect on powers and powered individuals; to encourage the solution of problems of powered crime and crime control through State, county, town, village, or other local and private action, including promotion of interstate, regional, and metropolitan cooperation; to encourage the maximum contributions that may be made by state, local and metropolitan law enforcement agencies, and the private law enforcement agencies; and to provide for full and appropriate consideration, at the national level, of the needs and interests of the Nation's communities and of the people who live and work in them.

SEC. 3. ESTABLISHMENT OF DEPARTMENT.

(a) Designation; appointment and supervision of Secretary

There is hereby established at the seat of government an executive department to be known as the Special Law Enforcement Department (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Special Law Enforcement (hereinafter referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(b) General duties of Secretary

The Secretary shall, among his responsibilities, advise the President with respect to Federal programs and activities relating to powered crime and crime control; develop and recommend to the President policies for fostering crime prevention; exercise leadership at the direction of the President in coordinating Federal activities affecting powered crime and crime control; provide technical assistance and information, including a clearinghouse service to aid State, county, town, village, or other local governments in developing solutions to crime, powered crime, crime control, crime prevention and the needs of powered individuals; consult and cooperate with State Governors and State agencies, including, when appropriate, holding informal public hearings, with respect to Federal and State programs for assisting communities in developing solutions to crime, powered crime, crime control, crime prevention and the needs of powered individuals problems and for encouraging effective regional cooperation in the planning and conduct of crime, powered crime, crime control, crime prevention and the needs of powered individuals programs and projects; encourage comprehensive planning by the State and local governments with a view to coordinating Federal, State, and local powered crime, crime control, and crime prevention activities; encourage private enterprise to serve as large a part of the Nation's total powered crime and crime control needs as it can and develop the fullest cooperation with private enterprise in achieving the objectives of the Department; and conduct continuing comprehensive studies, and make available findings, with respect to the problems of powered crime and crime control.

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(c) Denial or limitation of benefits of departmental programs, functions, or activities on basis of population or corporate status of community

Nothing in this title shall be construed to deny or limit the benefits of any program, function, or activity assigned to the Department by this title or any other Act to any community on the basis of its population or corporate status, except as may be expressly provided by law.

(d) Coordination of powered crime and crime control programs in the United States

The Secretary shall -

(1) promote the coordination of all programs under the jurisdiction of the Secretary that are carried on within the United States under authority of the title;

(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.

SEC. 4. OFFICERS OF DEPARTMENT.

(a) Deputy Secretary, Undersecretaries, Assistant Secretaries, and General Counsel

There shall be in the Department a Deputy Secretary, three Undersecretaries, eight Assistant Secretaries, and a General Counsel, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(b) Federal Police Administrator

There shall be in the Department a Federal Police Administrator, who shall head a United States Police Administration within the Department, who shall have such duties and powers as may be prescribed by the Secretary, and who shall administer, under the supervision and direction of the Secretary, departmental programs relating to the establishment and continued operation of a National Police Agency and a national clearing house of information regarding police programs, police agency administration problems and other areas of interest to law enforcement.

(c) Director of Criminal Investigation Bureau; designation; powers and duties; studies of powered crime control and prevention and recommendations for administration of Federal programs affecting such problems

There shall be in the Department a Director of Criminal Investigation Bureau, who shall be designated by the Secretary. He shall assist the Secretary in carrying out his responsibilities to the President with respect to achieving maximum coordination of the programs of the various departments and agencies of the Government which have a major impact on powered crime control and prevention. In providing such assistance, the Director shall make such studies of powered crime control and prevention problems as the Secretary shall request, and shall develop recommendations relating to the administration of Federal programs affecting such problems, particularly with respect to achieving effective cooperation among the Federal, State, and local agencies concerned. Subject to the direction of the Secretary, the Director shall, in carrying out his responsibilities, (1) establish and maintain close liaison with the Federal departments and agencies concerned and (2) consult with State, local, and regional officials, and consider their recommendations with respect to such programs.

(d) Assistant to Secretary; designation; duty to provide information and advice to nonprofit project sponsors

There shall be in the Department an Assistant to the Secretary, designated by the Secretary, who shall be responsible for providing information and advice to nonprofit organizations desiring to sponsor powered crime prevention projects assisted under programs administered by the Department.

(f) Special Law Enforcement Department Comptroller

There shall be in the Department a Special Law Enforcement Department Comptroller, designated by the Secretary, who shall be responsible for overseeing the financial operations of the Special Law Enforcement Department

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(g) National Powered Individual Index

There shall be established a National Powered Individual Index (herein after referred to in this title and Act as the "National Powered Individual Index"). It shall be headed by the Director of the National Powered Individual Index (herein after referred to in this title and Act as the "Director") appointed by the Secretary of Special Law Enforcement. The National Powered Individual Index shall record and collate all data concerning powers and Powered Individuals. It shall be the primary information source for law enforcement agencies, whether federal, state, or local.

(1) The National Powered Individual Index shall institute a voluntary registration program for citizens with powers. This program shall offer testing and cataloging of powers. It shall issue a "Statement of Powers" and an identification card for all applicants.

(A) The identity card shall state the name, address, date of birth, height, weight, race, sex, hair color, eye color, types of powers and shall bear a photograph of the individual to whom it was issued. The identity card shall also include a unique control number.

(B) This identity card shall be recognized throughout the United States as a valid form of identification.

(C) Program participants shall be paid a sum to be chosen by the Director of the program.

(D) Program participants shall also be apprised of any new information concerning their particular power, as it becomes available. This shall include any health issues or changes in statutes that may affect them.

(2) The National Powered Individual Index shall institute an involuntary registration program for those persons arrested or convicted for violations of this Act or other violations of law or statute involving powers or their use.

(A) If a person is arrested then a test for the presence of powers shall be conducted. If this test is positive, then a full testing of powers may be ordered if the agency having custody believes that person may be of high escape or violence risk.

(B) If convicted of a crime involving powers, use of powers, or a violation of this Act that person shall be tested for powers for the purpose of cataloging those powers and shall be entered in the National Powered Individual Index under the heading "Criminals and Inmates Possessing Powers" for current and future reference.

(C) In either case, if a test of powers was conducted, the person shall be issued a "Statement of Powers" and identification card pursuant to paragraphs (a) and (a)(1).

(D) If the person is convicted the identification card shall be marked "Inmate" in such a fashion as to be readily apparent and a copy of both the "Statement of Powers" and the identification card shall be forwarded to the Special Bureau of Prisons when that person is remanded into that agency's custody.

(3) The results of a test for powers are considered medical information and as such are to be held confidential and part of the person's medical records, subject to laws and statutes governing their disclosure.

(4) It shall be unlawful for any person to-

(A) disclose the results of any test for powers; or

(B) alter a "Statement of Powers"; or

(C) forge a "Statement of Powers"; or

(D) receive or possess a "Statement of Powers" not issued by the NPPII or that is not their own;

or

(E) receive or possess a NPPII identification card not issued by the NPPII or that is not their own;

or

(F) alter a NPPII identification card; or

(G) forge a NPPII identification card; or

(H) give false information to NPPII testing personnel or give false information regarding the possession, type, or lack of possession of powers to medical or law enforcement personnel in the performance of their duty; or

(I) refuse to surrender an NPPII identification card or give notification of the possession or type of powers to law enforcement personnel when requested and in the performance of their duty.

(5) Violation of paragraph (4) is a violation of this Act and a federal offence.

(A) Violation of subparagraph (4)(A) of this section is punishable by imprisonment of up to, but not more than one year and a fine of up to, but not more than 10,000 dollars per violation.

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(B) Violation of subparagraph(s) (4)(B), (4)(C), (4)(F) or (4)(G) of this section is punishable by imprisonment of up to, but not more than seven years and a fine of up to, but not more than 75,000 dollars per violation.

(C) Violation of subparagraph(s) (4)(D) or (4)(E) of this section is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars per violation.

(D) Violation of subparagraph(s) (4)(H) or (4)(I) of this section is punishable by imprisonment of up to, but not more than three years and a fine of up to, but not more than 25,000 dollars per violation.

SEC. 5. TRANSFER OF FUNCTIONS.

(a) Department of Justice; Powered Crime Division, Department of Justice agencies powered crime sections and units, and the Department of Treasury; United States Secret Service Powered Crime Section

There are hereby transferred to and vested in the Secretary all of the functions, powers, and duties of the Department of Justice; Powered Crime Division, Department of Justice agencies' powered crime sections and units, and the Department of Treasury; United States Secret Service Powered Crime Section and of the heads and other officers and offices of said agencies.

(b) Studies of organization of powered crime and crime control functions and programs and recommendations regarding transfer of such functions and programs to or from Department

The President shall undertake studies of the organization of powered crime and crime control functions and programs within the Federal Government, and he shall provide the Congress with the findings and conclusions of such studies, together with his recommendations regarding the transfer of such functions and programs to or from the Department. Notwithstanding any other provision of this title, none of the functions of the Attorney General of the United States authorized under the Constitution of the United States, the United States Code or other functions carried out by the Department of Justice shall be transferred from the Department of Justice or in any way be limited geographically unless specifically provided for by reorganization plan pursuant to provisions of chapter 9 of title 5, or by statute.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) Transfer of personnel, assets, etc.

The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with, the functions, powers, and duties transferred by section 5 of this title are hereby transferred with such functions, powers, and duties, respectively.

(b) Employment, compensation, authority, and duties of personnel

The Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, as shall be necessary to carry out the provisions of this title and to prescribe their authority and duties: Provided, That any other provision of law to the contrary notwithstanding, the Secretary may fix the compensation for not more than six positions in the Department at the annual rate applicable to positions in level V of the Executive Schedule provided by subchapter II of chapter 53 of title 5.

(c) Delegation of authority; rules and regulations

The Secretary may delegate any of his functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

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(d) Temporary employment of experts or consultants; compensation

The Secretary may obtain services as authorized by section 3109 of title 5, at rates for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under section 5332 of title 5. The Secretary is authorized to enter into contracts with private companies for the provision of such managerial support to the Special Law Enforcement Department as the Secretary determines to be appropriate, including but not limited to the management of the National Powered Individual Index and other programs not requiring active law enforcement duties.

(e) Working capital fund; establishment; uses; appropriations; capitalization; reimbursement

The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space; central services for document reproduction and for graphics and visual aids; and a central library service. In addition to amounts appropriated to provide capital for said fund, which appropriations are hereby authorized, the fund shall be capitalized by transfer to it of such stock of supplies and equipment on hand or on order as the Secretary shall direct. Such fund shall be reimbursed from available funds of agencies and offices in the Department for which services are performed at rates which will return in full all expenses of operation, including reserves for accrued annual leave and for depreciation of equipment.

(f) Seal

The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) Financial transactions, finality; checking accounts for funds in Treasury; availability of funds for administrative expenses; consolidation of cash for banking and checking purposes

Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions) shall be final and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasury of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for banking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

(h) Foreclosure of property; actions for protection and enforcement of rights; purchase of property; dealing with property after such acquisition; deprivation of State court civil and criminal jurisdiction; impairment of civil rights under State laws; application of section 5 of title 41; annual payments in lieu of local property taxes; sale and exchanges of property; insurance; modification of interest, time for installment payment, and other terms; other covenants, conditions, and provisions

Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to -

(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: Provided, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: Provided further, That section 5 of title 41 shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed \$2,500;

(2) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

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(3) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

(4) obtain insurance against loss in connection with property and other assets held;

(5) consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him; and

(6) include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary, including any provisions relating to the authority or requirements under paragraph (5).

(i) Fees and charges

Notwithstanding any other provision of law the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, audit by Federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered non-administrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

(j) Gifts and services, acceptance; taxable status of property; investments; disbursements

(1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

(k) Consultants; appointment of advisory committees; compensation and travel expenses

The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(l) Day care center for children of employees of Department; establishment; fees and charges

Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to establish, equip, and operate a day care center facility or facilities, or to assist in establishing, equipping, and operating interagency day care facilities for the purpose of serving children who are members of households of employees of the Department. The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Special Law Enforcement Department employees or others who are beneficiaries of services provided by any such day care center. In addition, limited start-up costs may be provided by the Secretary in an amount limited to 3 per centum of the first year's operating budget, but not to exceed \$3,500.

(m) Agenda of rules or regulations under development or review; transmittal to Congress

(1) Notwithstanding any other provision of law, the Secretary shall transmit to the Joint House and Senate Committee on the Research and Application of Special Human and Esoteric Resources, an agenda of all rules or regulations which are under development or review by the Department. Such an agenda shall be transmitted to such Committee within 30 days of May 31, 1994 and at least semi-annually thereafter.

(2)(A) Any rule or regulation which is on any agenda submitted under paragraph (1) may not be published for comment prior to or during the 15-calendar day period beginning on the day after the date on which such agenda was transmitted. If within such period, the Committee notifies the Secretary in writing

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that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary shall submit to the Committee a copy of any such rule or regulation, in the form it is intended to be proposed, at least 15 calendar days prior to its being published for comment in the Federal Register.

(B) Any rule or regulation which has not been published for comment before May 31, 1994, and which does not appear on an agenda submitted under paragraph (1) shall be submitted to the such Committee at least 15 calendar days prior to its being published for comment.

(3) No rule or regulation may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final. Any regulation implementing any provision of the Special Crime Control Act of 1993 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days.

(4) The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of the Committee.

(5) The Secretary shall include with each rule or regulation required to be transmitted to the Committee under this subsection a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.

(n) Cost-benefit analysis of field reorganizations; requirements, contents, etc.

A plan for the reorganization of any regional, area, or other field office of the Special Law Enforcement Department may take effect only upon the expiration of 90 days after publication in the Federal Register of a cost-benefit analysis of the effect of the plan on each office involved. Such cost-benefit analysis shall include, but not be limited to -

(1) an estimate of cost savings supported by background information detailing the source and substantiating the amount of the savings;

(2) an estimate of the additional cost which will result from the reorganization;

(3) a study of the impact on the local economy; and

(4) an estimate of the effect of the reorganization on the availability, accessibility, and quality of services provided for recipients of those services, where any of the above factors cannot be quantified, the Secretary shall provide a statement on the nature and extent of those factors in the cost-benefit analysis.

(o) Waiver of regulations

(1) Any waiver of regulations of the Department shall be in writing and shall specify the grounds for approving the waiver.

(2) The Secretary may delegate authority to approve a waiver of a regulation only to an individual of Assistant Secretary rank or equivalent rank, who is authorized to issue the regulation to be waived.

(3) The Secretary shall notify the public of all waivers of regulations approved by the Department. The notification shall be included in a notice in the Federal Register published not less than quarterly. Each notification shall cover the period beginning on the day after the last date covered by the prior notification, and shall -

(A) identify the project, activity, or undertaking involved;

(B) describe the nature of the requirement that has been waived and specify the provision involved;

(C) specify the name and title of the official who granted the waiver request;

(D) include a brief description of the grounds for approval of the waiver; and

(E) state how more information about the waiver and a copy of the request and the approval may be obtained.

(4) Any waiver of a provision of a handbook of the Department shall -

(A) be in writing;

(B) specify the grounds for approving the waiver; and

(C) be maintained in indexed form and made available for public inspection for not less than the 3-year period beginning on the date of the waiver.

(p) Program evaluation and monitoring

(1) For the programs listed in paragraph (2), amounts appropriated under this subsection shall be available to the Secretary for evaluating and monitoring of all such programs and collecting and maintaining data for such purposes. The Secretary shall expend amounts made available under this subsection in accordance with the need and complexity of evaluating and monitoring each such program and collecting and maintaining data for such purposes.

(2) The programs subject to this subsection shall be the programs authorized under -

(A) titles I and II of the Special Crime Control Act of 1993;

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(3) In conducting evaluations and monitoring pursuant to the authority under this subsection, and collecting and maintaining data pursuant to the authority under this subsection, the Secretary shall determine any need for additional staff and funding relating to evaluating and monitoring the programs under paragraph (2) and collecting and maintaining data for such purposes.

(4)(A) The Secretary may provide for evaluation and monitoring under this subsection and collecting and maintaining data for such purposes directly or by grants, contracts, or interagency agreements. Not more than 50 percent of the amounts made available under paragraph (1) may be used for grants, contracts, or interagency agreements.

(B) Any amounts not used for grants, contracts, or interagency agreements under subparagraph (A) shall be used in a manner that increases and strengthens the ability of the Department to monitor and evaluate the programs under paragraph (2) and to collect and maintain data for such purposes through officers and employees of the Department.

(5) Not later than December 31 of each year, the Secretary shall submit to the Congress a report regarding the use of amounts made available under this subsection during the fiscal year ending on September 30 of that year, including an analysis of the ability of the Department to monitor and evaluate the programs under paragraph (2) and a statement of any needs determined under paragraph (3).

(6) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1993 and fiscal year 1994. Such amounts shall remain available until expended.

(q) Authorization of appropriations; allocations for staff and training

(1) Notwithstanding any other provision of law, there is authorized to be appropriated for salaries and expenses to carry out the purposes of this section \$988,000,000 for fiscal year 1993 and \$1,029,496,000 for fiscal year 1994.

(2) Of the amounts authorized to be appropriated by this section, \$96,000,000 shall be available for each of the fiscal years 1993 and 1994, which amounts shall be used to provide staff in regional, field, or zone offices of the Special Law Enforcement Department to review, process, approve, and service applications to the National Powered Individual Index under section 4, paragraph (g) of this title.

(3) Of the amounts authorized to be appropriated to carry out this section, not less than \$5,000,000 of such amount shall be available for each fiscal year exclusively for the purposes of providing ongoing training and capacity building for Department personnel.

SEC. 7. ANNUAL REPORTS.

The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

SEC. 8. SEPARABILITY.

Notwithstanding any other evidence of the intent of Congress, it is hereby declared to be the intent of Congress that if any provision of this title, or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this title or its application to other persons and circumstances, but shall be confined in its operation to the provision of this title, or the application thereof to the persons and circumstances, directly involved in the controversy in which such judgment shall have been rendered.

SEC. 9. PERFORMANCE GOALS FOR SPECIAL LAW ENFORCEMENT DEPARTMENT.

"(1) in general. - The Secretary of the Special Law Enforcement Department (hereafter in this Act referred to as the 'Secretary') may establish performance goals for the major programs of the Special Law Enforcement Department in order to measure progress towards meeting the objectives of national powered crime control and prevention policy.

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"(2) Form of goals. - The performance goals referred to in paragraph (1) shall be expressed in terms sufficient to measure progress.

"(3) Report. - The Secretary shall include in the Secretary's annual report to the Congress a description of the progress made in attaining the performance goals for each program, citing the results achieved in each program for the previous year.

"(4) Failure to meet goals. - If a performance standard or goal has not been met, the description under paragraph (3) shall include an explanation of why the goal was not met, propose plans for achieving the performance goal, and recommend any legislative or regulatory changes necessary for achievement of the goal."

SEC. 10. PAPERWORK REDUCTION.

(a) Declaration of policy

The Congress finds and declares -

(1) that various departments, agencies, and instrumentalities of the Federal Government with responsibilities involving powered crime control and prevention, and powered individuals, require, approve, use or otherwise employ a variety of different forms as and that such duplication of forms constitutes a paperwork burden that adds to the costs imposed on the Nation's taxpayers and citizens;

(2) that unnecessary paperwork impairs the effectiveness of Federal crime control and prevention;

(3) that the needs of powered individuals are affected; and

(4) that simplification of paperwork imposed by Federal powered crime control and prevention, and powered individuals programs would contribute to achieving the Nation's goals in these areas by reducing such costs.

(b) Uniform legal and other forms for use by agencies in powered crime control, prevention and powered individuals programs

(1) The Secretary of Special Law Enforcement Department, the Secretary of Justice, the Secretary of Treasury and the Secretary of Veterans Affairs shall, consistent with provisions of law governing their respective programs, provide by regulation for the elimination of forms which solicit information which is already available from other available sources through indexing or other means of identifying such forms.

(2) Each agency referred to in subsection (b) of this section may employ riders, addenda, or similar forms of modification agreements to adapt such uniform forms to its respective programs and policies, consistent with the goals of minimizing the use and extent of such modification agreements and maximizing the suitability of such forms for the use of all participants, public and private.

(c) Coordination and reports by Director of Office of Management and Budget

The Director of the Office of Management and Budget shall coordinate and monitor the development and implementation by Federal departments and agencies of the efforts required by subsection (b) of this section and shall report to the Congress on such development and implementation and with respect to any provisions of law which unnecessarily prevent such departments and agencies from carrying out the provisions of this section as part of each report required under Public Law 93-556. Such report shall include an estimate of the reduction of the level of paperwork burden hours of the affected agencies as allocated by the Office of Management and Budget.

SEC. 11. SAVINGS PROVISION: ABATEMENT OF ACTIONS; CONTINUATION OF RULES, REGULATIONS, ETC.; REFERENCES IN OTHER LAWS TO SPECIAL LAW ENFORCEMENT DEPARTMENT; LAPSE OF AGENCIES.

"(a) No cause of action by or against any agency whose functions are transferred by this Act, or by or against any officer of any agency in his official capacity, shall abate by reason of this enactment. Such causes of action may be asserted by or against the United States or such official of the Department as may be appropriate.

"(b) No suit, action, or other proceeding commenced by or against any agency whose functions are transferred by this Act, or by or against any officer of any such agency in his official capacity, shall abate

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by reason of the enactment of this Act. A court may at any time during the pendency of the litigation, on its own motion or that of any party, order that the same may be maintained by or against the United States or such official of the Department as may be appropriate.

"(c) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to the effective date of this Act by any agency, officer, or office pertaining to any functions, powers, and duties transferred by this Act shall continue in full force and effect after the effective date of this Act until modified or rescinded by the Secretary or such other officer or office of the Department as, in accordance with applicable law, may be appropriate. With respect to any function, power, or duty transferred by or under this Act and exercised hereafter, reference in another Federal law to the Special Law Enforcement Department or to any officer, office, or agency therein, shall be deemed to mean the Secretary. The positions and agencies heretofore established by law in connection with the functions, powers, and duties transferred under section 5(a) of this Act shall lapse."

SEC. 12. EFFECTIVE DATE: INTERIM APPOINTMENTS.

"(a) The provisions of this Act shall take effect upon the expiration of the first period of sixty calendar days following the date on which this Act is approved by the President, or on such earlier date as the President shall specify by Executive order published in the Federal Register, except that any of the officers provided for in sections 3(a), 4(a), and 4(b) of this Act may be nominated and appointed, as provided in such sections, at any time after the date this Act is approved by the President.

"(b) In the event that one or more officers required by this Act, to be appointed, by and with the advice and consent of the Senate, shall not have entered upon office on the effective date of this Act, the President may designate any person who was an officer of the Department of Justice immediately prior to said effective date to act in such office until the office is filled as provided in this Act or until the expiration of the first period of sixty days following said effective date, whichever shall first occur. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act."

TITLE II — POWERS, POWERED INDIVIDUALS, AND FOREIGN NATIONALS

SEC. 201. SHORT TITLE.

This Act may be cited as the "Powers, Powered Individuals, and Foreign Nationals Act of 1993."

SEC. 202. PROVISIONS AND AIMS OF THIS ACT.

To define powers, establish codified statutes concerning the use of powers, enhanced penalties for the criminal use of powers, alter Selective Service for the benefit of Powered Individuals and the United States and protect the civil rights of Powered Individuals. To establish codified statutes concerning the possession and use of powers by foreign nationals and diplomatic personnel.

SEC. 203. DEFINITIONS OF THE TERMS "POWER" AND "POWERED INDIVIDUAL".

(a) The term "power" defined

The term "power" as used in this Act shall mean those innate abilities that exceed the human norm as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources-

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- (1) those innate abilities that allow a person to project intense energy beyond the confines of their bodies without mechanical or chemical aid; or
 - (2) those innate abilities that allow a person to project or receive thoughts, emotions, or imagery without the use of speech, physical acts, mechanical or chemical aids; or
 - (3) those innate abilities that allow a person to affect the thoughts, emotions, or actions of another without the use of speech, physical acts, mechanical or chemical aids; or
 - (4) those innate abilities that allow a person to withstand environmental conditions that would be incapacitating or lethal to the average human without the use of physical, mechanical or chemical aids; or
 - (5) those innate abilities that allow a person to render their body insubstantial or denser than the average human without the use of physical, mechanical or chemical aids; or
 - (6) those innate abilities that allow a person to render themselves invisible to detection by the means of visible light or any other light without the use of physical, mechanical or chemical aids; or
 - (7) those innate abilities that allow a person to affect matter without physical contact and without the use of mechanical or chemical aids; or
 - (8) those innate abilities that allow a person to regenerate or heal wounds or injuries without medical aid or without the use of physical acts, or mechanical or chemical aids, in themselves or others; or
 - (9) those innate abilities that allow a person to transit from one place to another instantaneously and without traveling on, through or over the intervening surfaces or distance without the use of mechanical or chemical aids; or
 - (10) those innate abilities that allow a person to maintain a measurable distance between themselves and a surface for extended periods of time with no support and without mechanical or chemical aid or physical acts; or
 - (11) those innate abilities that allow a person to create barriers of energy without mechanical or chemical aid or physical acts; or
 - (12) those innate abilities that allow a person to affect or alter gravity, magnetic fields, or the weather without mechanical aid or physical acts; or
 - (13) those persons having an enhanced adenosinetriphosphate, abbreviated as ATP, count as per the American Medical Association's standards; or
 - (14) any other such ability or standard as amended to this Act and section.
- (b) The term "Powered Individual" defined
- The term "Powered Individual" as used in this act shall mean those persons with any of the abilities set forth in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section or that meet the standard set forth in section 201(a)(13) or have any of the abilities set forth in section 207.

SEC. 204. USE OF POWERS.

- (a) Use of powers in the attempt or commission of a crime is a violation of this Act and a federal offense.
- (b) The federal government, it's agencies, courts, agents and officers shall have primary jurisdiction for all violations of law and statutes involving powers or their use in the attempt or commission of crimes.

SEC. 205. COSTUMES.

- (a) The term "costume" defined
 - (1) The term "costume" as used in this Act shall mean those articles of clothing, including masks, half masks, capes, full body coverings incorporating a particular design or logo or a any particular style of dress meant to conceal the identity of the wearer or establish an identity as a Powered Individual for the purpose of defeating law enforcement personnel in the performance of their duty or in the attempt or commission of a crime.
 - (2) The use of a costume in the attempt or commission of a crime is a violation of this Act and a federal offence.
 - (3) The use of bullet resistant costumes in the attempt or commission of a crime is a violation of this Act and a federal offence.

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(4) A violation of this section is a felony.

(A) Violation of paragraph (b) of this section is punishable by imprisonment of up to, but not more than two years and a fine of up to, but not more than 20,000 dollars per violation.

(B) Violation of paragraph (c) of this section is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars per violation.

(b) Lawful uses

(1) It is not the intent of Congress to prohibit the use of costumes for lawful purposes. This section shall in no way prohibit the use of costumes by citizens for lawful purposes such as social gathering, holiday celebrations, entertainment or other lawful uses.

SEC. 206. VIGILANTES.

(a) The term "vigilante" defined

(1) The term "vigilante" as used in this Act shall mean those persons who engage in conducting criminal investigations, security practices, arrests or any other activity charged to duly authorized, sworn, licensed, or elected law enforcement or judicial personnel without having been duly authorized, sworn, licensed, or elected for said purpose and following the rules and regulations set forth by any federal, state or local jurisdiction with regards to the above stated actions.

(b) The term "vigilance committee" defined

(1) The term "vigilance committee" as used in this Act shall mean a conspiracy by two or more persons to commit vigilante actions as set forth in paragraph (a) of this section.

(c) Penalties

(1) Those persons or person that commit vigilante actions as set forth in paragraphs (a) and (b) of this section are in violation of this Act. Violation of this paragraph is a federal offence and a felony.

(2) Violation of paragraph (c) of this section is punishable by imprisonment of up to, but not more than ten years and a fine of up to, but not more than 100,000 dollars per violation.

SEC. 207. USE OF TELEPATHY, EMOTIONAL COERCION, MENTAL COERCION, CLAIRVOYANCE, CLAIRAUDIANCE, AND PSYCHOMETRY.

(a) Use of telepathy, emotional coercion, mental coercion, clairvoyance, or clairaudience without prior written consent or waiver by the subject is an invasion of privacy.

(1) Using telepathy, emotional coercion, mental coercion, clairvoyance, or clairaudience in such a fashion is a violation of this Act, constitutional and civil rights. Such a violation renders the user of said powers subject to criminal and civil prosecution.

(b) Use of telepathy, clairvoyance, or clairaudience by peace officers and federal agents

(1) Use of telepathy, clairvoyance, or clairaudience by peace officers and federal agents to gather evidence of a crime shall require a search warrant or a signed waiver or written consent by the subject.

(2) Failure to gain the required search warrant or a signed waiver or written consent by the subject is a violation of this Act, constitutional and civil rights. Such a violation renders the user of said powers subject to criminal and civil prosecution.

(3) A peace officer or federal agent may file an application for a psionic search warrant if they have reason to believe that the information they seek can not be obtained in any other fashion or by any other means.

(A) An application for a psionic search warrant shall filled out and shall contain the following-

(i) the name of the subject or

(ii) the address of the place to be searched, if the subject is not a person,

(iii) an affidavit of probable cause,

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- (iv) the reason that the information can not be obtained in another fashion or by other means,
- (v) the power to be used,
- (vi) the information to be gathered,
- (vii) the name of the peace officer or federal agent using the power,
- (viii) the "Statement of Powers" of the peace officer or federal agent using the power,
- (ix) proof of reliability of the peace officer or federal agent using the power,
- (x) the name and signature of the requesting peace officer or federal agent.

(B) The peace officer or federal agent shall present the application before a neutral magistrate. The magistrate shall consider the facts of the application and if having grounds to believe they are true and correct shall validate the warrant with his signature.

(C) Said warrant shall be returned within seven days.

(D) All evidence gathered by use of such a warrant shall be documented in a written report by the peace officer or federal agent serving the warrant.

(E) Any evidence gathered by means of such a warrant must be corroborated with physical or testimonial evidence or shall be considered inadmissible in any court of law.

(F) Any evidence gained outside the scope of such warrant shall be considered "fruit of the poisonous tree" and as such, be rendered inadmissible in any court of law.

(G) Any evidence gathered without such a warrant shall also be considered "fruit of the poisonous tree" and as such, be rendered inadmissible in any court of law.

(4) Peace officers and federal agents are prohibited from using emotional coercion or mental coercion as a means of gathering evidence of a crime. Any evidence gained by such means shall be considered "fruit of the poisonous tree" and as such, be rendered inadmissible in any court of law.

(A) Using emotional coercion or mental coercion in such a fashion is a violation of this Act, constitutional and civil rights. Such a violation renders the user of said powers subject to criminal and civil prosecution.

(5) Peace officers and federal agents may use psychometry to gather evidence of or information concerning a crime as long as they have a legal reason to be in contact with the object being psychometered.

(A) The peace officer or federal agent using said power shall document all evidence gathered by use of psychometry in a written report.

(B) Any evidence gathered by means of psychometry must be corroborated with physical or testimonial evidence or shall be considered inadmissible in any court of law.

(6) Use of telepathy, emotional coercion, mental coercion, clairvoyance, or clairaudience by peace officers or federal agents without a warrant, court order, waiver or consent is allowed in situations involving grave bodily harm or death

(c) Veracity testing

(1) Use of telepathy, emotional coercion, or mental coercion for veracity testing without prior written consent or waiver by the subject is prohibited.

(A) Using telepathy, emotional coercion or mental coercion in such a fashion is a violation of this Act, constitutional and civil rights. Such a violation renders the user of said powers subject to criminal and civil prosecution.

(d) Use of mental powers by medical and health care personnel

(1) Use of telepathy, emotional coercion, or mental coercion for medical purposes without prior written consent or waiver by the subject is prohibited.

(A) Using telepathy, emotional coercion or mental coercion in such a fashion is a violation of this Act, constitutional and civil rights. Such a violation renders the user of said powers subject to criminal and civil prosecution.

(2) Use of telepathy, emotional coercion, or mental coercion by licensed or registered medical care or aid givers without a waiver or consent is allowed in situations involving grave bodily harm or death.

(e) Use of mental powers in a court of law

(1) Use of telepathy, emotional coercion, mental coercion, clairvoyance, clairaudience, and psychometry shall not be allowed in the proceedings of any court of law without the consent of both parties.

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(2) The existence of telepathy, emotional coercion, mental coercion, clairvoyance, clairaudiance, and psychometry may be stipulated only if both parties agree. If one party does not so stipulate then the existence of these powers must be proved in an open court.

SEC. 208. DEFINITIONS OF THE TERMS “TELEPATHY”, “EMOTIONAL COERCION”, “MENTAL COERCION”, “CLAIRVOYANCE”, “CLAIRAUDIANCE”, AND “PSYCHOMETRY”.

(a) The term “telepathy” defined

(1) The term “telepathy” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to project or receive thoughts or imagery without the use of speech or physical acts or that allow a person to affect the thoughts of another without the use of speech or physical acts.

(b) The term “emotional coercion” defined

(1) The term “emotional coercion” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to affect the emotions of another without the use of speech or physical acts against the will of that person.

(c) The term “mental coercion” defined

(1) The term “mental coercion” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to affect the thoughts or actions of another without the use of speech or physical acts against the will of that person.

(c) The term “clairvoyance” defined

(1) The term “clairvoyance” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to receive imagery without the use of physical acts and though barriers which are not transparent to visible light.

(d) The term “clairaudiance” defined

(1) The term “clairaudiance” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to receive sounds without the use of physical acts and through barriers which are not transparent to sound.

(e) The term “psychometry” defined

(1) The term “psychometry” as used in this Act shall mean those innate abilities as set by the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources that allow a person to receive thoughts, emotions, imagery, or sounds from objects without the use of speech or physical acts, other than mere contact.

SEC. 209. PENALTIES.

A violation of section 207 of this Act is a felony.

- (a) Violation of section 207(a) is punishable, under subsection 207(a)(1), by imprisonment of up to, but not more than seven years and a fine of up to, but not more than 15,000 dollars per violation.
- (b) Violation of section 207(b) is punishable, under subsection 207(b)(2), by imprisonment of up to, but not more than five years and a fine of up to, but not more than 10,000 dollars per violation.
- (c) Violation of section 207(b)(4) is punishable, under subsection 207(b)(4)(A), by imprisonment of up to, but not more than seven years and a fine of up to, but not more than 15,000 dollars per violation.
- (d) Violation of section 207(c)(1) is punishable, under subsection 207(c)(1)(A), by imprisonment of up to, but not more than three years and a fine of up to, but not more than 7,000 dollars per violation.

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(e) Violation of section 207(d)(1) is punishable, under section 207(d)(1)(A), by imprisonment of up to, but not more than seven years and a fine of up to, but not more than 15,000 dollars per violation.

SEC. 210. BAIL.

Bail shall be denied Powered Individuals arrested in the following cases-

- (a) the subject is an escape risk; or
- (b) the subject has a history of violence; or
- (c) the subject is a danger to themselves or others; or
- (d) the subject has a dangerous implanted compulsion; or
- (e) the subject has committed a crime using telepathy, emotional coercion, or mental coercion; or
- (f) the subject is not in full control of their powers; or
- (g) the subject has been convicted of two or more violent crimes; or
- (h) the subject was arrested for the crime of
 - (1) premeditated murder; or
 - (2) sexual battery; or
 - (3) kidnapping; or
 - (4) arson; or
 - (5) reckless use of powers; or
 - (6) intimidation of a witness or victim; or
 - (7) battery of a peace officer or federal agent; or
 - (8) battery or threatening a judge; or
 - (9) threat to the President, Vice President, or a Member of Congress of the United States; or
 - (10) a crime involving a child; or
 - (11) escape from lawful imprisonment; or
 - (12) failure to appear; or
 - (13) extortion; or
 - (14) treason; or
 - (15) espionage; or
- (i) the subject is a peace officer or federal agent.

SEC. 211. SENTENCING RIDERS FOR THE USE OF POWERS.

If a subject is convicted of a crime involving the use of powers the following sentencing riders are applied.

(a) Riders for non-violent misdemeanors

- (1) If the violation is a misdemeanor, non-violent, and is punishable by imprisonment of up to, but not more than six months and a fine of up to, but not more than 5,000 dollars, then an additional three months imprisonment and 2,500 dollars fine is applied per violation.
- (2) If the violation is a misdemeanor, non-violent, and is punishable by imprisonment of up to, but not more than nine months and a fine of up to, but not more than 10,000 dollars, then an additional six months imprisonment and 5,000 dollars fine is applied per violation.
- (3) If the violation is a misdemeanor, non-violent, and is punishable by imprisonment of up to, but not more than one year and a fine of up to, but not more than 15,000 dollars, then an additional nine months imprisonment and 7,500 dollars fine is applied per violation.

(b) Riders for violent misdemeanors

- (1) If the violation is a misdemeanor, violent, and is punishable by imprisonment of up to, but not more than six months and a fine of up to, but not more than 5,000 dollars, then an additional six months imprisonment and 5,000 dollars fine is applied per violation.
- (2) If the violation is a misdemeanor, violent, and is punishable by imprisonment of up to, but not more than nine months and a fine of up to, but not more than 10,000 dollars, then an additional nine months imprisonment and 10,000 dollars fine is applied per violation.

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- (3) If the violation is a misdemeanor, violent, and is punishable by imprisonment of up to, but not more than one year and a fine of up to, but not more than 15,000 dollars, then an additional one year imprisonment and 15,000 dollars fine is applied.
- (c) Riders for non-violent felonies
- (1) If the violation is a felony, non-violent, and is punishable by imprisonment of up to, but not more than two years and a fine of up to, but not more than 20,000 dollars, then an additional one year imprisonment and 10,000 dollars fine is applied per violation.
 - (2) If the violation is a felony, non-violent, and is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars, then an additional two and one half years imprisonment and 25,000 dollars fine is applied per violation.
 - (3) If the violation is a felony, non-violent, and is punishable by imprisonment of up to, but not more than ten years and a fine of up to, but not more than 75,000 dollars, then an additional five years imprisonment and 50,000 dollars fine is applied per violation.
 - (4) If the violation is a felony, non-violent, and is punishable by imprisonment of up to, but not more than twenty years and a fine of up to, but not more than 100,000 dollars, then an additional ten years imprisonment and 75,000 dollars fine is applied per violation.
- (d) Riders for violent felonies
- (1) If the violation is a felony, violent, and is punishable by imprisonment of up to, but not more than two years and a fine of up to, but not more than 20,000 dollars, then an additional two years imprisonment and 20,000 dollars fine is applied per violation.
 - (2) If the violation is a felony, violent, and is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars, then an additional five years imprisonment and 50,000 dollars fine is applied per violation.
 - (3) If the violation is a felony, violent, and is punishable by imprisonment of up to, but not more than ten years and a fine of up to, but not more than 75,000 dollars, then an additional ten years imprisonment and 75,000 dollars fine is applied per violation.
 - (4) If the violation is a felony, violent, and is punishable by imprisonment of up to, but not more than twenty years and a fine of up to, but not more than 100,000 dollars, then an additional twenty years imprisonment and 100,000 dollars fine is applied per violation.
- (e) Riders for violent felonies punishable by life or death, or third strike felonies
- (1) If the violation is a felony, violent, and is punishable by imprisonment of twenty years to life and a fine of up to, but not more than 200,000 dollars, then an additional fifty years imprisonment and 150,000 dollars fine is applied per violation.
 - (2) If the violation is a felony, violent, and is punishable death and a fine of up to, but not more than 500,000 dollars, then an additional life term of imprisonment and 150,000 dollars fine is applied per violation.
 - (3) If the violation is the third violent offense, then an additional life term of imprisonment and 150,000 dollars fine is applied per violation.
- (f) Riders for felonies involving mental powers
- (1) If the violation is a felony and involves telepathy, clairvoyance, or clairaudience, then an additional five years imprisonment and 50,000 dollars fine is applied per violation.
 - (2) If the violation is a felony, non-violent, and involves emotional or mental coercion, then an additional ten years imprisonment and 75,000 dollars fine is applied per violation.
 - (3) If the violation is a felony, violent, and involves emotional or mental coercion, then an additional twenty years imprisonment and 100,000 dollars fine is applied per violation.
- (g) Guidelines for imposing riders
- (1) Those sentence riders in paragraphs (a), (b), (c), (g), (h), (i), and (j) of this section may be served concurrently.
 - (2) Those sentence riders in paragraphs (d), (e), (f), (k)(l), (m), (n), (o), (p), and (q) of this section must be served consecutively.
 - (3) Those sentence riders in paragraphs (r), (s), and (t) of this section may be served consecutively or concurrently at the judge's discretion and with the recommendation of the agents conducting the pre-sentence investigation.

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SEC. 212. MOVEMENT POWERS.

(a) Definitions

- (1) The term(s) “teleportation” and “teleport” as used in this Act shall have the meaning as set forth in section 203, paragraph (a), subparagraph (9).
- (2) The term “unaided flight” as used in this Act shall have the meaning as set forth in section 203, paragraph (a), subparagraph(s) (10) and (12).
- (3) The term “powered pedestrian movement” as used in this Act shall mean those persons capable of sustaining a land speed of thirty or more miles per hour for more than fifteen minutes without mechanical or chemical aid on land, on, or in water.

(b) Use of movement powers

- (1) Those persons with the ability to teleport shall use teleportation within or on teleport-zoned areas in or on public, private, commercial, or government building or land. A person may only use teleportation within or on non teleport-zoned areas in or on public, private, commercial, or government building or land only with prior written consent or waiver. Failure to do so is a violation of this Act and a federal offence, it may also render the person liable for other criminal and civil actions.
- (2) Those persons that with the ability of unaided flight shall be governed by those rules and regulations as set by the Federal Aviation Administration regarding the use of that ability, what so ever its origin, while in the airspace of the United States. Failure to do so is a violation of this Act and a federal offence, it may also render the person liable for other criminal and civil actions.
- (3) Those persons with the ability of powered pedestrian movement shall be governed by those rules and regulations as set by the federal National Transportation Safety Board, when on land, and the United States Coast Guard, when on or in the territorial waters of the United States, as well as the State and local transportation authorities of the State that they are operating in, regarding the use of those abilities. Failure to do so is a violation of this Act and a federal offence, it may also render the person liable for other criminal and civil actions.

(c) Penalties

- (1) Violation of subsection (1) of this section is punishable by imprisonment of up to, but not more than three years and a fine of up to, but not more than 25,000 dollars per violation.
- (2) Violation of subsection (2) of this section is punishable by imprisonment of up to, but not more than seven years and a fine of up to, but not more than 75,000 dollars per violation.
- (3) Violation of subsection (3) of this section is punishable by imprisonment of up to, but not more than two years and a fine of up to, but not more than 20,000 dollars per violation.

SEC. 213. SELECTIVE SERVICE.

(a) Findings

- (1) Congress having taken into account the combat actions of those female members of the United States Armed Forces on active duty in times of war and military action finds that females should no longer be prohibited from serving in combat arms units of the United States Armed Forces. As well, the Combined House and Senate Committee for the Research and Application of Special Human and Esoteric Resources having determined that some Powered Individuals regardless of gender are capable of withstanding the rigors of combat and military life and reporting it's finding to Congress, Congress does hereby find that an amendment to the Selective Service Act is necessary for the furtherance of the aims and safety of the United States.

(b) Registration

- (1) All citizens of the United States upon reaching the age of eighteen years, shall on their birthday or within one month thereafter, register with the Selective Service regardless of gender.
- (2) All citizens of the United States age eighteen to twenty-four not yet registered with the Selective Service shall do so within one month of the enactment of this Act regardless of gender.

(c) Testing and classification

- (1) Those persons selected by the Selective Service for active duty during times of war or national emergency, not having been previously tested for powers shall report to the nearest NPPI testing

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center for tested for powers, latent powers or lack of powers. Those persons found to possess powers and not already having a "Statement of Powers" shall be further tested for the purpose of cataloging those powers.

(2) Those persons already having a "Statement of Powers" or having been tested and possessing powers shall be assigned a priority classification, the designation of which shall be set by the Selective Service, for military service regardless of gender.

SEC. 214. CIVIL RIGHTS OF POWERED INDIVIDUALS.

(a) Congress does hereby find that an amendment to the Civil Rights Act of 1964 is necessary to prevent the discrimination of persons having possession of powers, latent powers, or lack of powers or latent powers.

(b) No person regardless of possession of powers, latent powers, or lack of powers or latent powers shall be discriminated against in any way. To do so is a violation of that person's civil and constitutional rights and renders the individual or entity discriminating liable for criminal and civil actions.

SEC. 215. THE USE AND POSSESSION OF POWERS BY FOREIGN NATIONALS AND DIPLOMATIC PERSONNEL.

(a) Entry testing and implied consent

(1) All foreign nationals not covered under diplomatic immunity shall consent to a screening test for enhanced adenosinetriphosphate (ATP) count as per section 203 of this title before being allowed entry to the United States.

(A) Refusal of the screening test shall be grounds for barring entry.

(B) Subject testing at time of entry is at the discretion of the individual manning the entry post.

(C) Previous entry, entry or residence in the United States or its territories and protectorates implies consent to be tested, even if subject was not tested at time of entry.

(2) Persons with a positive result must furnish a "Statement of Powers" or a similar official description of the powers they possess or under go testing a NPII facility.

(A) Refusal is grounds for barring entry or deportation if already within the United States.

(3) Those foreign nationals granted entry shall abide by this Act and any other laws and statutes governing powers and their use.

(b) Violations

(1) Those foreign nationals who violate this Act and any other laws and statutes governing powers and their use shall be deported to their country of origin or imprisoned, depending on the severity of the violation.

(c) Hostile countries

(1) Those foreign nationals who possess powers and originate from countries hostile to the United States or countries determined by the State Department shall be barred entry.

(d) Diplomatic personnel

(1) Diplomatic personnel granted entry shall abide by this Act and any other laws and statutes governing powers and their use.

(2) Diplomatic personnel who violate this Act and any other laws and statutes governing powers and their use shall be deported to their country of origin.

(3) Diplomatic personnel who possess powers and originate from countries hostile to the United States or countries determined by the State Department may be barred entry.

SEC. 216. RESIDENT ALIENS AND FOREIGN NATIONALS ON VISA WITHIN THE UNITED STATES.

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(a) All resident aliens and foreign nationals not covered under diplomatic immunity, residing permanently or temporarily within the United States at the time of enactment of the Act must present themselves to the nearest NPII testing center for a screening test for enhanced adenosinetriphosphate (ATP) count as per section 203 of this title.

(1) Refusal of the screening test shall be grounds for deportation to their country of origin.

(b) Persons with a positive result will be furnished with a "Statement of Powers" unless they already possess a similar official description of the powers they possess from their country of origin.

(c) Resident aliens and foreign nationals residing permanently or temporarily within the United States shall abide by this Act and any other laws and statutes governing powers and their use.

(d) Those resident aliens or foreign nationals who violate this Act and any other laws and statutes governing powers and their use shall be deported to their country of origin or imprisoned, depending on the severity of the violation.

TITLE III. — NATIONAL CONCEALED CARRY OF WEAPONS PERMIT.

SEC. 301. SHORT TITLE.

(a) SHORT TITLE — This Act may be cited as the "National Concealed Carry of Weapons Permit Act of 1993".

(b) PURPOSE — The purpose of this Act is to establish a national concealed weapons permit, and to provide for the safety of the citizens of the United States.

SEC. 302. ESTABLISHMENT OF A NATIONAL CONCEALED CARRY OF WEAPONS PERMIT.

(a) Findings

(1) Due to the rise of violent crime and the advent of Powered Individuals committing violent crimes and realizing that law enforcement personnel are not always available to prevent violent crimes as they happen and that the citizens of the United States have the inalienable right of self protection and to bear arms as guaranteed in the second amendment to the United States Constitution, Congress does hereby find that the establishment of a national concealed carry of weapons permit is necessary to for the safety of the citizens of the United States.

(b) Codification

(1) It is the intent of Congress that this title shall upon enactment of this Act shall be codified as part of Title 18, U. S. Code, Chapter 44. Firearms.

(c) Primary jurisdiction

(1) The Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (hereinafter referred to in this Act as "ATF") shall have primary jurisdiction and responsibility for the standards pertaining to and the issuance and regulation of concealed carry of weapons permits.

SEC. 303. DEFINITIONS.

(a) The term "concealed carry" as used in this Act shall mean to carry a firearm upon one's person or in one's personal possessions in such a way as to not be readily apparent to a casual observer.

(b) The term "concealed carry of weapons permit" as used in this Act shall mean that article in whatever form issued by ATF, State or local licensing authority that indicates the bearer is entitled to carry a firearm concealed upon their person.

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SEC. 304. ISSUANCE OF PERMITS.

(a) Applications

- (1) ATF shall issue to any person applying, passing a background investigation and having passed the necessary courses, a concealed carry of weapons permit within thirty days of the application having been received.
- (2) The burden of proof when denying a permit shall fall upon ATF. ATF shall have to show just cause for denying a concealed carry of weapons permit and place said showing in writing and give a copy to the applicant.
- (3) This denial shall be able to be appealed to neutral magistrate within ninety days after the applicant receives notice of denial. If upon appeal ATF can not show just cause then it shall issue a concealed carry of weapons permit to the applicant within fifteen days. If just cause is shown, then no permit shall be issued unless and until the applicant can show relief from the cause. In either case ATF shall file the results of the appeal with the original application and showing of cause for denial.

(b) Reasons denial of application

- (1) An application shall be denied and it shall be unlawful to carry a concealed weapon for any person-
 - (A) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
 - (B) who is a fugitive from justice;
 - (C) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802));
 - (D) who has been adjudicated as a mental defective or who has been committed to a mental institution;
 - (E) who; being an alien, is illegally or unlawfully in the United States;
 - (F) who has been discharged from the Armed Forces under dishonorable conditions; or
 - (G) who, having been a citizen of the United States, has renounced his or her citizenship.

(c) Qualifications for approval

- (1) It shall be necessary for a person seeking a concealed carry of weapons permit to undergo and successfully complete (and show certified proof of such successful completion before being granted said permit) a course of at least forty hours instructed by a certified firearms instructor covering the following subjects-
 - (A) safe handling of firearms;
 - (B) cleaning of firearms;
 - (C) legal justifications of use of a firearm;
 - (D) principles of firearms usage;
 - (E) legal responsibilities of firearm ownership;
 - (F) unlawful acts of firearm usage and display;
 - (G) liability of improper firearms usage.
- (2) It shall also be necessary for a person seeking a concealed carry of weapons permit to shoot a qualifying score on a qualification course consistent one administered by their local police department and show certified proof of such score before being granted said permit.

(d) Unlawful acts

- (1) It shall be unlawful for any person to-
 - (A) carry a concealed weapon without a valid concealed carry of weapons permit issued by either their State or local licensing authority or ATF; or
 - (B) receive or possess a concealed carry of weapons permit not issued by either their State or local licensing authority or ATF or that is not their own; or
 - (C) alter a concealed carry of weapons permit; or
 - (D) forge concealed carry of weapons permit; or
 - (E) give false information regarding the possession concealed carry of weapons permit to law enforcement personnel in the performance of their duty; or
 - (F) refuse to surrender a concealed carry of weapons permit or give notification of the possession concealed carry of weapons permit to law enforcement personnel when requested and in the performance of their duty.

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SEC. 305. PENALTIES.

- (a) Violation of subsection (b)(1) of section 304 is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars per violation.
- (b) Violation of subsection (d)(1)(A) of section 304 is punishable by imprisonment of up to, but not more than two years and a fine of up to, but not more than 20,000 dollars per violation.
- (c) Violation of subsection(s) (d)(1)(B) or (d)(1)(E) of section 304 is punishable by imprisonment of up to, but not more than three years and a fine of up to, but not more than 25,000 dollars per violation.
- (d) Violation of subsection(s) (d)(1)(C) or (d)(1)(D) of section 304 is punishable by imprisonment of up to, but not more than five years and a fine of up to, but not more than 50,000 dollars per violation.
- (e) Violation of subsection (d)(1)(F) of section 304 is punishable by imprisonment of up to, but not more than one year and a fine of up to, but not more than 10,000 dollars per violation.

TITLE IV. — GENERAL PROVISIONS

SEC. 401. EFFECT ON STATE LAW.

No provision of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which such provision operates to the exclusion of any State law on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. If there is such a direct and positive conflict this title shall take precedence and shall negate the State law and stand in its place until such time as the State alters or amends so that the two can be reconciled or stand consistently, or repeals said law.

SEC. 402. ENFORCEMENT AND COOPERATION BY COURTS, DEPARTMENTS, AGENCIES, OFFICERS, AND EMPLOYEES OF UNITED STATES.

All courts, departments, agencies, officers, and employees of United States are hereby directed to enforce this Act and to cooperate with one another in enforcing this Act and effectuating its purpose.

SEC. 403. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 404. EFFECTIVE DATE

This Act shall take effect on the ninetieth day after the date of its enactment.