

PUBLIC LAW 109-177—MAR. 9, 2006

USA PATRIOT IMPROVEMENT AND
REAUTHORIZATION ACT OF 2005

(A) as an exercise of the rulemaking power of the Senate;
and

(B) with full recognition of the constitutional right of the Senate to change the rules of the Senate at any time and to the same extent as in the case of any other rule of the Senate.

SEC. 507. REVIEW BY ATTORNEY GENERAL.

(a) **APPLICABILITY.**—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) **COUNSEL.**—This chapter is applicable if—

“(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

“(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.”.

(b) **SCOPE OF PRIOR REPRESENTATION.**—Section 2261(d) of title 28, United States Code is amended by striking “or on direct appeal”.

(c) **CERTIFICATION AND JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

“§ 2265. Certification and judicial review

“(a) **CERTIFICATION.**—

“(1) **IN GENERAL.**—If requested by an appropriate State official, the Attorney General of the United States shall determine—

“(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

“(B) the date on which the mechanism described in subparagraph (A) was established; and

“(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

“(2) **EFFECTIVE DATE.**—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

“(3) **ONLY EXPRESS REQUIREMENTS.**—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

“(b) **REGULATIONS.**—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

“(c) **REVIEW OF CERTIFICATION.**—

“(1) **IN GENERAL.**—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

“(2) **VENUE.**—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters

under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

“(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be subject to de novo review.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

“2265. Certification and judicial review.”.

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to cases pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section establish a time limit for taking certain action, the period of which began on the date of an event that occurred prior to the date of enactment of this Act, the period of such time limit shall instead begin on the date of enactment of this Act.

(e) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking “180 days after the date on which the application is filed” and inserting “450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier”.

(f) STAY OF STATE COURT PROCEEDINGS.—Section 2251 of title 28, United States Code, is amended—

(1) in the first undesignated paragraph, by striking “A justice” and inserting the following:

“(a) IN GENERAL.—

“(1) PENDING MATTERS.—A justice”;

(2) in the second undesignated paragraph, by striking “After the” and inserting the following:

“(b) NO FURTHER PROCEEDINGS.—After the”; and

(3) in subsection (a), as so designated by paragraph (1), by adding at the end the following:

“(2) MATTER NOT PENDING.—For purposes of this section, a habeas corpus proceeding is not pending until the application is filed.

“(3) APPLICATION FOR APPOINTMENT OF COUNSEL.—If a State prisoner sentenced to death applies for appointment of counsel pursuant to section 3599(a)(2) of title 18 in a court that would have jurisdiction to entertain a habeas corpus application regarding that sentence, that court may stay execution of the sentence of death, but such stay shall terminate not later than 90 days after counsel is appointed or the application for appointment of counsel is withdrawn or denied.”.

28 USC 2251
note.

Termination
date.

TITLE VI—SECRET SERVICE

SEC. 601. SHORT TITLE.

This title may be cited as the “Secret Service Authorization and Technical Modification Act of 2005”.

Secret Service
Authorization
and Technical
Modification Act
of 2005.
18 USC 1 note.