

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2215

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IN THE SENATE OF THE UNITED STATES

JULY 24, 2001

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “21st Century Department of Justice Appropriations Au-  
 4 thorization Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
 6 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; reduc-  
 tion 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 commit-  
 tees.

Sec. 204. Miscellaneous uses of funds; technical amendments.

Sec. 205. Technical and miscellaneous amendments to Department of Justice  
 authorities; authority to transfer property of marginal value;  
 recordkeeping; protection of the Attorney General.

Sec. 206. Oversight; waste, fraud, and abuse of appropriations.

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.

Sec. 304. Review of the Department of Justice.

Sec. 305. Study of untested rape examination kits.

Sec. 306. Report on DCS1000 (“Carnivore”).

Sec. 307. Study of allocation of litigating attorneys.

**TITLE IV—VIOLENCE AGAINST WOMEN**

Sec. 401. Short title.

Sec. 402. Establishment of Violence Against Women Office.

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  
16 clemency petitions and for immigration-related ac-  
17 tivities.

18 (3) OFFICE OF INSPECTOR GENERAL.—For the  
19 Office of Inspector General: \$55,000,000, which  
20 shall include for each such fiscal year, not to exceed  
21 \$10,000 to meet unforeseen emergencies of a con-  
22 fidential character.

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

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

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

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

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

11          (7) FEDERAL BUREAU OF INVESTIGATION.—  
12          For the Federal Bureau of Investigation:  
13          \$3,507,109,000, which shall include for each such  
14          fiscal year—

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

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

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

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

4           (10) FEDERAL PRISONER DETENTION.—For  
5           the support of United States prisoners in non-Fed-  
6           eral institutions, as authorized by section 4013(a) of  
7           title 18 of the United States Code: \$724,682,000, to  
8           remain available until expended.

9           (11) DRUG ENFORCEMENT ADMINISTRATION.—  
10          For the Drug Enforcement Administration:  
11          \$1,480,929,000, which shall include not to exceed  
12          \$70,000 to meet unforeseen emergencies of a con-  
13          fidential character.

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

17                 (A) not to exceed \$2,737,341,000 for sala-  
18                 ries and expenses of enforcement and border af-  
19                 fairs (i.e., the Border Patrol, deportation, intel-  
20                 ligence, investigations, and inspection programs,  
21                 and the detention program);

22                 (B) not to exceed \$650,660,000 for sala-  
23                 ries and expenses of citizenship and benefits  
24                 (i.e., programs not included under subpara-  
25                 graph (A));

1 (C) for each such fiscal year, not to exceed  
2 \$128,410,000 for construction, to remain avail-  
3 able until expended; and

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

6 (13) FEES AND EXPENSES OF WITNESSES.—  
7 For Fees and Expenses of Witnesses: \$156,145,000  
8 to remain available until expended, which shall in-  
9 clude for each such fiscal year not to exceed  
10 \$6,000,000 for construction of protected witness  
11 safesites.

12 (14) INTERAGENCY CRIME AND DRUG EN-  
13 FORCEMENT.—For Interagency Crime and Drug  
14 Enforcement: \$338,106,000, for expenses not other-  
15 wise provided for, for the investigation and prosecu-  
16 tion of persons involved in organized crime drug  
17 trafficking, except that any funds obligated from ap-  
18 propriations authorized by this paragraph may be  
19 used under authorities available to the organizations  
20 reimbursed from such funds.

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

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

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

5           (18) UNITED STATES PAROLE COMMISSION.—  
6           For the United States Parole Commission:  
7           \$10,862,000.

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

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

14          (21) NARROWBAND COMMUNICATIONS.—For  
15          the costs of conversion to narrowband communica-  
16          tions, including the cost for operation and mainte-  
17          nance of Land Mobile Radio legacy systems:  
18          \$104,606,000.

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

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

1           (24) OFFICE OF JUSTICE PROGRAMS.—For ad-  
2           ministrative expenses not otherwise provided for, of  
3           the Office of Justice Programs: \$116,369,000.

4 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**  
5                           **UNITED STATES ATTORNEYS; REDUCTION OF**  
6                           **CERTAIN LITIGATION POSITIONS.**

7           (a) APPOINTMENTS.—Not later than September 30,  
8           2003, the Attorney General shall exercise authority under  
9           section 542 of title 28, United States Code, to appoint  
10          200 assistant United States attorneys in addition to the  
11          number of assistant United States attorneys serving on  
12          the date of the enactment of this Act.

13          (b) SELECTION OF APPOINTEES.—Individuals first  
14          appointed under subsection (a) may be appointed from  
15          among attorneys who are incumbents of 200 full-time liti-  
16          gation positions in divisions of the Department of Justice  
17          and whose official duty station is at the seat of Govern-  
18          ment.

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

23          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated such sums as may be  
25          necessary to carry out this section.



1                   **TITLE II—PERMANENT**  
2                   **ENABLING PROVISIONS**

3 **SEC. 201. PERMANENT AUTHORITY.**

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

7 **“§ 530C. Authority to use available funds**

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

14                   “(1) through the Department’s own personnel,  
15 acting within, from, or through the Department  
16 itself;

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

21                   “(3) through reimbursable agreements with  
22 other Federal agencies for work, materials, or equip-  
23 ment;

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

1           “(5) as provided in subsection (b), in section  
2           524, and in any other provision of law consistent  
3           herewith, including, without limitation, section  
4           102(b) of Public Law 102–395 (106 Stat. 1838), as  
5           incorporated by section 815(d) of Public Law 104–  
6           132 (110 Stat. 1315).

7           “(b) PERMITTED USES.—

8           “(1) GENERAL PERMITTED USES.—Funds  
9           available to the Attorney General (i.e., all funds  
10          available to carry out the activities described in sub-  
11          section (a)) may be used, without limitation, for the  
12          following:

13           “(A) The purchase, lease, maintenance,  
14           and operation of passenger motor vehicles, or  
15           police-type motor vehicles for law enforcement  
16           purposes, without regard to general purchase  
17           price limitation for the then-current fiscal year.

18           “(B) The purchase of insurance for motor  
19           vehicles, boats, and aircraft operated in official  
20           Government business in foreign countries.

21           “(C) Services of experts and consultants,  
22           including private counsel, as authorized by sec-  
23           tion 3109 of title 5, and at rates of pay for in-  
24           dividuals not to exceed the maximum daily rate

1 payable from time to time under section 5332  
2 of title 5.

3 “(D) Official reception and representation  
4 expenses (i.e., official expenses of a social na-  
5 ture intended in whole or in predominant part  
6 to promote goodwill toward the Department or  
7 its missions, but excluding expenses of public  
8 tours of facilities of the Department of Justice),  
9 in accordance with distributions and procedures  
10 established, and rules issued, by the Attorney  
11 General, and expenses of public tours of facili-  
12 ties of the Department of Justice.

13 “(E) Unforeseen emergencies of a con-  
14 fidential character, to be expended under the di-  
15 rection of the Attorney General and accounted  
16 for solely on the certificate of the Attorney Gen-  
17 eral.

18 “(F) Miscellaneous and emergency ex-  
19 penses authorized or approved by the Attorney  
20 General, the Deputy Attorney General, the As-  
21 sociate Attorney General, or the Assistant At-  
22 torney General for Administration.

23 “(G) In accordance with procedures estab-  
24 lished and rules issued by the Attorney  
25 General—

1           “(i) attendance at meetings and semi-  
2           nars;

3           “(ii) conferences and training; and

4           “(iii) advances of public moneys under  
5           section 3324 of title 31: *Provided*, That  
6           travel advances of such moneys to law en-  
7           forcement personnel engaged in undercover  
8           activity shall be considered to be public  
9           money for purposes of section 3527 of title  
10          31.

11          “(H) Contracting with individuals for per-  
12          sonal services abroad, except that such individ-  
13          uals shall not be regarded as employees of the  
14          United States for the purpose of any law ad-  
15          ministered by the Office of Personnel Manage-  
16          ment.

17          “(I) Payment of interpreters and trans-  
18          lators who are not citizens of the United States,  
19          in accordance with procedures established and  
20          rules issued by the Attorney General.

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

25          “(K) Expenses of—

1           “(i) primary and secondary schooling  
2           for dependents of personnel stationed out-  
3           side the continental United States at cost  
4           not in excess of those authorized by the  
5           Department of Defense for the same area,  
6           when it is determined by the Attorney  
7           General that schools available in the local-  
8           ity are unable to provide adequately for the  
9           education of such dependents; and

10           “(ii) transportation of those depend-  
11           ents between their place of residence and  
12           schools serving the area which those de-  
13           pendents would normally attend when the  
14           Attorney General, under such regulations  
15           as he may prescribe, determines that such  
16           schools are not accessible by public means  
17           of transportation.

18           “(2) SPECIFIC PERMITTED USES.—

19           “(A) AIRCRAFT AND BOATS.—Funds avail-  
20           able to the Attorney General for United States  
21           Attorneys, for the Federal Bureau of Investiga-  
22           tion, for the United States Marshals Service,  
23           for the Drug Enforcement Administration, and  
24           for the Immigration and Naturalization Service  
25           may be used for the purchase, lease, mainte-

1 nance, and operation of aircraft and boats, for  
2 law enforcement purposes.

3 “(B) PURCHASE OF AMMUNITION AND  
4 FIREARMS; FIREARMS COMPETITIONS.—Funds  
5 available to the Attorney General for United  
6 States Attorneys, for the Federal Bureau of In-  
7 vestigation, for the United States Marshals  
8 Service, for the Drug Enforcement Administra-  
9 tion, for the Federal Prison System, for the Of-  
10 fice of the Inspector General, and for the Immi-  
11 gration and Naturalization Service may be used  
12 for—

13 “(i) the purchase of ammunition and  
14 firearms; and

15 “(ii) participation in firearms com-  
16 petitions.

17 “(C) CONSTRUCTION.—Funds available to  
18 the Attorney General for construction may be  
19 used for expenses of planning, designing, ac-  
20 quiring, building, constructing, activating, ren-  
21 ovating, converting, expanding, extending, re-  
22 modeling, equipping, repairing, or maintaining  
23 buildings or facilities, including the expenses of  
24 acquisition of sites therefor, and all necessary  
25 expenses incident or related thereto; but the

1           foregoing shall not be construed to mean that  
2           funds generally available for salaries and ex-  
3           penses are not also available for certain inci-  
4           dental or minor construction, activation, remod-  
5           eling, maintenance, and other related construc-  
6           tion costs.

7           “(3) FEES AND EXPENSES OF WITNESSES.—  
8           Funds available to the Attorney General for fees and  
9           expenses of witnesses may be used for—

10                   “(A) expenses, mileage, compensation, pro-  
11                   tection, and per diem in lieu of subsistence, of  
12                   witnesses (including advances of public money)  
13                   and as authorized by section 1821 or other law,  
14                   except that no witness may be paid more than  
15                   1 attendance fee for any 1 calendar day;

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

19                   “(C) construction of protected witness  
20                   safesites.

21           “(4) FEDERAL BUREAU OF INVESTIGATION.—  
22           Funds available to the Attorney General for the  
23           Federal Bureau of Investigation for the detection,  
24           investigation, and prosecution of crimes against the

1 United States may be used for the conduct of all its  
2 authorized activities.

3 “(5) IMMIGRATION AND NATURALIZATION  
4 SERVICE.—Funds available to the Attorney General  
5 for the Immigration and Naturalization Service may  
6 be used for—

7 “(A) acquisition of land as sites for en-  
8 forcement fences, and construction incident to  
9 such fences;

10 “(B) cash advances to aliens for meals and  
11 lodging en route;

12 “(C) refunds of maintenance bills, immi-  
13 gration fines, and other items properly return-  
14 able, except deposits of aliens who become pub-  
15 lic charges and deposits to secure payment of  
16 fines and passage money; and

17 “(D) expenses and allowances incurred in  
18 tracking lost persons, as required by public ex-  
19 igencies, in aid of State or local law enforce-  
20 ment agencies.

21 “(6) FEDERAL PRISON SYSTEM.—Funds avail-  
22 able to the Attorney General for the Federal Prison  
23 System may be used for—

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



1           “(B) the purchase and exchange of farm  
2           products and livestock;

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

5           “(D) the construction of buildings and fa-  
6           cilities for penal and correctional institutions  
7           (including prison camps), by contract or force  
8           account, including the payment of United  
9           States prisoners for their work performed in  
10          any such construction;

11          except that no funds may be used to distribute or  
12          make available to a prisoner any commercially pub-  
13          lished information or material that is sexually ex-  
14          plicit or features nudity.

15          “(7) DETENTION TRUSTEE.—Funds available  
16          to the Attorney General for the Detention Trustee  
17          may be used for all the activities of such Trustee in  
18          the exercise of all power and functions authorized by  
19          law relating to the detention of Federal prisoners in  
20          non-Federal institutions or otherwise in the custody  
21          of the United States Marshals Service and to the de-  
22          tention of aliens in the custody of the Immigration  
23          and Naturalization Service, including the overseeing  
24          of construction of detention facilities or for housing  
25          related to such detention, the management of funds

1 appropriated to the Department for the exercise of  
2 detention functions, and the direction of the United  
3 States Marshals Service and the Immigration and  
4 Naturalization Service with respect to the exercise of  
5 detention policy setting and operations for the De-  
6 partment of Justice.

7 “(c) RELATED PROVISIONS.—

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

18 “(2) REIMBURSEMENTS PAID TO GOVERN-  
19 MENTAL ENTITIES.—Funds available to the Attor-  
20 ney General that are paid as reimbursement to a  
21 governmental unit of the Department of Justice, to  
22 another Federal entity, or to a unit of State or local  
23 government, may be used under authorities available  
24 to the unit or entity receiving such reimbursement.”.

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

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

4 **SEC. 202. PERMANENT AUTHORITY RELATING TO EN-**  
5 **FORCEMENT OF LAWS.**

6 (a) IN GENERAL.—Chapter 31 of title 28, United  
7 States Code (as amended by section 201), is amended by  
8 adding at the end the following:

9 **“§ 530D. Report on enforcement of laws**

10 “(a) REPORT.—

11 “(1) IN GENERAL.—The Attorney General shall  
12 submit to the Congress a report of any instance in  
13 which the Attorney General or any officer of the De-  
14 partment of Justice—

15 “(A) establishes or implements a formal or  
16 informal policy to refrain—

17 “(i) from enforcing, applying, or ad-  
18 ministering any provision of any Federal  
19 statute, rule, regulation, program, policy,  
20 or other law whose enforcement, applica-  
21 tion, or administration is within the re-  
22 sponsibility of the Attorney General or  
23 such officer on the grounds that such pro-  
24 vision is unconstitutional; or

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

15          “(B) determines—

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

21               “(ii) to refrain from defending or as-  
22               serting, in any judicial, administrative, or  
23               other proceeding, the constitutionality of  
24               any provision of any Federal statute, rule,  
25               regulation, program, policy, or other law,

1 or not to appeal or request review of any  
2 judicial, administrative, or other deter-  
3 mination adversely affecting the constitu-  
4 tionality of any such provision; or

5 “(C) approves (other than in circumstances  
6 in which a report is submitted to the Joint  
7 Committee on Taxation, pursuant to section  
8 6405 of the Internal Revenue Code of 1986)  
9 the settlement or compromise (other than in  
10 bankruptcy) of any claim, suit, or other  
11 action—

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

16 “(ii) by the United States (including  
17 any agency or instrumentality thereof)  
18 pursuant to an agreement, consent decree,  
19 or order (or pursuant to any modification  
20 of an agreement, consent decree, or order)  
21 that provides injunctive or other nonmone-  
22 tary relief that exceeds, or is likely to ex-  
23 ceed, 3 years in duration.

24 “(2) SUBMISSION OF REPORT TO THE CON-  
25 GRESS.—For the purposes of paragraph (1), a re-

1 port shall be considered to be submitted to the Con-  
2 gress if the report is submitted to—

3 “(A) the majority leader and minority  
4 leader of the Senate;

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

7 “(C) the chairman and ranking minority  
8 member of the Committee on the Judiciary of  
9 the House of Representatives and the chairman  
10 and ranking minority member of the Committee  
11 on the Judiciary of the Senate; and

12 “(D) the Senate Legal Counsel and the  
13 General Counsel of the House of Representa-  
14 tives.

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

16 “(1) under subsection (a)(1)(A), not later than  
17 30 days after the establishment or implementation  
18 of each policy;

19 “(2) under subsection (a)(1)(B), within such  
20 time as will reasonably enable the House of Rep-  
21 resentatives and the Senate to take action, sepa-  
22 rately or jointly, to intervene in timely fashion in the  
23 proceeding, but in no event later than 30 days after  
24 the making of each determination; and

1           “(3) under subsection (a)(1)(C), not later than  
2           30 days after the conclusion of each fiscal-year quar-  
3           ter, with respect to all approvals occurring in such  
4           quarter.

5           “(c) CONTENTS.—A report required by subsection (a)  
6 shall—

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

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

19                 “(A) such details may be omitted as may  
20                 be absolutely necessary to prevent improper dis-  
21                 closure of national-security- or classified infor-  
22                 mation, or of any information subject to the de-  
23                 liberative-process-, executive-, attorney-work-  
24                 product-, or attorney-client privileges, if the fact  
25                 of each such omission (and the precise ground

1 or grounds therefor) is clearly noted in the  
2 statement: Provided, That this subparagraph  
3 shall not be construed to deny to the Congress  
4 (including any House, Committee, or agency  
5 thereof) any such omitted details (or related in-  
6 formation) that it lawfully may seek, subse-  
7 quent to the submission of the report; and

8 “(B) the requirements of this paragraph  
9 shall be deemed satisfied—

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

19 “(ii) in the case of an approval de-  
20 scribed in subsection (a)(1)(C)(ii), if an  
21 unredacted copy of the entire settlement  
22 agreement and consent decree or order (if  
23 any) is provided, along with a statement  
24 indicating the injunctive or other nonmone-



1                   tary relief (if not apparent on the face of  
2                   documents provided); and

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

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

16                  “(e) APPLICABILITY TO THE PRESIDENT AND TO EX-  
17                  ECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The  
18                  reporting, declaration, and other provisions of this section  
19                  relating to the Attorney General and other officers of the  
20                  Department of Justice shall apply to the President and  
21                  the head of each executive agency or military department  
22                  (as defined, respectively, in sections 105 and 102 of title  
23                  5, United States Code), that establishes or implements a  
24                  policy described in subsection (a)(1)(A) or is authorized

1 to conduct litigation, and to the officers of such executive  
2 agency.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) The table of sections for chapter 31 of title  
5 28, United States Code (as amended by section  
6 201), is amended by adding at the end the following:

“530D. Report on enforcement of laws.”.

7 (2) Section 712 of Public Law 95–521 (92  
8 Stat. 1883) is amended by striking subsection (b).

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

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

24 (i) all policies described in subsection  
25 (a)(1)(A) of such section that were established

1 or implemented before the date of the enact-  
2 ment of this Act and were in effect on such  
3 date; and

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

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

19 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**  
20 **SIMULTANEOUSLY TO COMMITTEES.**

21 If the Attorney General or any officer of the Depart-  
22 ment of Justice (including any bureau, office, board, divi-  
23 sion, commission, subdivision, unit, or other component  
24 thereof) is required by any Act (which shall be understood  
25 to include any request or direction contained in any report

1 of a committee of the Congress relating to an appropria-  
2 tions Act or in any statement of managers accompanying  
3 any conference report agreed to by the Congress) to pro-  
4 vide a notice or report to any committee or subcommittee  
5 of the Congress (other than both the Committee on the  
6 Judiciary of the House of Representatives and the Com-  
7 mittee on the Judiciary of the Senate), then such Act shall  
8 be deemed to require that a copy of such notice or report  
9 be provided simultaneously to the Committee on the Judi-  
10 ciary of the House of Representatives and the Committee  
11 on the Judiciary of the Senate.

12 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**  
13 **AMENDMENTS.**

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

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

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

22 (3) in section 510—

23 (A) in subsection (a)(3) by striking “502”  
24 inserting “501(b)”;

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

1 “(d) No grants or contracts under subsection (b) may  
 2 be made, entered into, or used, directly or indirectly, to  
 3 provide any security enhancements or any equipment to  
 4 any non-governmental entity that is not engaged in law  
 5 enforcement or law enforcement support, criminal or juve-  
 6 nile justice, or delinquency prevention.”; and

7 (4) in section 511 by striking “503” inserting  
 8 “501(b)”.

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

13 **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**  
 14 **TO DEPARTMENT OF JUSTICE AUTHORITIES;**  
 15 **AUTHORITY TO TRANSFER PROPERTY OF**  
 16 **MARGINAL VALUE; RECORDKEEPING; PRO-**  
 17 **TECTION OF THE ATTORNEY GENERAL.**

18 (a) Section 524 of title 28, United States Code, is  
 19 amended—

20 (1) in subsection (a) by inserting “to the Attor-  
 21 ney General” after “available”;

22 (2) in paragraph (c)(1)—

23 (A) by striking the semicolon at the end of  
 24 the 1st subparagraph (I) and inserting a pe-  
 25 riod;

- 1 (B) by striking the 2d subparagraph (I);
- 2 (C) by striking “(A)(iv), (B), (F), (G), and  
3 (H)” in the 1st sentence following the 2d sub-  
4 subparagraph (I) and inserting “(B), (F), and  
5 (G),”; and
- 6 (D) by striking “fund” in the 3d sentence  
7 following the 2d subparagraph (I) and inserting  
8 “Fund”;
- 9 (3) in paragraph (c)(2)—
- 10 (A) by striking “for information” each  
11 place it appears; and
- 12 (B) by striking “\$250,000” the 2d and 3d  
13 places it appears and inserting “\$500,000”;
- 14 (4) in paragraph (c)(3) by striking “(F)” and  
15 inserting “(G)”;
- 16 (5) in paragraph (c)(5) by striking “Fund  
17 which” and inserting “Fund, that”;
- 18 (6) in subsection (c)(8)(A) by striking “(A)(iv),  
19 (B), (F), (G), and (H)” and inserting “(B), (F),  
20 and (G),”; and
- 21 (7) in subsection (c)(9)(B)—
- 22 (A) by striking “year 1997” and inserting  
23 “years 2002 and 2003”; and
- 24 (B) by striking “Such transfer shall not”  
25 and inserting “Each such transfer shall be sub-

1           ject to satisfaction by the recipient involved of  
2           any outstanding lien against the property trans-  
3           ferred, but no such transfer shall”.

4           (b) Section 522 of title 28, United States Code, is  
5   amended by inserting “(a)” before “The”, and by insert-  
6   ing at the end the following:

7           “(b) With respect to any data, records, or other infor-  
8   mation acquired, collected, classified, preserved, or pub-  
9   lished by the Attorney General for any statistical, re-  
10   search, or other aggregate reporting purpose beginning  
11   not later than 1 year after the date of enactment of 21st  
12   Century Department of Justice Appropriations Authoriza-  
13   tion Act and continuing thereafter, and notwithstanding  
14   any other provision of law, the same criteria shall be used  
15   (and shall be required to be used, as applicable) to classify  
16   or categorize offenders and victims (in the criminal con-  
17   text), and to classify or categorize actors and acted upon  
18   (in the noncriminal context).”.

19           (c) Section 534(a)(3) of title 28, United States Code,  
20   is amended by adding “and” after the semicolon.

21           (d) Section 509(3) of title 28, United States Code,  
22   is amended by striking the 2d period.

23           (e) Section 533(2) of title 28, United States Code,  
24   is amended by inserting “or the person of the Attorney  
25   General” after “President”.

1 **SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF AP-**  
2 **PROPRIATIONS.**

3 (a) Section 529 of title 28, United States Code, is  
4 amended by inserting “(a)” before “Beginning”, and by  
5 adding at the end the following:

6 “(b) Notwithstanding any provision of law limiting  
7 the amount of management or administrative expenses,  
8 the Attorney General shall, not later than May 2, 2003,  
9 and of every year thereafter, prepare and provide to the  
10 Committees on the Judiciary and Appropriations of each  
11 House of the Congress using funds available for the under-  
12 lying programs—

13 “(1) a report identifying and describing every  
14 grant, cooperative agreement, or programmatic serv-  
15 ices contract that was made, entered into, awarded,  
16 or extended, in the immediately preceding fiscal  
17 year, by or on behalf of the Office of Justice Pro-  
18 grams (including any component or unit thereof, and  
19 the Office of Community Oriented Policing Serv-  
20 ices), and including, without limitation, for each  
21 such grant, cooperative agreement, or contract: the  
22 term, the dollar amount or value, a complete and de-  
23 tailed description of its specific purpose or purposes,  
24 the names of all parties, the names of each unsuc-  
25 cessful applicant or bidder (and a complete and de-  
26 tailed description of the specific purpose or purposes



1 proposed of the application or bid), except that such  
2 description may be summary with respect to each  
3 application or bid having a total value of less than  
4 \$350,000; and

5 “(2) a report identifying and reviewing every  
6 grant, cooperative agreement, or programmatic serv-  
7 ices contract made, entered into, awarded, or ex-  
8 tended after October 1, 2002, by or on behalf of the  
9 Office of Justice Programs (including any compo-  
10 nent or unit thereof, and the Office of Community  
11 Oriented Policing Services) that was closed out or  
12 that otherwise ended in the immediately preceding  
13 fiscal year (or even if not yet closed out, was termi-  
14 nated or otherwise ended in the fiscal year that  
15 ended 2 years before the end of such immediately  
16 preceding fiscal year), and including, without limita-  
17 tion, for each such grant, cooperative agreement, or  
18 contract: a complete and detailed description of how  
19 the appropriated funds involved actually were spent,  
20 complete and detailed statistics relating to its per-  
21 formance, its specific purpose or purposes, and its  
22 effectiveness, and a written declaration by each non-  
23 Federal grantee and each non-Federal party to such  
24 agreement or to such contract, that—

1           “(A) the appropriated funds were spent for  
2           such purpose or purposes, and only such pur-  
3           pose or purposes;

4           “(B) the terms of the grant, cooperative  
5           agreement, or contract were complied with; and

6           “(C) all documentation necessary for con-  
7           ducting a full and proper audit under generally  
8           accepted accounting principles, and any (addi-  
9           tional) documentation that may have been re-  
10          quired under the grant, cooperative agreement,  
11          or contract, have been kept in orderly fashion  
12          and will be preserved for not less than 3 years  
13          from the date of such close out, termination, or  
14          end;

15          except that the requirement of this paragraph shall  
16          be deemed satisfied with respect to any such descrip-  
17          tion, statistics, or declaration if such non-Federal  
18          grantee or such non-Federal party shall have failed  
19          to provide the same to the Attorney General, and  
20          the Attorney General notes the fact of such failure  
21          and the name of such grantee or such party in the  
22          report.”.

23          (b) Section 1913 of title 18, United States Code, is  
24          amended by striking “to favor” and inserting “a jurisdic-  
25          tion, or an official of any government, to favor, adopt,”

1 by inserting “, law, ratification, policy,” after “legislation”  
2 every place it appears, by striking “by Congress” the 2d  
3 place it appears, by inserting “or such official” before “,  
4 through the proper”, by inserting “, measure,” before “or  
5 resolution”, by striking “Members of Congress on the re-  
6 quest of any Member” and inserting “any such Member  
7 or official, at his request,”, by striking “for legislation”  
8 and inserting “for any legislation”, and by moving “,  
9 being an officer or employee of the United States or of  
10 any department or agency thereof,” to immediately after  
11 “; and”.

12 (c) Section 1516(a) of title 18, United States Code,  
13 is amended by inserting “, entity, or program” after “per-  
14 son”, and by inserting “grant, or cooperative agreement,”  
15 after “subcontract,”.

16 (d) Section 112 of title I of section 101(b) of division  
17 A of Public Law 105–277 (112 Stat. 2681–67) is amend-  
18 ed by striking “fiscal year” and all that follows through  
19 “Justice—”, and inserting “any fiscal year the Attorney  
20 General—”.

21 (e) Section 2320(f) of title 18, United States Code,  
22 is amended—

23 (1) by striking “title 18” each place it appears  
24 and inserting “this title”; and

1           (2) by redesignating paragraphs (1) through  
2           (4) as subparagraphs (A) through (D), respectively;  
3           (3) by inserting “(1)” after “(f)”; and  
4           (4) by adding at the end the following:

5           “(2) The report under paragraph (1), with respect  
6 to criminal infringement of copyright, shall include the fol-  
7 lowing:

8           “(A) The number of infringement cases involv-  
9           ing specific types of works, such as audiovisual  
10           works, sound recordings, business software, video  
11           games, books, and other types of works.

12           “(B) The number of infringement cases involv-  
13           ing an online element.

14           “(C) The number and dollar amounts of fines  
15           assessed in specific categories of dollar amounts,  
16           such as up to \$500, from \$500 to \$1,000, from  
17           \$1,000 to \$5,000, from \$5,000 to \$10,000, and cat-  
18           egories above \$10,000.

19           “(D) The amount of restitution awarded.

20           “(E) Whether the sentences imposed were  
21           served.”.

22 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**  
23 **ATTORNEY GENERAL.**

24           Section 535 of title 28, United States Code, is  
25 amended in subsections (a) and (b), by replacing “title

1 18” with “Federal criminal law”, and in subsection (b),  
2 by replacing “or complaint” with “matter, or complaint  
3 witnessed, discovered, or”, and by inserting “or the wit-  
4 ness, discoverer, or recipient, as appropriate,” after  
5 “agency,”.

6 **SEC. 208. COUNTERTERRORISM FUND.**

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

12 (1) to reimburse any Department of Justice  
13 component for any costs incurred in connection  
14 with—

15 (A) reestablishing the operational capa-  
16 bility of an office or facility that has been dam-  
17 aged or destroyed as the result of any domestic  
18 or international terrorism incident;

19 (B) providing support to counter, inves-  
20 tigate, or prosecute domestic or international  
21 terrorism, including, without limitation, paying  
22 rewards in connection with these activities; and

23 (C) conducting terrorism threat assess-  
24 ments of Federal agencies and their facilities;  
25 and

1           (2) to reimburse any department or agency of  
2           the Federal Government for any costs incurred in  
3           connection with detaining in foreign countries indi-  
4           viduals accused of acts of terrorism that violate the  
5           laws of the United States.

6           (b) NO EFFECT ON PRIOR APPROPRIATIONS.—The  
7           amendment made by subsection (a) shall not affect the  
8           amount or availability of any appropriation to the  
9           Counterterrorism Fund made before the date of enact-  
10          ment of this Act.

## 11           **TITLE III—MISCELLANEOUS**

### 12          **SEC. 301. REPEALERS.**

13          (a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-  
14          TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—  
15          Chapter 319 of title 18, United States Code, is amended  
16          by striking section 4353.

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

21          (c) REPEAL OF VIOLENT CRIME REDUCTION TRUST  
22          FUND.—

23                  (1) REPEALER.—Section 310001 of Public Law  
24                  103–322 is repealed.

25                  (2) CONFORMING AMENDMENTS.—

1 (A) TITLE 31 OF THE UNITED STATES  
2 CODE.—Title 31 of the United States Code is  
3 amended—

4 (i) in section 1321(a) by striking  
5 paragraph (91), and

6 (ii) in section 1105(a) by striking  
7 paragraph (30).

8 (B) AVAILABILITY OF FUNDS.—(i) Section  
9 210603 of the Violent Crime Control and Law  
10 Enforcement Act of 1994 (18 U.S.C. 922 note)  
11 is amended by striking subsection (a).

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

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

21 (iv) Section 241(i)(5) of the Immigration  
22 and Nationality Act (8 U.S.C. 1231(i)(5)) is  
23 amended by striking “, of which” and all that  
24 follows through “2000”.

1           (v) Sections 808 and 823 of the  
2           Antiterrorism and Effective Death Penalty Act  
3           of 1996 (Public Law 104–132; 110 Stat. 1310,  
4           1317) are repealed.

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

8           (vii) Section 401(e) of the Economic Espi-  
9           onage Act of 1996 (42 U.S.C. 13751 note) is  
10          amended by striking paragraph (2).

11 **SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE**  
12 **UNITED STATES CODE.**

13          Title 18 of the United States Code is amended—

14           (1) in section 4041 by striking “at a salary of  
15          \$10,000 a year”;

16           (2) in section 4013—

17           (A) in subsection (a)—

18           (i) by replacing “the support of  
19          United States prisoners” with “Federal  
20          prisoner detention”;

21           (ii) in paragraph (2) by adding “and”  
22          after “hire;”;

23           (iii) in paragraph (3) by replacing  
24          “entities; and” with “entities.”; and



1 (iv) in paragraph (4) by inserting  
2 “The Attorney General, in support of Fed-  
3 eral prisoner detainees in non-Federal in-  
4 stitutions, is authorized to make payments,  
5 from funds appropriated for State and  
6 local law enforcement assistance, for” be-  
7 fore “entering”; and  
8 (B) by redesignating—  
9 (i) subsections (b) and (c) as sub-  
10 subsections (c) and (d); and  
11 (ii) paragraph (a)(4) as subsection  
12 (b), and subparagraphs (A), (B), and (C),  
13 of such paragraph (a)(4) as paragraphs  
14 (1), (2), and (3) of such subsection (b);  
15 and  
16 (3) in section 209(a)—  
17 (A) by striking “or makes” and inserting  
18 “makes”; and  
19 (B) by striking “supplements the salary of,  
20 any” and inserting “supplements, the salary of  
21 any”.

1 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**  
2 **IZATION OF APPROPRIATIONS FOR THE DE-**  
3 **PARTMENT OF JUSTICE FOR FISCAL YEAR**  
4 **2003.**

5 When the President submits to the Congress the  
6 budget of the United States Government for fiscal year  
7 2003, the President shall simultaneously submit to the  
8 Committee on the Judiciary of the House of Representa-  
9 tives and the Committee on the Judiciary of the Senate  
10 such proposed legislation authorizing appropriations for  
11 the Department of Justice for fiscal year 2003 as the  
12 President may judge necessary and expedient.

13 **SEC. 304. REVIEW OF THE DEPARTMENT OF JUSTICE.**

14 (a) **APPOINTMENT OF DEPUTY INSPECTOR GENERAL**  
15 **FOR THE FEDERAL BUREAU OF INVESTIGATION.**—The  
16 Inspector General of the Department of Justice shall ap-  
17 point a Deputy Inspector General for the Federal Bureau  
18 of Investigation who shall be responsible for supervising  
19 independent oversight of programs and operations of the  
20 Federal Bureau of Investigation until September 30,  
21 2004.

22 (b) **INSPECTOR GENERAL OVERSIGHT PLAN FOR**  
23 **THE FEDERAL BUREAU OF INVESTIGATION.**—Not later  
24 than 30 days after the date of the enactment of this Act,  
25 the Inspector General of the Department of Justice shall  
26 submit to the Congress a plan for oversight of the Federal

1 Bureau of Investigation. The Inspector General shall con-  
2 sider the following activities for inclusion in such plan:

3 (1) FINANCIAL SYSTEMS.—Auditing the finan-  
4 cial systems, information technology systems, and  
5 computer security systems of the Federal Bureau of  
6 Investigation.

7 (2) PROGRAMS AND PROCESSES.—Auditing and  
8 evaluating programs and processes of the Federal  
9 Bureau of Investigation to identify systemic weak-  
10 nesses or implementation failures and to recommend  
11 corrective action.

12 (3) INTERNAL AFFAIRS OFFICES.—Reviewing  
13 the activities of internal affairs offices of the Federal  
14 Bureau of Investigation, including the Inspections  
15 Division and the Office of Professional Responsi-  
16 bility.

17 (4) PERSONNEL.—Investigating allegations of  
18 serious misconduct by personnel of the Federal Bu-  
19 reau of Investigation.

20 (5) OTHER PROGRAMS AND OPERATIONS.—Re-  
21 viewing matters relating to any other program or  
22 and operation of the Federal Bureau of Investiga-  
23 tion that the Inspector General determines requires  
24 review.

1           (6) RESOURCES.—Identifying resources needed  
2           by the Inspector General to implement such plan.

3           (c) REVIEW OF ATTORNEY GENERAL ORDER.—Not  
4 later than 30 days after the date of the enactment of this  
5 Act, the Attorney General shall—

6           (1) review Attorney General Order 1931–94  
7           (signed November 8, 1994); and

8           (2) submit to the Congress a report stating  
9           whether the Attorney General intends to rescind, to  
10          modify, or to take no action affecting such order.

11 **SEC. 305. STUDY OF UNTESTED RAPE EXAMINATION KITS.**

12          The Attorney General shall conduct a study to assess  
13 and report to Congress the number of untested rape exam-  
14 ination kits that currently exist nationwide and shall sub-  
15 mit to the Congress a report containing a summary of the  
16 results of such study. For the purpose of carrying out such  
17 study, the Attorney General shall attempt to collect infor-  
18 mation from all law enforcement jurisdictions in the  
19 United States.

20 **SEC. 306. REPORT ON DCS 1000 (“CARNIVORE”).**

21          Not later than 30 days after the end of fiscal years  
22 2001 and 2002, the Attorney General and the Director  
23 of the Federal Bureau of Investigation shall provide to the  
24 Judiciary Committees of the House of Representatives and  
25 Senate a report detailing—

1           (1) the number of times DCS 1000 (or any  
2 similar system or device) was used for surveillance  
3 during the preceding fiscal year;

4           (2) the Department of Justice official or offi-  
5 cials who approved each use of DCS 1000 (or any  
6 similar system or device);

7           (3) the criteria used by the Department of Jus-  
8 tice officials to review requests to use DCS 1000 (or  
9 any similar system or device);

10          (4) a complete description of the process used  
11 to submit, review, and approve requests to use DCS  
12 1000 (or any similar system or device);

13          (5) the specific statutory authority relied on to  
14 use DCS 1000 (or any similar system or device);

15          (6) the court that authorized each use of DCS  
16 1000 (or any similar system or device);

17          (7) the number of orders, warrants, or sub-  
18 poenas applied for, to authorize the use of DCS  
19 1000 (or any similar system or device);

20          (8) the fact that the order, warrant, or sub-  
21 poena was granted as applied for, was modified, or  
22 was denied;

23          (9) the offense specified in the order, warrant,  
24 subpoena, or application;

1           (10) the nature of the facilities from which, or  
2           the place where the contents of, electronic commu-  
3           nications were to be disclosed; and

4           (11) any information gathered or accessed that  
5           was not authorized by the court to be gathered or  
6           accessed.

7 **SEC. 307. STUDY OF ALLOCATION OF LITIGATING ATTOR-**  
8           **NEYS.**

9           Not later than 180 days after the date of the enact-  
10          ment of this Act, the Attorney General shall submit a re-  
11          port to the chairman and ranking minority member of the  
12          Committees on the Judiciary of the House of Representa-  
13          tives and Committee on the Judiciary of the Senate, de-  
14          tailing the distribution or allocation of appropriated funds,  
15          attorneys and other personnel, per-attorney workloads,  
16          and number of cases opened and closed, for each Office  
17          of United States Attorney and each division of the Depart-  
18          ment of Justice except the Justice Management Division.

19          **TITLE IV—VIOLENCE AGAINST**  
20                               **WOMEN**

21 **SEC. 401. SHORT TITLE.**

22          This title may be cited as the “Violence Against  
23          Women Office Act”.

1 **SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN**  
2 **OFFICE.**

3 Part T of title I of the Omnibus Crime Control and  
4 Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is  
5 amended—

6 (1) in section 2002(d)(3)—

7 (A) by striking “section 2005” and insert-  
8 ing “section 2008”; and

9 (B) by striking “section 2006” and insert-  
10 ing “section 2009”;

11 (2) by redesignating sections 2002 through  
12 2006 as sections 2005 through 2009, respectively;  
13 and

14 (3) by inserting after section 2001 the fol-  
15 lowing:

16 **“SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST**  
17 **WOMEN OFFICE.**

18 “(a) OFFICE.—There is hereby established within the  
19 Department of Justice, under the general authority of the  
20 Attorney General, a Violence Against Women Office (in  
21 this part referred to as the ‘Office’).

22 “(b) DIRECTOR.—The Office shall be headed by a Di-  
23 rector (in this part referred to as the ‘Director’), who shall  
24 be appointed by the President, by and with the advice and  
25 consent of the Senate. The Director shall report to the  
26 Attorney General through the Assistant Attorney General,

1 and shall make reports to the Deputy Attorney General  
2 as the Director deems necessary to fulfill the mission of  
3 the Office. The Director shall have final authority for all  
4 grants, cooperative agreements, and contracts awarded by  
5 the Office. The Director shall not engage in any employ-  
6 ment other than that of serving as the Director, nor shall  
7 the Director hold any office in, or act in any capacity for,  
8 any organization, agency, or institution with which the Of-  
9 fice makes any contract or other arrangement under this  
10 part.

11 **“SEC. 2003. DUTIES AND FUNCTIONS OF DIRECTOR OF VIO-**  
12 **LENCE AGAINST WOMEN OFFICE.**

13 “(a) IN GENERAL.—The Director shall have the fol-  
14 lowing duties:

15 “(1) Serving as special counsel to the Attorney  
16 General on the subject of violence against women.

17 “(2) Maintaining liaison with the judicial  
18 branches of the Federal and State Governments on  
19 matters relating to violence against women.

20 “(3) Providing information to the President,  
21 the Congress, the judiciary, State and local govern-  
22 ments, and the general public on matters relating to  
23 violence against women.

24 “(4) Serving, at the request of the Attorney  
25 General or Assistant Attorney General, as the rep-



1       representative of the Department of Justice on domes-  
2       tic task forces, committees, or commissions address-  
3       ing policy or issues relating to violence against  
4       women.

5               “(5) Serving, at the request of the President,  
6       acting through the Attorney General, as the rep-  
7       resentative of the United States Government on  
8       human rights and economic justice matters related  
9       to violence against women in international fora, in-  
10      cluding, but not limited to, the United Nations.

11              “(6) Carrying out the functions of the Depart-  
12      ment of Justice under the Violence Against Women  
13      Act of 1994 (title IV of Public Law 103–322) and  
14      the amendments made by that Act, and other func-  
15      tions of the Department of Justice on matters relat-  
16      ing to violence against women, including with re-  
17      spect to those functions—

18                      “(A) the development of policy, protocols,  
19                      and guidelines;

20                      “(B) the development and management of  
21                      grant programs and other programs, and the  
22                      provision of technical assistance under such  
23                      programs; and

24                      “(C) the award and termination of grants,  
25                      cooperative agreements, and contracts.

1           “(7) Providing technical assistance, coordina-  
2           tion, and support to—

3                   “(A) other components of the Department  
4                   of Justice, in efforts to develop policy and to  
5                   enforce Federal laws relating to violence against  
6                   women, including the litigation of civil and  
7                   criminal actions relating to enforcing such laws;

8                   “(B) other Federal, State, and tribal agen-  
9                   cies, in efforts to develop policy, provide tech-  
10                  nical assistance, and improve coordination  
11                  among agencies carrying out efforts to elimi-  
12                  nate violence against women, including Indian  
13                  or indigenous women; and

14                  “(C) grantees, in efforts to combat violence  
15                  against women and to provide support and as-  
16                  sistance to victims of such violence.

17           “(8) Exercising such other powers and func-  
18           tions as may be vested in the Director pursuant to  
19           this part or by delegation of the Attorney General or  
20           Assistant Attorney General.

21           “(9) Establishing such rules, regulations, guide-  
22           lines, and procedures as are necessary to carry out  
23           any function of the Office.

1 **“SEC. 2004. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.**

2       The Attorney General shall ensure that the Director  
3 has adequate staff to support the Director in carrying out  
4 the Director’s responsibilities under this part.”.

Passed the House of Representatives July 23, 2001.

Attest:

JEFF TRANDAHL,

*Clerk.*