

107TH CONGRESS
1ST SESSION

H. R. 2215

To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “21st Century Department of Justice Appropriations Au-
6 thorization Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL
YEAR 2002

- Sec. 101. Specific sums authorized to be appropriated.
 Sec. 102. Appointment of additional assistant United States attorneys; reduction of certain litigation positions.

TITLE II—PERMANENT ENABLING PROVISIONS

- Sec. 201. Permanent authority.
 Sec. 202. Permanent authority relating to enforcement of laws.
 Sec. 203. Notifications and reports to be provided simultaneously to committees.
 Sec. 204. Miscellaneous uses of funds; technical amendments.
 Sec. 205. Technical amendment; authority to transfer property of marginal value.
 Sec. 206. Protection of the Attorney General.
 Sec. 207. Enforcement of Federal criminal laws by Attorney General.
 Sec. 208. Counterterrorism Fund.

TITLE III—MISCELLANEOUS

- Sec. 301. Repealers.
 Sec. 302. Technical amendments to title 18 of the United States Code.
 Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS FOR FIS-** 3 **CAL YEAR 2002**

4 **SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPRO-** 5 **PRIATED.**

6 There are authorized to be appropriated for fiscal
 7 year 2002, to carry out the activities of the Department
 8 of Justice (including any bureau, office, board, division,
 9 commission, subdivision, unit, or other component there-
 10 of), the following sums:

11 (1) GENERAL ADMINISTRATION.—For General
 12 Administration: \$93,433,000.

13 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
 14 For Administrative Review and Appeals:
 15 \$178,499,000 for administration of pardon and

1 clemency petitions and for immigration-related ac-
2 tivities.

3 (3) OFFICE OF INSPECTOR GENERAL.—For the
4 Office of Inspector General: \$55,000,000, which
5 shall include for each such fiscal year, not to exceed
6 \$10,000 to meet unforeseen emergencies of a con-
7 fidential character.

8 (4) GENERAL LEGAL ACTIVITIES.—For General
9 Legal Activities: \$566,822,000, which shall include
10 for each such fiscal year—

11 (A) not less than \$4,000,000 for the inves-
12 tigation and prosecution of denaturalization and
13 deportation cases involving alleged Nazi war
14 criminals; and

15 (B) not to exceed \$20,000 to meet unfore-
16 seen emergencies of a confidential character.

17 (5) ANTITRUST DIVISION.—For the Antitrust
18 Division: \$140,973,000.

19 (6) UNITED STATES ATTORNEYS.—For United
20 States Attorneys: \$1,346,289,000.

21 (7) FEDERAL BUREAU OF INVESTIGATION.—
22 For the Federal Bureau of Investigation:
23 \$3,507,109,000, which shall include for each such
24 fiscal year—

1 (A) not to exceed \$1,250,000 for construc-
2 tion, to remain available until expended; and

3 (B) not to exceed \$70,000 to meet unfore-
4 seen emergencies of a confidential character.

5 (8) UNITED STATES MARSHALS SERVICE.—For
6 the United States Marshals Service: \$626,439,000,
7 which shall include for each such fiscal year not to
8 exceed \$6,621,000 for construction, to remain avail-
9 able until expended.

10 (9) FEDERAL PRISON SYSTEM.—For the Fed-
11 eral Prison System, including the National Institute
12 of Corrections: \$4,662,710,000.

13 (10) SUPPORT OF UNITED STATES PRISONERS
14 IN NON-FEDERAL INSTITUTIONS.—For the support
15 of United States prisoners in non-Federal institu-
16 tions, as authorized by section 4013(a) of title 18 of
17 the United States Code: \$724,682,000, to remain
18 available until expended.

19 (11) DRUG ENFORCEMENT ADMINISTRATION.—
20 For the Drug Enforcement Administration:
21 \$1,480,929,000, which shall include not to exceed
22 \$70,000 to meet unforeseen emergencies of a con-
23 fidential character.

1 (12) IMMIGRATION AND NATURALIZATION
2 SERVICE.—For the Immigration and Naturalization
3 Service: \$3,516,411,000, which shall include—

4 (A) not to exceed \$2,737,341,000 for sala-
5 ries and expenses of enforcement and border af-
6 fairs (i.e., the Border Patrol, deportation, intel-
7 ligence, investigations, and inspection programs,
8 and the detention program);

9 (B) not to exceed \$650,660,000 for sala-
10 ries and expenses of citizenship benefits (i.e.,
11 programs not included under subparagraph
12 (A));

13 (C) for each such fiscal year, not to exceed
14 \$128,410,000 for construction, to remain avail-
15 able until expended; and

16 (D) not to exceed \$50,000 to meet unfore-
17 seen emergencies of a confidential character.

18 (13) FEES AND EXPENSES OF WITNESSES.—
19 For Fees and Expenses of Witnesses: \$156,145,000
20 to remain available until expended, which shall in-
21 clude for each such fiscal year not to exceed
22 \$6,000,000 for construction of protected witness
23 safesites.

24 (14) INTERAGENCY CRIME AND DRUG EN-
25 FORCEMENT.—For Interagency Crime and Drug

1 Enforcement: \$338,106,000, for expenses not other-
2 wise provided for, for the investigation and prosecu-
3 tion of persons involved in organized crime drug
4 trafficking, except that any funds obligated from ap-
5 propriations authorized by this paragraph may be
6 used under authorities available to the organizations
7 reimbursed from such funds.

8 (15) FOREIGN CLAIMS SETTLEMENT COMMIS-
9 SION.—For the Foreign Claims Settlement Commis-
10 sion: \$1,130,000.

11 (16) COMMUNITY RELATIONS SERVICE.—For
12 the Community Relations Service: \$9,269,000.

13 (17) ASSETS FORFEITURE FUND.—For the As-
14 sets Forfeiture Fund: \$22,949,000 for expenses au-
15 thorized by section 524 of title 28, United States
16 Code.

17 (18) UNITED STATES PAROLE COMMISSION.—
18 For the United States Parole Commission:
19 \$10,862,000.

20 (19) FEDERAL DETENTION TRUSTEE.—For the
21 necessary expenses of the Federal Detention Trust-
22 ee: \$1,718,000.

23 (20) JOINT AUTOMATED BOOKING SYSTEM.—
24 For expenses necessary for the operation of the
25 Joint Automated Booking System: \$15,957,000.

1 (21) NARROWBAND COMMUNICATIONS.—For
2 the costs of conversion to narrowband communica-
3 tions, including the cost for operation and mainte-
4 nance of Land Mobile Radio legacy systems:
5 \$104,606,000.

6 (22) RADIATION EXPOSURE COMPENSATION.—
7 For administrative expenses in accordance with the
8 Radiation Exposure Compensation Act: \$1,996,000.

9 (23) COUNTERTERRORISM FUND.—For the
10 Counterterrorism Fund for necessary expenses, as
11 determined by the Attorney General: \$4,989,000.

12 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**
13 **UNITED STATES ATTORNEYS; REDUCTION OF**
14 **CERTAIN LITIGATION POSITIONS.**

15 (a) APPOINTMENTS.—Not later than September 30,
16 2003, the Attorney General may exercise authority under
17 section 542 of title 28, United States Code, to appoint
18 200 assistant United States attorneys in addition to the
19 number of assistant United States attorneys serving on
20 the date of the enactment of this Act.

21 (b) SELECTION OF APPOINTEES.—Individuals first
22 appointed under subsection (a) shall be appointed from
23 among attorneys who are incumbents of 200 full-time liti-
24 gation positions in divisions of the Department of Justice

1 and whose official duty station is at the seat of Govern-
2 ment.

3 (c) TERMINATION OF POSITIONS.—Each of the 200
4 litigation positions that become vacant by reason of an ap-
5 pointment made in accordance with subsections (a) and
6 (b) shall be terminated at the time the vacancy arises.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary for fiscal year 2002 to carry out this section.

10 **TITLE II—PERMANENT** 11 **ENABLING PROVISIONS**

12 **SEC. 201. PERMANENT AUTHORITY.**

13 (a) IN GENERAL.—Chapter 31 of title 28, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 530C. Authority to use available funds**

17 “(a) IN GENERAL.—Except to the extent provided
18 otherwise by law, the activities of the Department of Jus-
19 tice (including any bureau, office, board, division, commis-
20 sion, subdivision, unit, or other component thereof) may,
21 in the reasonable discretion of the Attorney General, be
22 carried out through any means, including—

23 “(1) through the Department’s own personnel,
24 acting within, from, or through the Department
25 itself;

1 “(2) by sending or receiving details of personnel
2 to other branches or agencies of the Federal Govern-
3 ment, on a reimbursable, partially-reimbursable, or
4 nonreimbursable basis;

5 “(3) through reimbursable agreements with
6 other Federal agencies for work, materials, or equip-
7 ment;

8 “(4) through contracts, grants, or cooperative
9 agreements with non-Federal parties; and

10 “(5) as provided in subsection (b), in section
11 524, and in any other provision of law consistent
12 herewith, including, without limitation, section
13 102(b) of Public Law 102–395 (106 Stat. 1838), as
14 incorporated by section 815(d) of Public Law 104–
15 132 (110 Stat. 1315).

16 “(b) PERMITTED USES.—

17 “(1) GENERAL PERMITTED USES.—Funds
18 available to the Attorney General (i.e., all funds
19 available to carry out the activities described in sub-
20 section (a)) may be used, without limitation, for the
21 following:

22 “(A) The purchase, lease, maintenance,
23 and operation of passenger motor vehicles, or
24 police-type motor vehicles for law enforcement

1 purposes, without regard to general purchase
2 price limitation for the then-current fiscal year.

3 “(B) The purchase of insurance for motor
4 vehicles, boats, and aircraft operated in official
5 Government business in foreign countries.

6 “(C) Services of experts and consultants,
7 including private counsel, as authorized by sec-
8 tion 3109 of title 5, and at rates of pay for in-
9 dividuals not to exceed the maximum daily rate
10 payable from time to time under section 5332
11 of title 5.

12 “(D) Official reception and representation
13 expenses (i.e., official expenses of a social na-
14 ture intended in whole or in predominant part
15 to promote goodwill toward the Department or
16 its missions, but excluding expenses of public
17 tours of facilities of the Department of Justice),
18 in accordance with distributions and procedures
19 established, and rules issued, by the Attorney
20 General, and expenses of public tours of facili-
21 ties of the Department of Justice.

22 “(E) Unforeseen emergencies of a con-
23 fidential character, to be expended under the di-
24 rection of the Attorney General and accounted

1 for solely on the certificate of the Attorney Gen-
2 eral.

3 “(F) Miscellaneous and emergency ex-
4 penses authorized or approved by the Attorney
5 General, the Deputy Attorney General, the As-
6 sociate Attorney General, or the Assistant At-
7 torney General for Administration.

8 “(G) In accordance with procedures estab-
9 lished and rules issued by the Attorney
10 General—

11 “(i) attendance at meetings and semi-
12 nars;

13 “(ii) conferences and training; and

14 “(iii) advances of public moneys under
15 section 3324 of title 31: *Provided*, That
16 travel advances of such moneys to law en-
17 forcement personnel engaged in undercover
18 activity shall be considered to be public
19 money for purposes of section 3527 of title
20 31.

21 “(H) Contracting with individuals for per-
22 sonal services abroad, except that such individ-
23 uals shall not be regarded as employees of the
24 United States for the purpose of any law ad-

1 ministered by the Office of Personnel Manage-
2 ment.

3 “(I) Payment of interpreters and trans-
4 lators who are not citizens of the United States,
5 in accordance with procedures established and
6 rules issued by the Attorney General.

7 “(J) Expenses or allowances for uniforms
8 as authorized by section 5901 of title 5, but
9 without regard to the general purchase price
10 limitation for the then-current fiscal year.

11 “(K) Expenses of—

12 “(i) primary and secondary schooling
13 for dependents of personnel stationed out-
14 side the continental United States at cost
15 not in excess of those authorized by the
16 Department of Defense for the same area,
17 when it is determined by the Attorney
18 General that schools available in the local-
19 ity are unable to provide adequately for the
20 education of such dependents; and

21 “(ii) transportation of those depend-
22 ents between their place of residence and
23 schools serving the area which those de-
24 pendents would normally attend when the
25 Attorney General, under such regulations

1 as he may prescribe, determines that such
2 schools are not accessible by public means
3 of transportation.

4 “(3) SPECIFIC PERMITTED USES.—

5 “(A) AIRCRAFT AND BOATS.—Funds avail-
6 able to the Attorney General for United States
7 Attorneys, for the Federal Bureau of Investiga-
8 tion, for the United States Marshals Service,
9 for the Drug Enforcement Administration, and
10 for the Immigration and Naturalization Service
11 may be used for the purchase, lease, mainte-
12 nance, and operation of aircraft and boats, for
13 law enforcement purposes.

14 “(B) PURCHASE OF AMMUNITION AND
15 FIREARMS; FIREARMS COMPETITIONS.—Funds
16 available to the Attorney General for United
17 States Attorneys, for the Federal Bureau of In-
18 vestigation, for the United States Marshals
19 Service, for the Drug Enforcement Administra-
20 tion, for the Federal Prison System, for the Of-
21 fice of the Inspector General, and for the Immi-
22 gration and Naturalization Service may be used
23 for—

24 “(i) the purchase of ammunition and
25 firearms; and

1 “(ii) participation in firearms com-
2 petitions.

3 “(C) CONSTRUCTION.—Funds available to
4 the Attorney General for construction may be
5 used for expenses of planning, designing, ac-
6 quiring, building, constructing, activating, ren-
7 ovating, converting, expanding, extending, re-
8 modeling, equipping, repairing, or maintaining
9 buildings or facilities, including the expenses of
10 acquisition of sites therefor, and all necessary
11 expenses incident or related thereto; but the
12 foregoing shall not be construed to mean that
13 funds generally available for salaries and ex-
14 penses are not also available for certain inci-
15 dental or minor construction, activation, remod-
16 eling, maintenance, and other related construc-
17 tion costs.

18 “(4) FEES AND EXPENSES OF WITNESSES.—
19 Funds available to the Attorney General for fees and
20 expenses of witnesses may be used for—

21 “(A) expenses, mileage, compensation, and
22 per diem in lieu of subsistence, of witnesses (in-
23 cluding advances of public money) as author-
24 ized by section 1821 or other law, except that

1 no witness may be paid more than 1 attendance
2 fee for any 1 calendar day;

3 “(B) fees and expenses of neutrals in alter-
4 native dispute resolution proceedings, where the
5 Department of Justice is a party; and

6 “(C) construction of protected witness
7 safesites.

8 “(5) FEDERAL BUREAU OF INVESTIGATION.—
9 Funds available to the Attorney General for the
10 Federal Bureau of Investigation for the detection,
11 investigation, and prosecution of crimes against the
12 United States may be used for the conduct of all its
13 authorized activities.

14 “(6) IMMIGRATION AND NATURALIZATION
15 SERVICE.—Funds available to the Attorney General
16 for the Immigration and Naturalization Service may
17 be used for—

18 “(A) acquisition of land as sites for en-
19 forcement fences, and construction incident to
20 such fences;

21 “(B) cash advances to aliens for meals and
22 lodging en route;

23 “(C) refunds of maintenance bills, immi-
24 gration fines, and other items properly return-
25 able, except deposits of aliens who become pub-

1 lic charges and deposits to secure payment of
2 fines and passage money; and

3 “(D) expenses and allowances incurred in
4 tracking lost persons, as required by public ex-
5 igencies, in aid of State or local law enforce-
6 ment agencies.

7 “(7) FEDERAL PRISON SYSTEM.—Funds avail-
8 able to the Attorney General for the Federal Prison
9 System may be used for—

10 “(A) inmate medical services and inmate
11 legal services, within the Federal prison system;

12 “(B) the purchase and exchange of farm
13 products and livestock;

14 “(C) the acquisition of land as provided in
15 section 4010 of title 18; and

16 “(D) the construction of buildings and fa-
17 cilities for penal and correctional institutions
18 (including prison camps), by contract or force
19 account, including the payment of United
20 States prisoners for their work performed in
21 any such construction.

22 “(8) DETENTION TRUSTEE.—Funds available
23 to the Attorney General for the Detention Trustee
24 may be used for all the activities of such Trustee in
25 the exercise of all power and functions authorized by

1 law relating to the detention of Federal prisoners in
2 non-Federal institutions or otherwise in the custody
3 of the United States Marshals Service and to the de-
4 tention of aliens in the custody of the Immigration
5 and Naturalization Service, including the overseeing
6 of construction of detention facilities or for housing
7 related to such detention, the management of funds
8 appropriated to the Department for the exercise of
9 detention functions, and the direction of the United
10 States Marshals Service and Immigration Service
11 with respect to the exercise of detention policy set-
12 ting and operations for the Department of Justice.

13 “(c) RELATED PROVISIONS.—

14 “(1) LIMITATION OF COMPENSATION OF INDI-
15 VIDUALS EMPLOYED AS ATTORNEYS.—No funds
16 available to the Attorney General may be used to
17 pay compensation for services provided by an indi-
18 vidual employed as an attorney (other than an indi-
19 vidual employed to provide services as a foreign at-
20 torney in special cases) unless such individual is duly
21 licensed and authorized to practice as an attorney
22 under the law of a State, a territory of the United
23 States, or the District of Columbia.

24 “(2) REIMBURSEMENTS PAID TO GOVERN-
25 MENTAL ENTITIES.—Funds available to the Attor-

1 ney General that are paid as reimbursement to a
 2 governmental unit of the Department of Justice, to
 3 another Federal entity, or to a unit of State or local
 4 government, may be used under authorities available
 5 to the unit or entity receiving such reimbursement.”.

6 (b) CONFORMING AMENDMENT.—The table of sec-
 7 tions of chapter 31 of title 28, United States Code, is
 8 amended by adding at the end the following:

“530C. Authority to use available funds.”.

9 **SEC. 202. PERMANENT AUTHORITY RELATING TO EN-**
 10 **FORCEMENT OF LAWS.**

11 (a) IN GENERAL.—Chapter 31 of title 28, United
 12 States Code (as amended by section 301), is amended by
 13 adding at the end the following:

14 **“§ 530D. Report on enforcement of laws**

15 “(a) REPORT.—

16 “(1) IN GENERAL.—The Attorney General shall
 17 submit to the Congress a report of any instance in
 18 which the Attorney General or any officer of the De-
 19 partment of Justice—

20 “(A) establishes or implements a formal or
 21 informal policy to refrain—

22 “(i) from enforcing, applying, or ad-
 23 ministering any provision of any Federal
 24 statute, rule, regulation, program, policy,
 25 or other law whose enforcement, applica-

1 tion, or administration is within the re-
2 sponsibility of the Attorney General or
3 such officer on the grounds that such pro-
4 vision is unconstitutional; or

5 “(ii) within any judicial jurisdiction of
6 or within the United States, from adhering
7 to, enforcing, applying, or complying with,
8 any standing rule of decision (binding
9 upon courts of, or inferior to those of, that
10 jurisdiction) established by a final decision
11 of any court of, or superior to those of,
12 that jurisdiction, respecting the interpreta-
13 tion, construction, or application of the
14 Constitution or of any statute, rule, regula-
15 tion, program, policy, or other law whose
16 enforcement, application, or administration
17 is within the responsibility of the Attorney
18 General or such officer;

19 “(B) determines—

20 “(i) to contest affirmatively, in any
21 judicial, administrative, or other pro-
22 ceeding, the constitutionality of any provi-
23 sion of any Federal statute, rule, regula-
24 tion, program, policy, or other law; or

1 “(ii) to refrain from defending or as-
2 serting, in any judicial, administrative, or
3 other proceeding, the constitutionality of
4 any provision of any Federal statute, rule,
5 regulation, program, policy, or other law,
6 or not to appeal or request review of any
7 judicial, administrative, or other deter-
8 mination adversely affecting the constitu-
9 tionality of any such provision; or

10 “(C) approves (other than in circumstances
11 in which a report is submitted to the Joint
12 Committee on Taxation, pursuant to section
13 6405 of the Internal Revenue Code of 1986)
14 the settlement or compromise (other than in
15 bankruptcy) of any claim, suit, or other
16 action—

17 “(i) against the United States (includ-
18 ing any agency or instrumentality thereof)
19 for a sum that exceeds, or is likely to ex-
20 ceed, \$2,000,000; or

21 “(ii) by the United States including
22 any agency or instrumentality thereof)
23 pursuant to an agreement, consent decree,
24 or order that provides injunctive or other

1 nonmonetary relief that exceeds, or is like-
2 ly to exceed, 3 years in duration.

3 “(2) SUBMISSION OF REPORT TO THE CON-
4 GRESS.—For the purposes of paragraph (1), a re-
5 port shall be considered to be submitted to the Con-
6 gress if the report is submitted to—

7 “(A) the majority leader and minority
8 leader of the Senate;

9 “(B) the Speaker, majority leader, and mi-
10 nority leader of the House of Representatives;

11 “(C) the chairman and ranking minority
12 member of the Committee on the Judiciary of
13 the House of Representatives and the chairman
14 and ranking minority member of the Committee
15 on the Judiciary of the Senate; and

16 “(D) the Senate Legal Counsel and the
17 General Counsel of the House of Representa-
18 tives.

19 “(b) DEADLINE.—A report shall be submitted—

20 “(1) under subsection (a)(1)(A), not later than
21 30 days after the establishment or implementation
22 of each policy;

23 “(2) under subsection (a)(1)(B), within such
24 time as will reasonably enable the House of Rep-
25 resentatives and the Senate to take action, sepa-

1 rately or jointly, to intervene in timely fashion in the
2 proceeding, but in no event later than 30 days after
3 the making of each determination; and

4 “(3) under subsection (a)(1)(C), not later than
5 30 days after the conclusion of each fiscal-year quar-
6 ter, with respect to all approvals occurring in such
7 quarter.

8 “(c) CONTENTS.—A report required by subsection (a)
9 shall—

10 “(1) specify the date of the establishment or
11 implementation of the policy described in subsection
12 (a)(1)(A), of the making of the determination de-
13 scribed in subsection (a)(1)(B), or of each approval
14 described in subsection (a)(1)(C);

15 “(2) include a complete and detailed statement
16 of the relevant issues and background (including a
17 complete and detailed statement of the reasons for
18 the policy or determination, and the identity of the
19 officer responsible for establishing or implementing
20 such policy, making such determination, or approv-
21 ing such settlement or compromise), except that—

22 “(A) such details may be omitted as may
23 be absolutely necessary to prevent improper dis-
24 closure of national-security- or classified infor-
25 mation, or of any information subject to the de-

1 liberative-process-, executive-, attorney-work-
2 product-, or attorney-client privileges, if the fact
3 of each such omission (and the precise ground
4 or grounds therefor) is clearly noted in the
5 statement: provided, That this subparagraph
6 shall not be construed to deny to the Congress
7 (including any House, Committee, or agency
8 thereof) any such omitted details (or related in-
9 formation) that it lawfully may seek, subse-
10 quent to the submission of the report; and

11 “(B) the requirements of this paragraph
12 shall be deemed satisfied—

13 “(i) in the case of an approval de-
14 scribed in subsection (a)(1)(C)(i), if an
15 unredacted copy of the entire settlement
16 agreement and consent decree or order (if
17 any) is provided, along with a statement
18 indicating the legal and factual basis or
19 bases for the settlement or compromise (if
20 not apparent on the face of documents pro-
21 vided); and

22 “(ii) in the case of an approval de-
23 scribed in subsection (a)(1)(C)(ii), if an
24 unredacted copy of the entire settlement
25 agreement and consent decree or order (if

1 any) is provided, along with a statement
2 indicating the injunctive or other nonmone-
3 tary relief (if not apparent on the face of
4 documents provided); and

5 “(3) in the case of a determination described in
6 subsection (a)(1)(B) or an approval described in
7 subsection (a)(1)(C), indicate the nature, tribunal,
8 identifying information, and status of the pro-
9 ceeding, suit, or action.

10 “(d) DECLARATION.—In the case of a determination
11 described in subsection (a)(1)(B), the representative of the
12 United States participating in the proceeding shall make
13 a clear declaration in the proceeding that any position ex-
14 pressed as to the constitutionality of the provision involved
15 is the position of the executive branch of the Federal Gov-
16 ernment (or, as applicable, of the President or of any exec-
17 utive agency or military department).

18 “(e) APPLICABILITY TO THE PRESIDENT AND TO EX-
19 ECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The
20 reporting, declaration, and other provisions of this section
21 relating to the Attorney General and other officers of the
22 Department of Justice shall apply to the President, to the
23 head of each executive agency or military department (as
24 defined, respectively, in sections 105 and 102 of title 5,
25 United States Code) that establishes or implements a pol-

1 icy described in subsection (a)(1)(A) or is authorized to
2 conduct litigation, and to the officers of such executive
3 agency.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) The table of sections for chapter 31 of title
6 28, United States Code (as amended by section
7 301), is amended by adding at the end the following:
“530D. Report on enforcement of laws.”.

8 (2) Public Law 95–521 (92 Stat. 1883) is
9 amended by striking subsection (b).

10 (3) Not later than 30 days after the date of the
11 enactment of this Act, the President shall advise the
12 head of each executive agency or military depart-
13 ment (as defined, respectively, in sections 105 and
14 102 of title 5, United States Code) of the enactment
15 of this section.

16 (4)(A) Not later than 90 days after the date of
17 the enactment of this Act, the Attorney General
18 (and, as applicable, the President and the head of
19 any executive agency or military department de-
20 scribed in subsection (e) of section 530D of title 28,
21 United States Code, as added by subsection (a))
22 shall submit to Congress a report (in accordance
23 with subsections (a), (c), and (e) of such section)
24 on—

1 (i) all policies described in subsection
2 (a)(1)(A) of such section that were established
3 or implemented before the date of the enact-
4 ment of this Act and were in effect on such
5 date;

6 (ii) all determinations described in sub-
7 section (a)(1)(B)(C) of such section that were
8 made before the date of the enactment of this
9 Act and were in effect on such date; and

10 (iii) all approvals described in subsection
11 (a)(1)(B)(C) of such section that were made be-
12 tween October 1, 1996, and the date of the en-
13 actment of this Act.

14 (B) If a determination described in subpara-
15 graph (A)(ii) relates to any judicial, administrative,
16 or other proceeding that is pending in the 90-day
17 period beginning on the date of the enactment of
18 this Act, with respect to any such determination,
19 then the report required by this paragraph shall be
20 submitted within such time as will reasonably enable
21 the House of Representatives and the Senate to take
22 action, separately or jointly, to intervene in timely
23 fashion in the proceeding, but not later than 30 days
24 after the date of the enactment of this Act.

1 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**
2 **SIMULTANEOUSLY TO COMMITTEES.**

3 If the Attorney General or any officer of the Depart-
4 ment of Justice (including any bureau, office, board, divi-
5 sion, commission, subdivision, unit, or other component
6 thereof) is required by any Act (which shall be understood
7 to include any request or direction contained in any report
8 of a committee of the Congress relating to an appropria-
9 tions Act or in any statement of managers accompanying
10 any conference report agreed to by the Congress) to pro-
11 vide a notice or report to any committee or subcommittee
12 of the Congress (other than both the Committee on the
13 Judiciary of the House of Representatives and the Com-
14 mittee on the Judiciary of the Senate), then such Act shall
15 be deemed to require that a copy of such notice or report
16 be provided simultaneously to the Committee on the Judi-
17 ciary of the House of Representatives and the Committee
18 on the Judiciary of the Senate.

19 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**
20 **AMENDMENTS.**

21 (a) BUREAU OF JUSTICE ASSISTANCE GRANT PRO-
22 GRAMS.—Title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
24 amended—

25 (1) in section 504(a) by striking “502” and in-
26 serting “501(b)”;

1 (2) in section 506(a)(1) by striking “partici-
2 pating”;

3 (3) in section 510—

4 (A) in subsection (a)(3) by striking “502”
5 inserting “501(b)”; and

6 (B) by adding at the end the following:

7 “(d) No grants or contracts under subsection (b) may
8 be made, entered into, or used, directly or indirectly, to
9 provide any security enhancements or any equipment to
10 any non-governmental entity.”; and

11 (4) in section 511 by striking “503” inserting
12 “501(b)”.

13 (b) ATTORNEYS SPECIALLY RETAINED BY THE AT-
14 TORNEY GENERAL.—The 3d sentence of section 515(b) of
15 title 28, United States Code, is amended by striking “at
16 not more than \$12,000”.

17 **SEC. 205. TECHNICAL AMENDMENT; AUTHORITY TO TRANS-**
18 **FER PROPERTY OF MARGINAL VALUE.**

19 Section 524(e) of title 28, United States Code, is
20 amended—

21 (1) in paragraph (5) by inserting a comma
22 after “Fund” the 2d place it appears; and

23 (2) in paragraph (9)(B)—

24 (A) by striking “year 1997” and inserting
25 “years 1999 and 2000”; and

1 (B) by adding at the end the following:

2 “Such transfer shall be subject to satisfaction by the re-
3 cipient involved of any outstanding lien against the prop-
4 erty transferred.”.

5 **SEC. 206. PROTECTION OF THE ATTORNEY GENERAL.**

6 Section 533(2) of title 28, United States Code, is
7 amended by inserting “or the person of the Attorney Gen-
8 eral” after “President”.

9 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**
10 **ATTORNEY GENERAL.**

11 Section 535 of title 28, United States Code, is
12 amended in subsections (a) and (b), by replacing “title
13 18” with “Federal criminal law”, and in subsection (b),
14 by replacing “or complaint” with “matter, or complaint
15 witnessed, discovered, or”, and by inserting “or the wit-
16 ness, discoverer, or recipient, as appropriate,” after
17 “agency,”.

18 **SEC. 208. COUNTERTERRORISM FUND.**

19 (a) ESTABLISHMENT; AVAILABILITY.—There is here-
20 by established in the Treasury of the United States a sepa-
21 rate fund to be known as the “Counterterrorism Fund”,
22 amounts in which shall remain available without fiscal
23 year limitation—

1 (1) to reimburse any Department of Justice
2 component for any costs incurred in connection
3 with—

4 (A) reestablishing the operational capa-
5 bility of an office or facility that has been dam-
6 aged or destroyed as the result of any domestic
7 or international terrorism incident;

8 (B) providing support to counter, inves-
9 tigate, or prosecute domestic or international
10 terrorism, including, without limitation, paying
11 rewards in connection with these activities; and

12 (C) conducting terrorism threat assess-
13 ments of Federal agencies and their facilities;
14 and

15 (2) to reimburse any department or agency of
16 the Federal Government for any costs incurred in
17 connection with detaining in foreign countries indi-
18 viduals accused of acts of terrorism that violate the
19 laws of the United States.

20 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—The
21 amendment made by subsection (a) shall not affect the
22 amount or availability of any appropriation to the
23 Counterterrorism Fund made before the date of enact-
24 ment of this Act.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. REPEALERS.**

3 (a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
4 TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—
5 Chapter 319 of title 18, United States Code, is amended—

6 (1) by striking section 4353; and

7 (2) in the analysis for such chapter by striking
8 the item relating to section 4353.

9 (b) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
10 TIONS FOR UNITED STATES MARSHALS SERVICE.—Sec-
11 tion 561 of title 28, United States Code, is amended by
12 striking subsection (i).

13 (c) REPEAL OF VIOLENT CRIME REDUCTION TRUST
14 FUND.—

15 (1) REPEALER.—Section 310001 of Public Law
16 103–322 is repealed.

17 (2) CONFORMING AMENDMENTS.—

18 (A) TITLE 31 OF THE UNITED STATES
19 CODE.—Title 31 of the United States Code is
20 amended—

21 (i) in section 1321(a) by striking
22 paragraph (91), and

23 (ii) in section 1105(a) by striking
24 paragraph (30).

1 (B) AVAILABILITY OF FUNDS.—(i) Section
2 210603 of the Violent Crime Control and Law
3 Enforcement Act of 1994 (18 U.S.C. 922 note)
4 is amended by striking subsection (a)

5 (ii) Section 13(a) of Public Law 91–383
6 (16 U.S.C. 1a–7a(a)) is amended by striking
7 “out of the Violent Crime Reduction Trust
8 Fund,”.

9 (iii) Section 6(h)(1) of the Land and
10 Water Conservation Fund Act of 1965 (16
11 U.S.C. 460l–8(h)(1)) is amended by striking “,
12 and from amounts appropriated out of the Vio-
13 lent Crime Reduction Trust Fund,”.

14 (iv) Section 240(i)(5) of the Immigration
15 and Nationality Act (8 U.S.C. 1231(i)(5)) is
16 amended by striking “of which” and all that
17 follows through “2000”.

18 (v) Sections 808 and 823 of the
19 Antiterrorism and Effective Death Penalty Act
20 of 1996 (Public Law 104–132; 110 Stat. 1310,
21 1317) are repealed.

22 (vi) The Drug-Free Prisons and Jails Act
23 of 1998 (42 U.S.C. 3751 note) is amended by
24 striking section 118.

1 (vii) Section 401(e) of the Electronic Espi-
2 onage Act of 1993 (42 U.S.C. 13751(e)) is
3 amended by striking paragraph (2).

4 **SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE**
5 **UNITED STATES CODE.**

6 Title 18 of the United States Code is amended—

7 (1) in section 4041 by striking “at a salary of
8 \$10,000 a year”;

9 (2) in section 4013—

10 (A) in subsection (a)—

11 (i) by replacing “the support of
12 United States prisoners” with “Federal
13 prisoner detention”;

14 (ii) in paragraph (2) by adding “and”
15 after “hire;”;

16 (iii) in paragraph (3) by replacing
17 “entities; and” with “entities.”; and

18 (iv) in paragraph (4) by inserting
19 “The Attorney General, in support of Fed-
20 eral prisoner detainees in non-Federal in-
21 stitutions, is authorized to make payments,
22 from funds appropriated for State and
23 local law enforcement assistance, for” be-
24 fore “entering”; and

25 (B) by redesignating—

1 (i) subsection (b) as subsection (c);

2 and

3 (ii) paragraph (a)(4) as subsection

4 (b), and subparagraphs (A), (B), and (C),

5 of such paragraph (a)(4) as paragraphs

6 (1), (2), and (3) of such subsection (b);

7 and

8 (3) in section 209(a)—

9 (A) by striking “or makes” and inserting

10 “makes”; and

11 (B) by striking “supplements the salary of,

12 any” and inserting “supplements, the salary of

13 any”.

14 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**

15 **IZATION OF APPROPRIATIONS FOR THE DE-**

16 **PARTMENT OF JUSTICE FOR FISCAL YEAR**

17 **2003.**

18 When the President submits to the Congress the

19 budget of the United States Government for fiscal year

20 2003, the President shall simultaneously submit to the

21 Committee on the Judiciary of the House of Representa-

22 tives and the Committee on the Judiciary of the Senate

23 proposed legislation authorizing appropriations for the De-

24 partment of Justice for fiscal year 2003.

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