

## Union Calendar No. 70

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

# H. R. 2215

[Report No. 107-125]

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

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### 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

JULY 10, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 19, 2001]

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## 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,*

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

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

5       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 6 *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 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. Protection of the Attorney General.*

*Sec. 208. Enforcement of Federal criminal laws by Attorney General.*

*Sec. 209. 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 carnivore.*

*TITLE IV—VIOLENCE AGAINST WOMEN*

*Sec. 401. Short title.*

*Sec. 402. Establishment of Violence Against Women Office.*

*Sec. 403. Duties and functions of Director of Violence Against Women Office.*

*Sec. 404. Staff of Violence Against Women Office.*

1 **TITLE I—AUTHORIZATION OF AP-**  
2 **PROPRIATIONS FOR FISCAL**  
3 **YEAR 2002**

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

6 *There are authorized to be appropriated for fiscal year*  
7 *2002, to carry out the activities of the Department of Jus-*  
8 *tice (including any bureau, office, board, division, commis-*  
9 *sion, subdivision, unit, or other component thereof), the fol-*  
10 *lowing 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 clem-*  
16 *ency petitions and for immigration-related activities.*

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

22 (4) *GENERAL LEGAL ACTIVITIES.—For General*  
23 *Legal Activities: \$566,822,000, which shall include for*  
24 *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 unforeseen  
6           emergencies of a confidential character.

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

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

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

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

16               (B) not to exceed \$70,000 to meet unforeseen  
17               emergencies of a confidential character.

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

23          (9) FEDERAL PRISON SYSTEM.—For the Federal  
24          Prison System, including the National Institute of  
25          Corrections: \$4,662,710,000.

1           (10) *FEDERAL PRISONER DETENTION.*—*For the*  
2           *support of United States prisoners in non-Federal in-*  
3           *stitutions, as authorized by section 4013(a) of title 18*  
4           *of the United States Code: \$724,682,000, to remain*  
5           *available until expended.*

6           (11) *DRUG ENFORCEMENT ADMINISTRATION.*—  
7           *For the Drug Enforcement Administration:*  
8           *\$1,480,929,000, which shall include not to exceed*  
9           *\$70,000 to meet unforeseen emergencies of a confiden-*  
10          *tial character.*

11          (12) *IMMIGRATION AND NATURALIZATION SERV-*  
12          *ICE.*—*For the Immigration and Naturalization Serv-*  
13          *ice: \$3,516,411,000, which shall include—*

14                (A) *not to exceed \$2,737,341,000 for salaries*  
15                *and expenses of enforcement and border affairs*  
16                *(i.e., the Border Patrol, deportation, intelligence,*  
17                *investigations, and inspection programs, and the*  
18                *detention program);*

19                (B) *not to exceed \$650,660,000 for salaries*  
20                *and expenses of citizenship and benefits (i.e.,*  
21                *programs not included under subparagraph (A));*

22                (C) *for each such fiscal year, not to exceed*  
23                *\$128,410,000 for construction, to remain avail-*  
24                *able until expended; and*

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

3           (13) FEES AND EXPENSES OF WITNESSES.—For  
4           Fees and Expenses of Witnesses: \$156,145,000 to re-  
5           main available until expended, which shall include  
6           for each such fiscal year not to exceed \$6,000,000 for  
7           construction of protected witness safesites.

8           (14) INTERAGENCY CRIME AND DRUG ENFORCE-  
9           MENT.—For Interagency Crime and Drug Enforce-  
10          ment: \$338,106,000, for expenses not otherwise pro-  
11          vided for, for the investigation and prosecution of per-  
12          sons involved in organized crime drug trafficking, ex-  
13          cept that any funds obligated from appropriations  
14          authorized by this paragraph may be used under au-  
15          thorities available to the organizations reimbursed  
16          from such funds.

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

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

22          (17) ASSETS FORFEITURE FUND.—For the Assets  
23          Forfeiture Fund: \$22,949,000 for expenses authorized  
24          by section 524 of title 28, United States Code.

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

3           (19) *FEDERAL DETENTION TRUSTEE.—For the*  
4           *necessary expenses of the Federal Detention Trustee:*  
5           *\$1,718,000.*

6           (20) *JOINT AUTOMATED BOOKING SYSTEM.—For*  
7           *expenses necessary for the operation of the Joint Auto-*  
8           *mated Booking System: \$15,957,000.*

9           (21) *NARROWBAND COMMUNICATIONS.—For the*  
10          *costs of conversion to narrowband communications,*  
11          *including the cost for operation and maintenance of*  
12          *Land Mobile Radio legacy systems: \$104,606,000.*

13          (22) *RADIATION EXPOSURE COMPENSATION.—*  
14          *For administrative expenses in accordance with the*  
15          *Radiation Exposure Compensation Act: \$1,996,000.*

16          (23) *COUNTERTERRORISM FUND.—For the*  
17          *Counterterrorism Fund for necessary expenses, as de-*  
18          *termined by the Attorney General: \$4,989,000.*

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

1 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**  
 2 **UNITED STATES ATTORNEYS; REDUCTION OF**  
 3 **CERTAIN LITIGATION POSITIONS.**

4 (a) *APPOINTMENTS.*—Not later than September 30,  
 5 2003, the Attorney General shall exercise authority under  
 6 section 542 of title 28, United States Code, to appoint 200  
 7 assistant United States attorneys in addition to the number  
 8 of assistant United States attorneys serving on the date of  
 9 the enactment of this Act.

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

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

19 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 20 authorized to be appropriated such sums as may be nec-  
 21 essary for fiscal year 2002 to carry out this section.

22 **TITLE II—PERMANENT**  
 23 **ENABLING PROVISIONS**

24 **SEC. 201. PERMANENT AUTHORITY.**

25 (a) *IN GENERAL.*—Chapter 31 of title 28, United  
 26 States Code, is amended by adding at the end the following:



1 **“§ 530C. Authority to use available funds**

2 “(a) *IN GENERAL.*—*Except to the extent provided oth-*  
 3 *erwise by law, the activities of the Department of Justice*  
 4 *(including any bureau, office, board, division, commission,*  
 5 *subdivision, unit, or other component thereof) may, in the*  
 6 *reasonable discretion of the Attorney General, be carried out*  
 7 *through any means, including—*

8 “(1) *through the Department’s own personnel,*  
 9 *acting within, from, or through the Department itself;*

10 “(2) *by sending or receiving details of personnel*  
 11 *to other branches or agencies of the Federal Govern-*  
 12 *ment, on a reimbursable, partially-reimbursable, or*  
 13 *nonreimbursable basis;*

14 “(3) *through reimbursable agreements with other*  
 15 *Federal agencies for work, materials, or equipment;*

16 “(4) *through contracts, grants, or cooperative*  
 17 *agreements with non-Federal parties; and*

18 “(5) *as provided in subsection (b), in section*  
 19 *524, and in any other provision of law consistent*  
 20 *herewith, including, without limitation, section*  
 21 *102(b) of Public Law 102–395 (106 Stat. 1838), as*  
 22 *incorporated by section 815(d) of Public Law 104–*  
 23 *132 (110 Stat. 1315).*

24 “(b) *PERMITTED USES.*—

25 “(1) *GENERAL PERMITTED USES.*—*Funds avail-*  
 26 *able to the Attorney General (i.e., all funds available*

1       *to carry out the activities described in subsection (a))*  
2       *may be used, without limitation, for the following:*

3               “(A) *The purchase, lease, maintenance, and*  
4               *operation of passenger motor vehicles, or police-*  
5               *type motor vehicles for law enforcement purposes,*  
6               *without regard to general purchase price limita-*  
7               *tion for the then-current fiscal year.*

8               “(B) *The purchase of insurance for motor*  
9               *vehicles, boats, and aircraft operated in official*  
10              *Government business in foreign countries.*

11              “(C) *Services of experts and consultants, in-*  
12              *cluding private counsel, as authorized by section*  
13              *3109 of title 5, and at rates of pay for individ-*  
14              *uals not to exceed the maximum daily rate pay-*  
15              *able from time to time under section 5332 of*  
16              *title 5.*

17              “(D) *Official reception and representation*  
18              *expenses (i.e., official expenses of a social nature*  
19              *intended in whole or in predominant part to*  
20              *promote goodwill toward the Department or its*  
21              *missions, but excluding expenses of public tours*  
22              *of facilities of the Department of Justice), in ac-*  
23              *cordance with distributions and procedures es-*  
24              *tablished, and rules issued, by the Attorney Gen-*

1        *eral, and expenses of public tours of facilities of*  
2        *the Department of Justice.*

3                *“(E) Unforeseen emergencies of a confiden-*  
4        *tial character, to be expended under the direction*  
5        *of the Attorney General and accounted for solely*  
6        *on the certificate of the Attorney General.*

7                *“(F) Miscellaneous and emergency expenses*  
8        *authorized or approved by the Attorney General,*  
9        *the Deputy Attorney General, the Associate At-*  
10       *torney General, or the Assistant Attorney Gen-*  
11       *eral for Administration.*

12               *“(G) In accordance with procedures estab-*  
13       *lished and rules issued by the Attorney*  
14       *General—*

15               *“(i) attendance at meetings and semi-*  
16       *nars;*

17               *“(ii) conferences and training; and*

18               *“(iii) advances of public moneys under*  
19       *section 3324 of title 31: Provided, That*  
20       *travel advances of such moneys to law en-*  
21       *forcement personnel engaged in undercover*  
22       *activity shall be considered to be public*  
23       *money for purposes of section 3527 of title*  
24       *31.*

1           “(H) *Contracting with individuals for per-*  
2           *sonal services abroad, except that such individ-*  
3           *uals shall not be regarded as employees of the*  
4           *United States for the purpose of any law admin-*  
5           *istered by the Office of Personnel Management.*

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

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

14          “(K) *Expenses of—*

15               “(i) *primary and secondary schooling*  
16               *for dependents of personnel stationed out-*  
17               *side the continental United States at cost*  
18               *not in excess of those authorized by the De-*  
19               *partment of Defense for the same area,*  
20               *when it is determined by the Attorney Gen-*  
21               *eral that schools available in the locality*  
22               *are unable to provide adequately for the*  
23               *education of such dependents; and*

24               “(ii) *transportation of those depend-*  
25               *ents between their place of residence and*

1           *schools serving the area which those depend-*  
2           *ents would normally attend when the Attor-*  
3           *ney General, under such regulations as he*  
4           *may prescribe, determines that such schools*  
5           *are not accessible by public means of trans-*  
6           *portation.*

7           “(2) *SPECIFIC PERMITTED USES.*—

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

17           “(B) *PURCHASE OF AMMUNITION AND FIRE-*  
18           *ARMS; FIREARMS COMPETITIONS.*—*Funds avail-*  
19           *able to the Attorney General for United States*  
20           *Attorneys, for the Federal Bureau of Investiga-*  
21           *tion, for the United States Marshals Service, for*  
22           *the Drug Enforcement Administration, for the*  
23           *Federal Prison System, for the Office of the In-*  
24           *spector General, and for the Immigration and*  
25           *Naturalization Service may be used for—*

1                   “(i) the purchase of ammunition and  
2                   firearms; and

3                   “(ii) participation in firearms com-  
4                   petitions.

5                   “(C) CONSTRUCTION.—Funds available to  
6                   the Attorney General for construction may be  
7                   used for expenses of planning, designing, acquir-  
8                   ing, building, constructing, activating, ren-  
9                   ovating, converting, expanding, extending, re-  
10                  modeling, equipping, repairing, or maintaining  
11                  buildings or facilities, including the expenses of  
12                  acquisition of sites therefor, and all necessary ex-  
13                  penses incident or related thereto; but the fore-  
14                  going shall not be construed to mean that funds  
15                  generally available for salaries and expenses are  
16                  not also available for certain incidental or minor  
17                  construction, activation, remodeling, mainte-  
18                  nance, and other related construction costs.

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

22                         “(A) expenses, mileage, compensation, and  
23                         per diem in lieu of subsistence, of witnesses (in-  
24                         cluding advances of public money) and as au-  
25                         thorized 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           “(4) *FEDERAL BUREAU OF INVESTIGATION.—*  
9           *Funds available to the Attorney General for the Fed-*  
10          *eral Bureau of Investigation for the detection, inves-*  
11          *tigation, and prosecution of crimes against the*  
12          *United States may be used for the conduct of all its*  
13          *authorized activities.*

14          “(5) *IMMIGRATION AND NATURALIZATION SERV-*  
15          *ICE.—Funds available to the Attorney General for the*  
16          *Immigration and Naturalization Service may be used*  
17          *for—*

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

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

23               “(C) *refunds of maintenance bills, immigra-*  
24               *tion fines, and other items properly returnable,*  
25               *except deposits of aliens who become public*

1       *charges and deposits to secure payment of fines*  
2       *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 enforcement*  
6       *agencies.*

7               “(6) *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 States*  
20       *prisoners for their work performed in any such*  
21       *construction.*

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



1 relating to the detention of Federal prisoners in non-  
2 Federal institutions or otherwise in the custody of the  
3 United States Marshals Service and to the detention  
4 of aliens in the custody of the Immigration and Natu-  
5 ralization Service, including the overseeing of con-  
6 struction of detention facilities or for housing related  
7 to such detention, the management of funds appro-  
8 priated to the Department for the exercise of detention  
9 functions, and the direction of the United States Mar-  
10 shals Service and Immigration Service with respect to  
11 the exercise of detention policy setting and operations  
12 for the Department of Justice.

13 “(c) *RELATED PROVISIONS.*—

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

24 “(2) *REIMBURSEMENTS PAID TO GOVERNMENTAL*  
25 *ENTITIES.*—Funds available to the Attorney General

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

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

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

9        **SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCE-**  
 10        **MENT OF LAWS.**

11        (a) *IN GENERAL.—Chapter 31 of title 28, United*  
 12        *States Code (as amended by section 201), 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, or*  
 25        *other law whose enforcement, application,*

1           *or administration is within the responsi-*  
2           *bility of the Attorney General or such officer*  
3           *on the grounds that such provision is un-*  
4           *constitutional; or*

5           “(ii) *within any judicial jurisdiction*  
6           *of or within the United States, from adher-*  
7           *ing to, enforcing, applying, or complying*  
8           *with, 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, that*  
12           *jurisdiction, respecting the interpretation,*  
13           *construction, or application of the Constitu-*  
14           *tion or of any statute, rule, regulation, pro-*  
15           *gram, policy, or other law whose enforce-*  
16           *ment, application, or administration is*  
17           *within the responsibility of the Attorney*  
18           *General or such officer;*

19           “(B) *determines—*

20           “(i) *to contest affirmatively, in any ju-*  
21           *dicial, administrative, or other proceeding,*  
22           *the constitutionality of any provision of*  
23           *any Federal statute, rule, regulation, pro-*  
24           *gram, 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, or  
6           not to appeal or request review of any judi-  
7           cial, administrative, or other determination  
8           adversely affecting the constitutionality of  
9           any such provision; or

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

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

20          “(ii) by the United States (including  
21          any agency or instrumentality thereof) pur-  
22          suant to an agreement, consent decree, or  
23          order that provides injunctive or other non-  
24          monetary relief that exceeds, or is likely to  
25          exceed, 3 years in duration.

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

5                     “(A) *the majority leader and minority lead-*  
6                     *er of the Senate;*

7                     “(B) *the Speaker, majority leader, and mi-*  
8                     *nority leader of the House of Representatives;*

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

14                    “(D) *the Senate Legal Counsel and the Gen-*  
15                    *eral Counsel of the House of Representatives.*

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

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

20                    “(2) *under subsection (a)(1)(B), within such*  
21                    *time as will reasonably enable the House of Rep-*  
22                    *resentatives and the Senate to take action, separately*  
23                    *or jointly, to intervene in timely fashion in the pro-*  
24                    *ceeding, but in no event later than 30 days after the*  
25                    *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 im-  
8       plementation 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 of  
13      the relevant issues and background (including a com-  
14      plete and detailed statement of the reasons for the pol-  
15      icy or determination, and the identity of the officer  
16      responsible for establishing or implementing such pol-  
17      icy, making such determination, or approving such  
18      settlement or compromise), except that—

19          “(A) such details may be omitted as may be  
20      absolutely necessary to prevent improper disclo-  
21      sure of national-security- or classified informa-  
22      tion, or of any information subject to the delib-  
23      erative-process-, executive-, attorney-work-prod-  
24      uct-, or attorney-client privileges, if the fact of  
25      each such omission (and the precise ground or

1       *grounds therefor) is clearly noted in the state-*  
2       *ment: Provided, That this subparagraph shall*  
3       *not be construed to deny to the Congress (includ-*  
4       *ing any House, Committee, or agency thereof)*  
5       *any such omitted details (or related information)*  
6       *that it lawfully may seek, subsequent to the sub-*  
7       *mission 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 sub-  
5           section (a)(1)(C), indicate the nature, tribunal, iden-  
6           tifying information, and status of the proceeding,  
7           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 Govern-  
14          ment (or, as applicable, of the President or of any executive  
15          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, to the  
21          head of each executive agency or military department (as  
22          defined, respectively, in sections 105 and 102 of title 5,  
23          United States Code) that establishes or implements a policy  
24          described in subsection (a)(1)(A) or is authorized to conduct  
25          litigation, and to the officers of such executive agency.”.



1       (b) *CONFORMING AMENDMENTS.*—

2               (1) *The table of sections for chapter 31 of title*  
3       *28, United States Code (as amended by section 201),*  
4       *is amended by adding at the end the following:*

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

5               (2) *Section 712 of Public Law 95–521 (92 Stat.*  
6       *1883) is amended by striking subsection (b).*

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

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

21                      (i) *all policies described in subsection*  
22                      *(a)(1)(A) of such section that were established or*  
23                      *implemented before the date of the enactment of*  
24                      *this Act and were in effect on such date;*

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

5           (iii) all approvals described in subsection  
 6           (a)(1)(C) of such section that were made between  
 7           October 1, 1996, and the date of the enactment  
 8           of this Act.

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

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

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

1 *to include any request or direction contained in any report*  
 2 *of a committee of the Congress relating to an appropria-*  
 3 *tions Act or in any statement of managers accompanying*  
 4 *any conference report agreed to by the Congress) to provide*  
 5 *a notice or report to any committee or subcommittee of the*  
 6 *Congress (other than both the Committee on the Judiciary*  
 7 *of the House of Representatives and the Committee on the*  
 8 *Judiciary of the Senate), then such Act shall be deemed to*  
 9 *require that a copy of such notice or report be provided*  
 10 *simultaneously to the Committee on the Judiciary of the*  
 11 *House of Representatives and the Committee on the Judici-*  
 12 *ary of the Senate.*

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

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

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 pro-  
 3 vide any security enhancements or any equipment to any  
 4 non-governmental entity.”; and

5           (4) in section 511 by striking “503” inserting  
 6 “501(b)”.

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

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

16       (a) Section 524 of title 28, United States Code, is  
 17 amended—

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

20           (2) in paragraph (c)(1)—

21               (A) by striking the semicolon at the end of  
 22 the 1st subparagraph (I) and inserting a period;

23               (B) by striking the 2d subparagraph (I);

24               (C) by striking “(A)(iv), (B), (F), (G), and  
 25 (H)” in the 1st sentence following the 2d sub-

1 paragraph (I) and inserting “(A)(ii), (B), (F),  
2 and (G),”; and

3 (D) by striking “fund” in the 3d sentence  
4 following the 2d subparagraph (I) and inserting  
5 “Fund”;

6 (3) in paragraph (c)(2)—

7 (A) by striking “for information” each  
8 place it appears; and

9 (B) by striking “\$250,000” the 2d and 3d  
10 places it appears and inserting “\$500,000”;

11 (4) in paragraph (c)(3) by striking “(F)” and  
12 inserting “(G)”;

13 (5) in paragraph (c)(5) by striking “Fund  
14 which” and inserting “Fund, that”;

15 (6) in subsection (c)(8)(A) by striking “(A)(iv),  
16 (B), (F), (G), and (H)” and inserting “(A)(ii), (B),  
17 (F), and (G),”; and

18 (7) in subsection (c)(9)(B)—

19 (A) by striking “year 1997” and inserting  
20 “years 2002 and 2003”; and

21 (B) by striking “Such transfer shall not”  
22 and inserting “Each such transfer shall be sub-  
23 ject to satisfaction by the recipient involved of  
24 any outstanding lien against the property trans-  
25 ferred, but no such transfer shall”.

1       (b) Section 522 of title 28, United States Code, is  
2 amended by inserting “(a)” before “The”, and by inserting  
3 at the end the following:

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

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

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

20       (e) Section 533(2) of title 28, United States Code, is  
21 amended by inserting “or the person of the Attorney Gen-  
22 eral” 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) The Attorney General shall, not later than Feb-*  
7 *ruary 2, 2003, and of every year thereafter, provide to the*  
8 *Committees on the Judiciary and Appropriations of each*  
9 *House of the Congress—*

10 *“(1) a report identifying and describing every*  
11 *grant, cooperative agreement, or programmatic serv-*  
12 *ices contract that was made, entered into, awarded, or*  
13 *extended, in the immediately preceding fiscal year, by*  
14 *or on behalf of the Office of Justice Programs (includ-*  
15 *ing any component or unit thereof, and the Office of*  
16 *Community Oriented Policing Services), and includ-*  
17 *ing, without limitation, for each such grant, coopera-*  
18 *tive agreement, or contract: the term, the dollar*  
19 *amount or value, a complete and detailed description*  
20 *of its specific purpose or purposes, the names of all*  
21 *parties (including, without limitation, any sub-*  
22 *grantees or subcontractors), the names of each unsuc-*  
23 *cessful applicant or bidder (and a complete and de-*  
24 *tailed description of the application or bid and the*  
25 *specific purpose or purposes proposed), and the name*  
26 *of the contracting officer; and*

1           “(2) a performance review of every grant, cooper-  
2       ative agreement, or programmatic services contract  
3       made, entered into, awarded, or extended by or on be-  
4       half of the Office of Justice Programs (including any  
5       component or unit thereof, and the Office of Commu-  
6       nity Oriented Policing Services) that was terminated  
7       or that otherwise ended in the immediately preceding  
8       fiscal year, and including, without limitation, for  
9       each such grant, cooperative agreement, or contract: a  
10      complete and detailed description of how the appro-  
11      priated funds involved actually were spent, complete  
12      and detailed statistics relating to its performance, its  
13      specific purpose or purposes, and its effectiveness, and  
14      a sworn, written declaration by each grantee, con-  
15      tractor, subcontractor, and subgrantee that—

16           “(A) the appropriated funds were spent for  
17      such purpose or purposes, and only such purpose  
18      or purposes;

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

21           “(C) all documentation necessary for con-  
22      ducting a full and proper audit under generally  
23      accepted accounting principles, and any (addi-  
24      tional) documentation that may have been re-  
25      quired under the grant, cooperative agreement,



1           or contract, have been kept in orderly fashion  
 2           and will be preserved for not less than 3 years  
 3           from the date of such termination or end.”.

4           (b) Section 1913 of title 18, United States Code, is  
 5 amended by striking “to favor” and inserting “a jurisdic-  
 6 tion, or an official of any government, to favor, adopt,”  
 7 by inserting “, law, ratification, policy,” after “legislation”  
 8 every place it appears, by striking “by Congress” the 2d  
 9 place it appears, by inserting “or such official” before “,  
 10 through the proper”, by inserting “, measure,” before “or  
 11 resolution”, by striking “Members of Congress on the request  
 12 of any Member” and inserting “any such Member or offi-  
 13 cial, at his request,” by striking “for legislation” and in-  
 14 serting “for any legislation”, and by moving “, being an  
 15 officer or employee of the United States or of any depart-  
 16 ment or agency thereof,” to immediately after “; and”.

17           (c) Section 1516(a) of title 18, United States Code, is  
 18 amended by inserting “, entity, or program” after “person”,  
 19 and by inserting “grant, or cooperative agreement,” after  
 20 “subcontract,”.

21           (d) Section 112 of title I of section 101(b) of division  
 22 A of Public Law 105–277 (112 Stat. 2681–67) is amended  
 23 by striking “fiscal year” and all that follows through “Jus-  
 24 tice—”, and inserting “any fiscal year the Attorney Gen-  
 25 eral—”.

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

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

5           (2) by redesignating paragraphs (1) through (4)  
6 as subparagraphs (A) through (D), respectively;

7           (3) by inserting “(1)” after “(f)”; and

8           (4) by adding at the end the following:

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

12           “(A) The number of infringement cases involving  
13 specific types of works, such as audiovisual works,  
14 sound recordings, business software, video games,  
15 books, and other types of works.

16           “(B) The number of infringement cases involving  
17 an online element.

18           “(C) The number and dollar amounts of fines as-  
19 sessed in specific categories of dollar amounts, such as  
20 up to \$500, from \$500 to \$1,000, from \$1,000 to  
21 \$5,000, from \$5,000 to \$10,000, and categories above  
22 \$10,000.

23           “(D) The amount of restitution awarded.

24           “(E) Whether the sentences imposed were  
25 served.”.

1 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**  
 2 **ATTORNEY GENERAL.**

3 *Section 535 of title 28, United States Code, is amended*  
 4 *in subsections (a) and (b), by replacing “title 18” with*  
 5 *“Federal criminal law”, and in subsection (b), by replacing*  
 6 *“or complaint” with “matter, or complaint witnessed, dis-*  
 7 *covered, or”, and by inserting “or the witness, discoverer,*  
 8 *or recipient, as appropriate,” after “agency,”.*

9 **SEC. 208. COUNTERTERRORISM FUND.**

10 *(a) ESTABLISHMENT; AVAILABILITY.—There is hereby*  
 11 *established in the Treasury of the United States a separate*  
 12 *fund to be known as the “Counterterrorism Fund”, amounts*  
 13 *in which shall remain available without fiscal year*  
 14 *limitation—*

15 *(1) to reimburse any Department of Justice com-*  
 16 *ponent for any costs incurred in connection with—*

17 *(A) reestablishing the operational capability*  
 18 *of an office or facility that has been damaged or*  
 19 *destroyed as the result of any domestic or inter-*  
 20 *national terrorism incident;*

21 *(B) providing support to counter, inves-*  
 22 *tigate, or prosecute domestic or international ter-*  
 23 *rorism, including, without limitation, paying re-*  
 24 *wards in connection with these activities; and*

25 *(C) conducting terrorism threat assessments*  
 26 *of Federal agencies and their facilities; 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 enactment*  
 10          *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.—Chap-*  
 15          *ter 319 of title 18, United States Code, is amended by strik-*  
 16          *ing section 4353.*

17          (b) *OPEN-ENDED AUTHORIZATION OF APPROPRIA-*  
 18          *TIONS FOR UNITED STATES MARSHALS SERVICE.—Section*  
 19          *561 of title 28, United States Code, is amended by striking*  
 20          *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 para-*  
 5                               *graph (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) is*  
 11                   *amended by striking subsection (a).*

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

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

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

24                               (v) *Sections 808 and 823 of the*  
 25                   *Antiterrorism and Effective Death Penalty Act*

1           of 1996 (*Public Law 104–132; 110 Stat. 1310,*  
2           *1317*) are repealed.

3           (vi) *The Drug-Free Prisons and Jails Act of*  
4           *1998 (42 U.S.C. 3751 note)* is amended by strik-  
5           ing section 118.

6           (vii) *Section 401(e) of the Economic Espio-*  
7           *nage Act of 1996 (42 U.S.C. 13751 note)* is  
8           amended by striking paragraph (2).

9   **SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE**  
10           **UNITED STATES CODE.**

11       *Title 18 of the United States Code is amended—*

12           (1) *in section 4041 by striking “at a salary of*  
13           *\$10,000 a year”;*

14           (2) *in section 4013—*

15           (A) *in subsection (a)—*

16           (i) *by replacing “the support of United*  
17           *States prisoners” with “Federal prisoner*  
18           *detention”;*

19           (ii) *in paragraph (2) by adding “and”*  
20           *after “hire,”;*

21           (iii) *in paragraph (3) by replacing*  
22           *“entities; and” with “entities.”; and*

23           (iv) *in paragraph (4) by inserting*  
24           *“The Attorney General, in support of Fed-*  
25           *eral prisoner detainees in non-Federal insti-*

1            *tutions, is authorized to make payments,*  
 2            *from funds appropriated for State and local*  
 3            *law enforcement assistance, for” before “en-*  
 4            *tering”; and*

5            *(B) by redesignating—*

6                    *(i) subsections (b) and (c) as sub-*  
 7                    *sections (c) and (d); and*

8                    *(ii) paragraph (a)(4) as subsection (b),*  
 9                    *and subparagraphs (A), (B), and (C), of*  
 10                   *such paragraph (a)(4) as paragraphs (1),*  
 11                   *(2), and (3) of such subsection (b); and*

12            *(3) in section 209(a)—*

13                   *(A) by striking “or makes” and inserting*  
 14                   *“makes”; and*

15                   *(B) by striking “supplements the salary of,*  
 16                   *any” and inserting “supplements, the salary of*  
 17                   *any”.*

18    **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**  
 19                    **IZATION OF APPROPRIATIONS FOR THE DE-**  
 20                    **PARTMENT OF JUSTICE FOR FISCAL YEAR**  
 21                    **2003.**

22            *When the President submits to the Congress the budget*  
 23            *of the United States Government for fiscal year 2003, the*  
 24            *President shall simultaneously submit to the Committee on*  
 25            *the Judiciary of the House of Representatives and the Com-*

1 *mittee on the Judiciary of the Senate such proposed legisla-*  
2 *tion authorizing appropriations for the Department of Jus-*  
3 *tice for fiscal year 2003 as the Attorney General may judge*  
4 *necessary and expedient.*

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

6       (a) *APPOINTMENT OF DEPUTY INSPECTOR GENERAL*  
7 *FOR THE FEDERAL BUREAU OF INVESTIGATION.*—*The In-*  
8 *spector General of the Department of Justice shall appoint*  
9 *a Deputy Inspector General for the Federal Bureau of In-*  
10 *vestigation who shall be responsible for supervising inde-*  
11 *pendent oversight of programs and operations of the Federal*  
12 *Bureau of Investigation until September 30, 2004.*

13       (b) *INSPECTOR GENERAL OVERSIGHT PLAN FOR THE*  
14 *FEDERAL BUREAU OF INVESTIGATION.*—*Not later than 30*  
15 *days after the date of the enactment of this Act, the Inspec-*  
16 *tor General of the Department of Justice shall submit to*  
17 *the Congress a plan for oversight of the Federal Bureau of*  
18 *Investigation. The Inspector General shall consider the fol-*  
19 *lowing activities for inclusion in such plan:*

20               (1) *FINANCIAL SYSTEMS.*—*Auditing the financial*  
21 *systems, information technology systems, and com-*  
22 *puter security systems of the Federal Bureau of Inves-*  
23 *tigation.*

24               (2) *PROGRAMS AND PROCESSES.*—*Auditing and*  
25 *evaluating programs and processes of the Federal Bu-*



1        *reau of Investigation to identify systemic weaknesses*  
 2        *or implementation failures and to recommend correc-*  
 3        *tive action.*

4            (3) *INTERNAL AFFAIRS OFFICES.—Reviewing the*  
 5        *activities of internal affairs offices of the Federal Bu-*  
 6        *reau of Investigation, including the Inspections Divi-*  
 7        *sion and the Office of Professional Responsibility.*

8            (4) *PERSONNEL.—Investigating allegations of se-*  
 9        *rious misconduct by personnel of the Federal Bureau*  
 10       *of Investigation.*

11           (5) *OTHER PROGRAMS AND OPERATIONS.—Re-*  
 12       *viewing matters relating to any other program or and*  
 13       *operation of the Federal Bureau of Investigation that*  
 14       *the Inspector General determines requires review.*

15           (6) *RESOURCES.—Identifying resources needed*  
 16       *by the Inspector General to implement such plan.*

17        (c) *REVIEW OF ATTORNEY GENERAL ORDER.—Not*  
 18       *later than 30 days after the date of the enactment of this*  
 19       *Act, the Attorney General shall—*

20           (1) *review Attorney General Order 1931–94*  
 21       *(signed November 8, 1994); and*

22           (2) *submit to the Congress a report stating*  
 23       *whether the Attorney General intends to rescind, to*  
 24       *modify, or to take no action affecting such order.*

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

2       *The Attorney General shall conduct a study to assess*  
3 *and report to Congress the number of untested rape exam-*  
4 *ination kits that currently exist nationwide and shall sub-*  
5 *mit to the Congress a report containing a summary of the*  
6 *results of such study. For the purpose of carrying out such*  
7 *study, the Attorney General shall attempt to collect infor-*  
8 *mation from all law enforcement jurisdictions in the United*  
9 *States.*

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

11       *Not later than 30 days after the end of fiscal years*  
12 *2001 and 2002, the Attorney General and the Director of*  
13 *the Federal Bureau of Investigation shall provide to the Ju-*  
14 *diciary Committees of the House of Representatives and*  
15 *Senate a report detailing—*

16               *(1) the number of times DCS 1000 was used for*  
17 *surveillance during the preceding fiscal year;*

18               *(2) the Department of Justice official or officials*  
19 *who approved each use of DCS 1000;*

20               *(3) the criteria used by the Department of Jus-*  
21 *tice officials to review requests to use of DCS 1000;*

22               *(4) a complete description of the process used to*  
23 *submit, review, and approve requests to use DCS*  
24 *1000;*

25               *(5) the specific statutory authority relied on to*  
26 *use DCS 1000;*

1           (6) *the court that authorized each use of DCS*  
 2       *1000;*

3           (7) *the number of orders, warrants, or subpoenas*  
 4       *applied for, to authorize the use of DCS 1000;*

5           (8) *the fact that the order, warrant, or subpoena*  
 6       *was granted as applied for, was modified, or was de-*  
 7       *nied;*

8           (9) *the offense specified in the order, warrant,*  
 9       *subpoena, or application; and*

10          (10) *the nature of the facilities from which, or*  
 11       *the place where the contents of, electronic communica-*  
 12       *tions were to be disclosed.*

## 13       ***TITLE IV—VIOLENCE AGAINST*** 14                               ***WOMEN***

### 15   ***SEC. 401. SHORT TITLE.***

16       *This title may be cited as the “Violence Against*  
 17       *Women Office Act”.*

### 18   ***SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN***

#### 19                               ***OFFICE.***

20       (a) *OFFICE.*—*There is hereby established within the*  
 21       *Department of Justice, under the general authority of the*  
 22       *Attorney General, a Violence Against Women Office (in this*  
 23       *title referred to as the “Office”).*

24       (b) *DIRECTOR.*—*The Office shall be headed by a Direc-*  
 25       *tor (in this title referred to as the “Director”), who shall*

1 *be appointed by the President, by and with the advice and*  
 2 *consent of the Senate. The Director shall report to the Attor-*  
 3 *ney General through the Associate Attorney General. The*  
 4 *Director shall have final authority for all grants, coopera-*  
 5 *tive agreements, and contracts awarded by the Office. The*  
 6 *Director shall not engage in any employment other than*  
 7 *that of serving as the Director, nor shall the Director hold*  
 8 *any office in, or act in any capacity for, any organization,*  
 9 *agency, or institution with which the Office makes any con-*  
 10 *tract or other arrangement under this title.*

11 **SEC. 403. 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, the*  
 21 *Congress, the judiciary, State and local governments,*  
 22 *and the general public on matters relating to violence*  
 23 *against women.*

24 *(4) Serving, at the request of the Attorney Gen-*  
 25 *eral or Associate Attorney General, as the representa-*

1        *tive of the Department of Justice on domestic task*  
2        *forces, committees, or commissions addressing policy*  
3        *or issues relating to violence against women.*

4            (5) *Serving, at the request of the President, act-*  
5        *ing through the Attorney General, as the representa-*  
6        *tive of the United States Government on human*  
7        *rights and economic justice matters related to violence*  
8        *against women in international forums, including,*  
9        *but not limited to, the United Nations.*

10           (6) *Carrying out the functions of the Department*  
11        *of Justice under the Violence Against Women Act of*  
12        *1994 (title IV of Public Law 103–322) and the*  
13        *amendments made by that Act, and other functions of*  
14        *the Department of Justice on matters relating to vio-*  
15        *lence against women, including with respect to those*  
16        *functions—*

17            (A) *the development of policy, protocols,*  
18        *and guidelines;*

19            (B) *the development and management of*  
20        *grant programs and other programs, and the*  
21        *provision of technical assistance under such pro-*  
22        *grams; and*

23            (C) *the award and termination of grants,*  
24        *cooperative agreements, and contracts.*

1           (7) *Providing technical assistance, coordination,*  
2           *and support to—*

3                   (A) *other elements of the Department of*  
4                   *Justice, in efforts to develop policy and to en-*  
5                   *force 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 eliminate*  
12                   *violence against women, including Indian or in-*  
13                   *digenuous 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 functions*  
18           *as may be vested in the Director pursuant to this title*  
19           *or by delegation of the Attorney General or Associate*  
20           *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. 404. 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 title.*

**Union Calendar No. 70**

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

**H. R. 2215**

**[Report No. 107-125]**

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**A BILL**

To authorize appropriations for the Department of  
Justice for fiscal year 2002, and for other pur-  
poses.

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JULY 10, 2001

Reported with an amendment, committed to the Com-  
mittee of the Whole House on the State of the Union,  
and ordered to be printed